



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.20587 of 2016

and

W.M.P (MD) No.14726 of 2016

The Secretary,
Christian Education, Health and
Development Society,
Santhipuram, Ambilikkai,
Dindigul District 624 612

... 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,
Dindigul, Dindigul 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 1st respondent State Government in Letter No.6849/Ne.Va4(2)2016-1 dated 16.09.2016 quash the same and further direct the 1st respondent State Government to recognise forthwith the status of the petitioner School namely, Christian Matriculation Higher Secondary School, Oddanchatram, Dindigul 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 first respondent in Letter No.6849/Ne.Va4(2)2016-1 dated 16.09.2016, 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 petitioner's society was registered on 05.10.1974. 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 30.12.2013 to get formal certification regarding the school viz., Christian Matriculation Higher Secondary School run by the petitioner's society as minority school along with necessary documents to the first respondent through proper channel, namely, the Inspector of Matriculation Schools, the third respondent herein and the Director of School Education. It is further stated that the Director of Matriculation Schools returned the memorandum submitted by the petitioner directing the third respondent to produce separate caste certificate of the members of the school committee which should be obtained from the Revenue Officer and send recommendation along with relevant documents in two copies. It is further stated that the caste certificate of the members of the society as demanded by the second respondent also submitted. 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 school has not attached a copy of the recognition orders.

(ii) That the school has not submitted the copies of the last 3 years resolutions of the Society.

(iii) That the school has not furnished any information with regard to the cases relating to the claim of minority status pending before any Court

(iv) That the school has only 9% student strength belonging to Christian minority community as against the wanted strength of 50%

(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 first respondent dated 16.09.2016, the present writ petition has been



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. So far as the fourth condition of the impugned order that the petitioner school has only 9% student strength belonging to Christian minority community as against the strength of 50%, is concerned, in 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 said condition was restricted only to teacher training institute under the control of Teachers Educational Research and Training but there is no condition that the private schools should have a strength of 50% and therefore, on the above said ground also, the impugned order is liable to be set aside.

7. 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. Apart from that the learned Additional Advocate General appearing for the respondents submitted that so far as the other conditions regarding the other requirements the petitioner may be directed to furnish required documents.

8. Considering the submissions made on either side, the petitioner should have 50% student strength is concerned, the said condition is not at all required under the above said Government Order for the petitioner school. Hence, the fourth condition alone is set aside and the petitioner is directed to produce all the other documents afresh to 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.

9. The writ petition is accordingly disposed of. No costs. Consequently, W.M.P(MD)No.14726 of 2016 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 Matriculation Schools,
College Road, Chennai 600 006.

3.The Inspector of Matriculation Schools,
Dindigul, Dindigul District.

+1CC to M/S.T.Cibi Chakraborty, Advocate, SR.No. 72064

+1CC to the Special Government Pleader, SR.No. 72454

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23.11.2016

sms

AM/MPA/SAR-1/19.12.2016/4P/6C