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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.11798 of 2015

AND MP(MD).1 OF 2015

The Correspondent,
E.B.G.Matriculation Higher Secondary
School, Moondrumavadi, K.Pudur,
Madurai 625 007.

... 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. 1912/A4/2015 dated 08.06.2015 quash the same and further direct the 1st state Government to recognise forthwith the status of the petitioner School namely E.B.G. Matriculation Higher Secondary School, Moondrumavadi, K.Pudur, 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 challenging the proceedings issued by the third respondent in
https://hccse.courtsofnv.in/1912/A4/2015 dated 08.06.2015, 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 28.10.2013 along with necessary documents to the first respondent through proper channel, namely, the Director of Matriculation Schools, the third 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 school has only 32% student strength belonging to Christian Minority community.

(ii) 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.

(iii). 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 08.06.2015, 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 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 considered the rival contentions.

7. So far as the requirement of condition Nos. 2 and 3 in the impugned order 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 is concerned, the petitioner is ready and willing to submit Baptism certificate stating that the office bearers are belonging to minority. So far as the first condition that the school is having only 32% 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 also 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, 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.

+1cc to M/s.T.Cibi Chakraborty, Advocate, in SR No.72068.

+1cc to Special Government Pleader in SR.No.72450.

Writ Petition (MD) No.11798 of 2015
23.11.2016

sms

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