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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.10243 of 2015
and
M.P(MD)No.1 of 2015

The Correspondent,
St., Mary of Leuca Matriculation
Higher Secondary School,
Anbu Street, Bastin Nagar,
Madurai 625 016

... 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 Matriculation Schools,
College Road, Chennai 600 006.

3. The Inspector of Matriculation Schools,
Thallakulam, Madurai,
Madurai District 625002.

... Respondents

Petition 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 1st Respondent State Government in Letter No. 1721/Ne.Va 4(2)/2015-1 dated 14.05.2015 quash the same and further direct the 1st State Government to recognise forthwith the status of the petitioner School namely St. Mary of Leuca Matriculation Higher Secondary School, Anbu Street, Bastin Street, Madurai District as a Christian Religious Minority Educational Institution.

For Petitioner : Mr.T.Cibi Chakraborty
For Respondents : Mr.B.Pugalendhi, AAG
assisted by Mr.V.Muruganandam,
Additional Government Pleader.

ORDER

The petitioner has come up with this writ petition <https://hcmadras.hcmjsgov.in/hcmset/hcmset.htm> proceedings issued by the first respondent in Letter No.1721/Ne.Va4(2)2015-1 dated 14.05.2015, the present writ petition has been filed.



2. Heard Mr.T.Cibi Chakraborty, learned counsel appearing for the petitioner and Mr.B.Pugalenth, learned Additional Advocate General appearing for the respondents.

3. According to the petitioner, the petitioner's society runs several educational institutions and it is a religious minority educational institutions in terms of Article 30 (1) of the Constitution of India. The object of the society is to establish, maintain and develop educational, health, technical and other charitable institutions at various levels for the educational upliftment and medical care of the people in the spirit of Christ. It is further stated that the petitioner submitted a memorandum dated 24.11.2009 along with necessary documents to the first respondent through proper channel, namely, the Director of Matriculation Schools, the second respondent herein. However, the first respondent, after several communications, passed the impugned order rejecting the application made by the petitioner for the following reasons:-

(i) That the petitioner's school had not submitted the addresses and the particulars of the office bearers at the time of establishment of the educational agency and the present office bearers of the educational agency and a certificate to that effect from the Tahsildar.

(ii) That the petitioner's school has not submitted the trust documents and the objective of the trust reflecting that it is sub serving the interest of the minority community.

(iii) That the strength of the students in the school belonging to Christian Minority Community is only 24%.

(iv) That the petitioner school had not produced separate caste certificate of the members of the school committee from the Tahsildar."

4. Challenging the above said order passed by the first respondent dated 14.05.2015, the present writ petition has been filed.

5. Learned counsel appearing for the petitioner would submit that the petitioner school has submitted all the relevant documents to establish that the petitioner institution is naturally a minority institution without considering all the documents, the first respondent has mechanically rejected the application.

6. Per contra, learned Additional Advocate General, appearing for the respondents submitted that the impugned order has been passed following G.O(Ms)No.375, Educational Department (X1), dated 12.10.1998 and G.O.Ms.No.214, School Education (x2) Department, dated 03.11.2008 wherein any institution seeking for the minority status has to comply with the necessary conditions.



7. So far as the requirement of condition No.1 in the impugned order the petitioner did not submit the proceedings of the Tahsildar certifying the language, religion and address of the office bearers of the educational agency at the time of establishment of the school is concerned, the Tahsildar has no authority to give such certificate. However, it is suffice, if the petitioner produces certificate of Registration of the Society along with Memorandum to establish that the society was established by the minority. So far as the second condition is concerned, the petitioner is ready and willing to produce the certificate as sought for by the respondent. So far as the third condition is concerned, the said condition is not at all required under the above said Government Order for the petitioner school and therefore, the said condition is set aside. So far as the fourth condition is concerned, the petitioner is ready and willing to submit Baptism certificate stating that the office bearers are belonging to minority. In the above circumstances, the petitioner is directed to produce all the relevant documents before the first respondent. On production of the same, the first respondent is directed to consider the same and pass appropriate orders 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 accordingly disposed of. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/

Assistant Registrar(RTI)

/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 Matriculation Schools,
College Road, Chennai 600 006.

3. The Inspector of Matriculation Schools,
Thallakulam, Madurai, Madurai District 625002.

+1cc to M/s.T.Cibi Chakraborty, Advocate, in SR No.72067.

+1cc to Special Government Pleader in SR.No.72455.