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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.11797 of 2015

AND MP(MD).1 OF 2015

The Correspondent,
St.,Anne's Matriculation Higher Secondary
School, Ilayangudi 630 702,
Sivagangai 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,
Madurai, Madurai District.

... 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 3rd respondent Director of Matriculation Schools in Na.Ka.No.1227/Aa4/2014 dated 21.5.2015 quash the same and further direct the 1st respondent State Government to recognise forthwith the status of the petitioner school namely St.Anne's Matriculation Higher Secondary School, Ilayankudi, Sivagangai 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.

O R D E R

The petitioner has come up with this writ petition challenging the proceedings issued by the third respondent in Letter No.1227/Aa4/2014 dated 21.05.2015, 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.

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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 17.01.2004 along with necessary documents to the first respondent through proper channel, namely, the Director of Matriculation Schools, the second respondent herein. However, the third 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 trust documents and the objective of the Trust reflecting that it is sub serving the interest of the Minority community.

(ii) That the school has not submitted the copies of the resolutions of the society for the last three years.

(iii) That the school had not submitted the report from the Tahsildar that it fulfils the conditions prescribed under the guidelines in G.O.Ms.No.375, School Education (X2) Department, dated 12.10.1998 and G.O.Ms.No.214, School Education (X2) Department, dated 03.11.2008.

(iv) That the school has only 6.8% student strength belonging to Christian Minority Community.

(v) That the school has not complied with the requirements for the grant of minority status stated under 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"

4. Challenging the above said order passed by the third respondent dated 21.05.2015, 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 a minority institution without considering all the documents, the third 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.

This Court carefully considered the rival submissions.

7. So far as the requirement of condition Nos.1 and 2 in the impugned order the trust documents and the objective of the trust reflecting that it is sub serving the interest of the minority community, and the next requirement the school had not submitted the copies of resolutions of the petitioner is concerned, 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 third 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 that the petitioner has not submitted report from the Tahsildar fulfilling the conditions prescribed under 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, the petitioner is ready and willing to submit Baptism certificate stating that the office bearers are belonging to minority Christian religion. So far as the fourth condition that the school is having only 6.8% student 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. 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,

<https://hcservices.ecourts.gov.in/hcservices/>
Department of School Education,

Fort St., George, Chennai 600 009.



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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,
Madurai, Madurai District.

+1cc to Mr.T.Cibi Chakraborty, Advocate in SR No.72069

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23.11.2016

sms

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