

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

CORAM

The Hon'ble Mr. Justice T.S. SIVAGNANAM

W.P. No.35207 of 2014

Punjab Association (Regd.) rep. By its
General Secretary managing
Gill Adarsh Matriculation
Higher Secondary School,
New No.97, Old No.46, V.M.Street,
Royapettah, Chennai - 14.

... Petitioner

Vs

1. The State of Tamil Nadu
rep. By its Secretary,
School Education Department,
Fort St. George, Chennai - 9.

2. Director of Matriculation Schools,
DPI Complex, Chennai - 6.

3. The Tahsildar,
Triplicane - Mylapore Taluk,
Chennai - 4.

... Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the second respondent
to consider and pass appropriate orders on the representation of the
petitioner dated 17.10.2013 requesting the second respondent to issue
a certificate declaring the petitioner institution as minority
educational institution.

For Petitioner : M/s.S.B.S.Raman Associates

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

ORDER

The prayer sought for in the writ petition is for the issuance of a writ of mandamus to direct the second respondent to dispose of the petitioner's representation dated 17.10.2013.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. It is the case of the petitioner that the petitioner Association was started in the year 1937 and its object was the welfare and progress of the influx of punjabis who came as refugees to Tamil Nadu following partition and displacement from their original homes. The petitioner Association runs number of educational institutions and one among them is Gill Adarsh Matriculation Higher Secondary School, Royapettah, Chennai - 14. According to the petitioner, since the punjabis are linguistic minority in the State of Tamil Nadu, the petitioner institution is a minority educational institution and it is entitled to the protections guaranteed under Article 30 of The Constitution of India. Those institutions, which are claiming minority protection had been advised to obtain Minority Status Certificate by the National Commission for Minority Educational Institutions. Therefore, the petitioner, by letter dated 17.10.2013, submitted an application along with relevant documents to the second respondent to declare the petitioner institution as Minority Educational Institution. However, the said application was returned by the second respondent for compliance of certain defects. Again, the second respondent directed the petitioner to obtain individual certificate from the third respondent to the effect that the school committee members belong to Punjabi religion. According to the petitioner, when the third respondent had already issued a certificate certifying the members of the governing body of the Association belong to punjabi linguistic minority, the demand of the second respondent is unwarranted. Therefore, the petitioner has come up with this petition with the aforementioned prayer.

4. The petitioner submitted a representation to the second respondent dated 17.10.2013 requesting the second respondent to issue a certificate, declaring the petitioner institution as Minority Educational Institution. The respondents have been served and they have also entered appearance through their counsel. It is seen that the representation given by the petitioner is pending and the second respondent has also called for appropriate report from the Inspector of Matriculation Schools vide his proceedings dated 26.02.2014.

5.In the light of the above, there will be a direction to the second respondent to consider the petitioner's request and pass appropriate orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

mmi

To

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.
2. The Director of Matriculation Schools,
DPI Complex, Chennai - 6.
3. The Tahsildar,
Triplicane - Mylapore Taluk,
Chennai - 4.

+1cc to the Government Pleader, S.R.No.9436

W.P. No.35207 of 2014

PA(CO)
CA(06/03/2015)

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