

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6563 of 2016

Musthafa Matriculation School,
rep. by its Correspondent,
Janab S.M.M.Anwar Ali

... Petitioner

vs.

1.The Principal Secretary to
Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-9.

2.The Director of Matriculation
Schools,
DPI Campus, College Road,
Chennai-6.

... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the application submitted by the petitioner dated 5.11.2015 and to grant Minority Status Certificate to the petitioner school, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.P.Rajalakshmi,
Govt. Advocate

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider the application submitted by them dated 5.11.2015 and to grant Minority Status Certificate to their school, within a time frame to be fixed by this Court.

3. In the petition, it is averred that the petitioner school has been established by Musthafa Educational Trust with a laudable object of imparting quality education for the people belonging to Muslim religion. The petitioner school submitted an application to the National Commission for Minority Educational Institutions, New Delhi, for conferment of minority status in the requisite format by enclosing all the documents. But, the said application was returned by the National Commission as per proceedings in F.No.1748 of 2012 / 64036 dated 12.10.2012 with a direction to apply before the competent authority to the State Government and in the event of the State Government does not pass orders, then the petitioner school is directed to file a fresh petition before the Commission. Accordingly, the petitioner school has submitted an application to the respondents for grant of minority status certificate on 8.1.2013 and on receipt of the same, the first respondent issued proceedings in Government Letter No.30548/X2/2012-2 dated 29.1.2013 calling upon the petitioner school to re-submit the proposal in compliance with the conditions stipulated in G.O.Ms.No.375, School Education Department dated 12.10.1998 and G.O.Ms.No.214, School Education Department dated 3.11.2008. Consequently, the second respondent issued proceedings in Na.Ka.No.624/Aa1/2013 calling for further proposal. After that, there are several communications between the petitioner school and the respondents. Finally, the petitioner school has submitted further application dated 5.11.2015. But, till date, no orders have been passed in the said application. Hence, the petitioner has come up with the present petition seeking a direction to the respondents to consider the application submitted by them dated 5.11.2015 and to grant Minority Status Certificate to their school.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 5.11.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with

regard to the claim made by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to
Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-9.

2.The Director of Matriculation
Schools,
DPI Campus, College Road,
Chennai-6.

+1cc to M/S.G.Sankaran, Advocate, S.R.No.12339
+1cc to the Government Pleader, S.R.No.12179

W.P.No.6563 of 2016

ala(CO)
srg(17/03/2016)

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