



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.2433 of 2015
and

M.P(MD)Nos.1 and 2 of 2015

The Correspondent,
C.S.I.Matriculation Hgiher Secondary School,
Nagercoil, Kanyakumari District.

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St., George, Chennai 600 009.

2.The Director of School Education,
College Road,
Chennai 600 006.

3.The Director of Matriculation Schools,
College Road,
Chennai 600 006.

4.The Inspector of Matriculation Schools,
Tirunelveli,
Tirunelveli District.

...Respondents

Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th respondent Inspector of Matriculation Schools, Tirunelveli District in Oo.Mu.No. 622/A1/2014 dated 06.01.2015 quash the same and further direct the 1st respondent State Government to recognise forthwith the status of the petitioner school namely, C.S.I Matriculation Higher Secondary School, Nagercoil, Kanyakumari District as a Christian Religious Minority Educational Institution and pass such further or other suitable orders as this Hon'ble court may deem fit and proper in the circumstances of the cases.

For Petitioner : Mr.Isaac Mohanlal
For Respondents : Mr.V.Muruganandam,
Additional Government Pleader.

ORDER

Heard the learned counsel appearing for the petitioner and Mr.V.Muruganandam, learned Additional Government Pleader who takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2. The petitioner is aggrieved against the proceedings of the fourth respondent dated 06.01.2015 whereby the fourth respondent directed the petitioner to comply with certain conditions referred to in the



impugned proceedings for the purpose of considering the petitioner's application seeking for minority status.

3.The grievance of the petitioner is that even though the application was submitted in accordance with relevant Government Orders, the fourth respondent has insisted the petitioner to produce caste certificate of the members of the educational agency and also insisted the petitioner to obtain a certificate from the Tahsildar to the effect that the petitioner school is a minority school.

4.Mr.Isaac Mohanlal, learned counsel appearing for the petitioner submitted that those two conditions are not at all warranted for considering the claim of the petitioner seeking for minority status. He also relied upon an order passed by this Court in W.P.(MD)No.18308 of 2014 dated 21.01.2015 wherein similar conditions imposed were rejected.

5.Per contra, Mr.V.Muruganandam, learned Additional Government Pleader appearing for the respondents fairly submitted that though the conditions imposed seeking for production of community certificate as well as the certificate from the Tahsildar as stated supra are not at all warranted, however, the petitioner has to comply with the condition No.1 wherein it was informed that the petitioner should make proposal as per G.O.Ms.No.375, dated 12.10.1998 and G.O.Ms.No.214, School Education Department, dated 03.11.2008. Therefore, he submitted that the impugned proceedings may be set aside insofar as the condition Nos.2 and 3 are concerned and the matter may be remitted back to the authorities for considering the matter afresh.

6.The issue as to whether production of community certificate in respect of the members of the educational agency while seeking minority status of the institution is necessary has already been considered by this Court in the above said decision and found that such requirement is totally unnecessary. For proper appreciation, paragraphs 4 to 7 are extracted hereunder:-

"4.Learned counsel appearing for the petitioner submits that when already the relevant documents namely, Baptism Certificate issued by the Parish Priest has been produced in support of the minority status, there is no necessity for seeking production of community certificate from the Tahsildar to grant minority status by the Government. He further submitted that the very same issue was considered by this Court in W.P.No.12418 of 2014 etc., by an order dated 10.09.2014, this Court has observed that the authorities are not justified in seeking for production of community certificate for the purpose of considering the application seeking for minority status.

5.Per contra, Mr.V.Muruganandam, learned Additional Government Pleader submitted that it is for the petitioner to prove that the members of the society belongs to Christian minority religion and therefore, this Court can issue direction to the authorities to consider the application based on the documents furnished by the petitioner institution in support of the claim for minority status and the petitioner may be directed to produce community certificate as it only strengthen the claim of the petitioner.



6.I am unable to appreciate the contention raised by the learned Additional Government Pleader appearing for the respondents as the very same issue was already considered and decided against them by the learned single Judge in an order made in W.P.No.12418 of 2014 etc., dated 10.09.2014. The relevant paragraphs 20 and 21 of the said order is extracted hereunder:

"20.On the reliance placed upon the decision in P.A.Inamdar Vs. State of Maharashtra [(2005) 6 SCC 537)], it is to be pointed out that today, without even processing the application of the petitioner, the respondents cannot come to a conclusion that the twin objects are not satisfied. The original Society, has already got it registered under the Tamil Nadu Societies Registration Act, 1976. Under the provisions of the Act, the Society is obliged to file forms periodically, indicating the details of the office bearers on whom the management of the society is vested. Therefore, the details about the persons who constitute the Managing Committee of the Society are always available with the Government, in a different department. So far, there is no allegation that any person belonging to a non minority, has been elected or at least has become a member of the Society in question. Therefore, the stand taken in the counter affidavit that community certificates have not been produced, cannot be accepted.

21.IN K.M.Benedict Crizal Vs. Secretary to Government (decided on 11.07.2007, by K.Chandru, J, in W.P(MD)No.9424 of 2006), the learned Judge rejected a very identical contention raised by the respondents. Therefore, I am of the view that the stand taken by the respondents either in the impugned order or in the counter affidavit cannot be sustained. Hence, W.P.No.22376 of 2014 is allowed, the impugned order is set aside and the respondents are directed to pass appropriate orders in accordance with law, within a period of eight weeks, taking into account the fact that the original educational agency, namely, the society registered under the Tamil Nadu Societies Registration Act has already been conferred with minority status and that they are also running several institutions. After the first respondent passes an order, the University shall take up the application and pass consequential orders. The other writ petitions are closed, in view of the fact that the last writ petition is for a larger relief and it has been disposed of as above. Consequently, connected M.Ps are closed".

7.Considering the above stated facts and circumstances and by following the earlier order passed by this Court in the above said writ petition, the impugned order passed by the fourth respondent is set aside insofar as the condition Nos.2 and 3 are concerned. Consequently, the matter is remitted back to the respondents for considering the petitioner's application seeking for minority status and to pass appropriate orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



8. The writ petition is allowed on the above terms. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St., George, Chennai 600 009.

2. The Director of School Education,
College Road,
Chennai 600 006.

3. The Director of Matriculation Schools,
College Road,
Chennai 600 006.

4. The Inspector of Matriculation Schools,
Tirunelveli,
Tirunelveli District.

+1CC to M/s. Isaac Mohanlal, Advocate in SR.9199

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