

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.21555 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue Writ of Mandamus declaring the action of the respondents in not passing the orders on the application, dated 05-05-2015 for grant of Minority Status Certificate to the recognized petitioner institution by N.C.T.E., dated 04-09-2012 for the academic year 2015-16 as illegal, arbitrary and violation of Article 30 of the Constitution of India, consequently direct the 1st respondent to grant Minority Status Certificate to the petitioner institution i.e., Mohammad Pasha D.Ed., College, Parthasarathi Nagar, B.Camp Post, Kallur Taluk, Kurnool District, in pursuance of the Recognition orders granted by the N.C.T.E. Bangalore dated 04-09-2012.”

Heard Sri S.A.K. Mynuddin, learned counsel for the petitioner and learned Government Pleader for Social Welfare for respondents, apart from perusing the material available before this Court.

According to the petitioner herein, it is a society registered under the Societies Registration Act with registration No.795 of 1992 and the petitioner herein submitted an application on 05-05-2015 to the 1st respondent herein requesting for grant of Minority Status Certificate for D.Ed., College. On receipt of the said application, the 1st respondent – State Government by virtue of memo No.1212/ SDM/A1/2015-1, dated 15-05-2015, while sending a copy of the said application together with enclosures, requested the Commissioner and Director of School Education – 2nd

respondent herein to furnish inspection report along with required documents and specific recommendations to Government immediately for taking necessary action in the matter.

The grievance of the petitioner in the present writ petition is though the Government referred the matter to the 2nd respondent as long back as on 15-05-2015, no action has been taken by the 2nd respondent herein on the application of the petitioner hereon for Minority Status Certificate.

According to the learned counsel for the petitioner, the said action on the part of the respondent authorities is not in consonance with the guidelines stipulated vide G.O.Ms.No.1 Minorities Welfare (M&R) Department, 16-01-2014 and a copy of the said G.O. is placed on record along with the writ petition.

According to Clause II of the said guidelines the Principal Secretary/Secretary to Government, Minorities Welfare Department is the Competent Authority to grant Minority Status Certificate to all Religious Minority Educational Institutions subject to the conditions stipulated in the said clause.

As per Clause IV of the said G.O., the Competent Authority shall dispose of the application for Minority Status within 30 days from the date of the receipt of the Inspection Report from the concerned Head of Department.

According to the learned counsel for the petitioner, no

action has been taken by the 2nd respondent herein in the direction of sending the report as called for by the State Government vide memo, dated 15-05-2015.

Taking into consideration the facts and circumstances of the case and having regard to the governmental order referred to above, this Court deems it appropriate to dispose of the present writ petition by directing the respondents herein to take appropriate action on the application of the petitioner herein by fixing some time frame.

For the aforesaid reasons and having regard to the nature of controversy, the writ petition is disposed of, directing the 2nd respondent herein to take appropriate action in terms of Memo No.1212/SDM/A1/2015-1, dated 15-05-2015 issued by the 1st respondent herein and complete the process, in accordance with law, within a period of one month from the date of receipt of a copy of this order and on receipt of the said report the Government shall take appropriate decision within a period of 15 days thereafter and communicate the orders to the petitioner herein. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

July 14, 2015

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