



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.10249 of 2016

and

W.M.P. (MD) No.8004 of 2016

The Correspondent,
Jayland Nursery and Primary School,
No.1, Jayaraj Nagar,
Madurai 625 018

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

3.The District Elementary Educational Officer,
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 DEEO in Na.Ka.No. 5425/A5/2015 dated 02.05.2016 quash the same and further Direct the 1st respondent State Government to recognise forthwith the status of the petitioner School Namely Jayland Nursery & Primary School NO. 1 Jayaraj Nagar Madurai 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 Na.Ka. No.5425/A5/2015, dated 02.05.2016, the present writ petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/> 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 24.11.2015 along with necessary documents to the first respondent through proper channel. However, the first respondent, after several communications, passed the impugned order rejecting the application made by the petitioner and directed the petitioner to produce separate caste certificate of the members of the petitioner school committee from the Tahsildar.

4. Challenging the above said order passed by the third respondent dated 02.05.2016, 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. Considering the fact that the petitioner is ready and willing to submit Baptism certificate stating that the office bearers are belonging to minority, 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, W.M.P(MD)No.8004 of 2016 is closed.

Sd/-

Assistant Registrar

/True Copy/



To

1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort ST., George, Chennai 600 009.

2.The Director of Elementary Schools,
College Road, Chennai 600 006.

3.The District Elementary Educational Officer,
Madurai, Madurai District.

+1cc to Mr.T.Cibi Chakraborty, Advocate in SR No.72066

+1cc to the Spl.Govt.Pleader in SR No.72449/2016

Writ Petition (MD) No.10249 of 2016
and

W.M.P.(MD)No.8004 of 2016

sms

anr/mpa/sar1/19.12.2016/3p/6c