



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2016

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P(MD)No.24449 of 2016

and W.M.P(MD)No.17644 & 17645 of 2016

Kammavar Girls Higher Secondary School,
Ettiyapuram Road, Kovilpatti,
Tuticorin District, Rep. By its Correspondent
P.Kathirvel

..Petitioner

vs.

1.The State of Tamil Nadu
Re.by its Secretary to Government,
School Education Department,
St.George Fort,Chennai - 9.

2.The Director of School Education (Higher Secondary),
O/o.the Directorate of School Education Department,
DPI Compound,College Road,Chennai - 6.

3.The District Educational Officer,
O/o.the District Educational office,
Kovilpatti,Tuticorin District.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorari calling for the records relating to the impugned order issued by the 1st respondent in his proceedings in Arasanai (1D) No.89 dated 03.03.2011 and quash the same in so far as it restricts the minority status of the petitioners school for a limited period of five years i.e. from 2011-2012 to 2015-2016 is concerned as illegal.

For Petitioner : Mr.C.Venkatesh Kumar

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader

O R D E R

Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents. By consent of parties, the main writ petition itself is taken up for final disposal since the issue involved in this case is already covered by earlier decisions of this Court in favour of the petitioner.

2.The petitioner is aggrieved against the impugned order dated 03.03.2011 only insofar as conferment of the minority status of the petitioner's school for five years alone. In other words, it is the contention of the petitioner that once the first respondent has chosen to declare the petitioner as a minority institution, such



status cannot be restricted for a particular period. In this case, the minority status granted to the petitioner was restricted to only for five years.

3. The very same issue as to whether the Government can restrict the period of minority status to the minority institutions has already been considered by this Court in very many cases and found that such restriction cannot be sustained. One such decision made by the Hon'ble Division Bench is reported in 2013 Vol.8 MLJ 509(In Secretary, Jeyaraj Annapackiam college for Women (Autonomous), Tiruchirappalli Vs. State of Tamil Nadu rep by its Secretary and Others. Further a learned Judge of this Court followed the abovesaid decision in W.P.(MD) No.283 of 2016 dated 07.01.2016 and found that the restriction is bad.

4.The learned Additional Government Pleader appearing for the respondents fairly submitted that the present case is also squarely covered by the above decisions in favour of the petitioner.

5. Considering all these facts and circumstances, the impugned order is set aside only insofar as restricting the minority status on the petitioner only for the period of five years.

6.In the result, this writ petition is allowed. However, it is also made clear that the first respondent is not precluded from taking action if there is any change in the constitution of the educational agency. No costs. Consequently, connected W.M.P.(MD) Nos.17644 and 17645 of 2016 are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)

To,

1.The Secretary to Government,
State of Tamil Nadu, School Education Department, St.George
Fort, Chennai - 9.

2.The Director of School Education (Higher Secondary),
O/o.the Directorate of School Education Department, DPI Compound,
College Road, Chennai - 6.

3.The District Educational Officer,
O/o.the District Educational office,
Kovilpatti, Tuticorin District.

+1cc to the Special Government Pleader, in SR.82961

+1cc to M/s.Ajmal Associates, Advocate in SR.82618

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and W.M.P.(MD) Nos.17644 and 17645 of 2016
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