

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2015

CORAM

THE HONOURABLE MR. JUSTICE **R.SUBBIAH**

W.P. No.14694 of 2015
and
M.P.Nos.1 and 2 of 2015

The Principal and Secretary,
Women's Christian College,
College Road, Chennai – 6.

... Petitioner

vs.

- 1.The State of Tamil Nadu rep. By
its Secretary,
Department of Higher Education,
Fort St. George, Chennai – 9.
- 2.The Director of Collegiate Education,
College Road, Chennai – 6.
- 3.The Regional Joint Director of
Collegiate Education,
Chennai Region, Chennai – 15.
- 4.The University of Madras rep. By
its Registrar,
University Centenary Building,
Chennai – 5.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorari to call for the records relating to the impugned G.O.Ms.No.74 Higher Education E1 dated 09.04.2010 issued

by the first respondent State Government, quash the same in so far as it restricts the status of the petitioner college as a Christian Minority Educational Institution to a limited period of five years from 2010-2011 to 2014-2015.

For Petitioner : Mr.P.Godson Swaminath

For Respondents : Mr.R.Vijayakumar,
Addl. Govt. Pleader

ORDER

This writ petition has been filed for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned G.O.Ms.No.74 Higher Education E1 dated 09.04.2010 issued by the first respondent State Government, quash the same in so far as it restricts the status of the petitioner college as a Christian Minority Educational Institution to a limited period of five years from 2010-2011 to 2014-2015.

2.The petitioner institution was founded in the year 1915 by an Association of 12 Christian Missionary Organisations from Great Britain, Canada and USA. All the organisations are having christians as

their members and administrators. The college was founded with the aim of giving literacy and providing chances of collegiate education to the women, particularly christian women, who are hapless. The college was declared as First Grade college in the year 1916 and it was shifted to its present campus at College Road, Nungambakkam. Although the college has been treated as a minority college at the advent of G.O.Ms.No.270 Higher Education J1 dated 17.06.1998, the first respondent State Government and the second respondent - Director of Collegiate Education insisted the petitioner college to obtain a formal order from the Government recognising its status as a minority educational institution. Accordingly, the college submitted an application to the Government and obtained an order under G.O.Ms.No.74 Higher Education (E1) Department dated 09.04.2010. The order stated that it recognises the college as minority educational institution only for a period of five years from 2010-2011 to 2014-2015. The petitioner, aggrieved by the said portion of the impugned order, restricting the approval for the period of five years from 2010-2011 to 2014-2015, has filed the present writ petition.

3.It is the submission of the learned counsel for the petitioner that the issue raised in this writ petition is squarely covered by the

decision of this Court in the case of **The Secretary, Loyola College (Autonomous) Vs. The State of Tamil Nadu and Others (2012 (2) CWC 728)** and the decision of the Division Bench in the case of **Secretary, Jeyaraj Annapackiam College for Women vs. State of Tamil Nadu reported in (2013) 8 MLJ 509**, wherein it has been stated as under:

"6. The reason given by the learned single Judge for distinguishing the said judgment is that the matter is pending before the Hon'ble Supreme Court regarding the issue of grant of minority status to linguistic minorities. It is relevant to note herein that the appellant College is a religious minority institution viz., Christian religion. It may be noted that Christians are minorities not only throughout India but also in the State of Tamil Nadu. The same is also made clear in the Government Order issued in G.O.Ms.No.270, Higher Education (J1) Department, dated 17.06.1998. In paragraph 8(vi), it is stated that to decide whether an applicant is a minority or not based on religion or language, the total population of that minority in the State of Tamil Nadu shall be taken into consideration and not the population of that minority in any particular region where the educational institution is situated. Therefore, it

is evident that the impugned order restricting minority status which was upheld by the learned Single Judge is without noticing the said guidelines issued by the Government itself in G.O.Ms.No.270, Higher Education (J1) Department, dated 17.06.1998. It is also to be noted that the said Government Order, no where states that minority status can be given to a limited period. The Government is also not doubting the claim of minority status of the appellant-College. Hence, the order restricting the period is without any rhyme or reason.

*7. We are in entire agreement with the Division Bench judgment of this Court reported in **Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal, Medical, Educational and Charitable Trust, Salem vs. State of Tamil Nadu** stated supra. Accordingly, the order of the learned Single Judge is set aside. The minority status given to the appellant will hold good without any restriction period. However, if the respondents are able to find any change in the constitution of educational agency or if the institution is run contrary to the Memorandum of Association/Bye-laws of the Society, it is open to the Government to issue notice and take appropriate decision in accordance with law".*

4. In the said decision, the learned single Judge has held as under:

7. The learned counsel appearing for the respondents are not able to distinguish the decisions referred supra nor able to produce any record to show that the petitioner Institution has to be treated differently.

8. In the light of the above, following the decisions referred supra, the writ petition is allowed as prayed for and that portion of the impugned letter limiting the recognition of the status of the petitioner Institution as to the Christian Minority Educational Institution only for 5 years is set aside and the Institution shall be treated as a Christian Minority Educational Institution without any restriction.

5. In the light of the dictum laid down in the above order, I am of the opinion that the present writ petition is liable to be allowed. Accordingly, the writ petition is allowed as prayed for and the portion

of the impugned letter restricting the recognition of the status of the petitioner institution as to the christian minority educational institution only for a period of five years is set aside and the institution shall be treated as a christian minority educational institution without any restriction. No costs. Consequently, connected miscellaneous petitions are closed.

14.05.2015

Index:Yes/No
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To

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Department of Higher Education,
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- 3.The Regional Joint Director of
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R.SUBBIAH, J

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