

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6207 of 2016

Sri Kamaraj Middle School
Sivandhipuram 627 425,
Ambasamudram Taluk,
Tirunelveli District,
Rep. by its Manager
M.Mary Rajam

.... Petitioner

Vs.

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

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.

.... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to pass orders for conferring minority status to the petitioner Institution as Christian Religious Minority, based on the proposal resubmitted by the petitioner School dated 30.03.2015 with all consequential and other benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Sanjay Gandhi, AGP

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to pass orders by conferring minority status to the petitioner

Institution as Christian Religious Minority, based on the proposal resubmitted by the petitioner School dated 30.03.2015 with all consequential and other benefits, within a time frame to be fixed by this Court.

2. It is the case of the petitioner that the petitioner School was established by one Loordhu Ammal in the year 1961 with an object to impart quality education to the general public, particularly to the sect of people belonging to Christian Minority Community. After the death of the said Loordhu Ammal, her daughter, who is the deponent of the affidavit filed in support of this writ petition, has become the Manager of the petitioner school. The petitioner school is a religious minority institution and a Government Aided School upto 5th standard and is functioning on self finance basis from standards 6th to 8th.

3. It is the further case of the petitioner that while so, pursuant to the orders passed by the State Government in G.O.Ms.No.270 Higher Education Department dated 17.06.1998 and G.O.Ms.No.375 School Education Department dated 12.10.1998 framing guidelines to obtain minority status by the educational institution imparting higher education and school education respectively, the petitioner made an application along with requisite documents to the respondents for conferment of minority status. Since the said application was not considered by the respondents, a writ petition in WP (MD) No.344 of 2012 came to be filed and the same was disposed of by an order dated 22.07.2014 directing the respondents to consider the same and pass appropriate orders within a stipulated time. Consequent to the said order, the first respondent by a proceedings in Lr.No.27396/EE2(2)/2014-2 dated 16.02.2015, rejected the petitioner's request to grant minority status for complying with certain deficiencies/non-production of required documents. On receipt of the same, the petitioner resubmitted the proposal on 30.03.2015 by complying with all the deficiencies. However, the said proposal is pending without any progress. Therefore, the petitioner has filed the present petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

5. Considering the facts and circumstances of the case, this Court directs the first respondent to consider the proposal dated 30.03.2015 resubmitted by the petitioner, by affording an opportunity of personal hearing to the petitioner and pass appropriate orders, with regard to grant of minority status to the petitioner institution. It is made clear that this Court is not expressing any opinion with regard to the merits of the

claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.

+1cc to Mr.G. Sankaran, Advocate, S.R.No.12338
+1cc to the Government Pleader, S.R.No.12575

JSV(CO)
EU(09/03/2016)

सत्यमेव जयते

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