



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P(MD)No.283 of 2016

and

W.M.P.(MD) Nos.218 and 219 of 2016

The Secretary,
Sri.S.Ramasamy Naidu Memorial College,
Sattur,
Virudhunagar District.

.. Petitioner

Vs.

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

2.The Directorate of Collegiate Education,
College Road,
Chennai - 6.

... Respondents

Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order issued by the 1st respondent in his proceedings in G.O.Ms.No.243, Higher Education (E1) Department dated 16.07.2007 and quash the same insofar as it restricts the minority status of the petitioner's College for a limited period of 5 years i.e. from 2007-2008 to 2011-2012 is concerned as illegal.

For Petitioner	: Mr.C.Venkateshkumar
For Respondents	: Mr.Aayiram K.Selvakumar, G.A.

O R D E R

The petitioner is a minority institution. The writ petition is questioned G.O.Ms.No.243, Higher Education (E1) Department dated 16.07.2007 insofar as granting minority status for a limited period of five years from 2007-2008 to 2011-2012.

2.Heard both sides.

3.According to the learned counsel for the petitioner, the minority status will hold good for ever without any restriction as to period. However, he has submitted that if there is any change in the Constitution of Educational Agency or if the Institution is run contrary to the Government to issue notice and take appropriate action in accordance with law.



4.The learned counsel for the petitioner relied on a Division Bench judgment of this Court in *Secretary, Jeyaraj Annapackiam College V. State of Tamil Nadu* reported in (2013) 8 MLJ 809. It is useful to extract para 7 of the said judgment.

"7.We are in entire agreement with the Division Bench judgment of this Court reported in *Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal, Medical, Educational and Charitable Trust, Sales V. State of Tamil Nadu* stated supra. Accordingly, the order of the learned single Judge is set aside. The minority status given to the appellant will hold good without any restriction period. However, if the respondents are able to find any change in the constitution of educational agency or if the institution is run contrary to the Memorandum of Association/Bye-laws of the Society, it is open to the Government to issue notice and take appropriate decision in accordance with law."

5.Accordingly, the portion of G.O.Ms.No.243, Higher Education (E1) Department dated 16.07.2007, limiting the minority status period is quashed and the minority status given to the petitioner's college will hold good without any restriction as to period. However, this Court could not preclude the Government to take action if there is any change in the constitution of educational agency or if the institution is run contrary to the Memorandum of Association/Bye-laws of the Society.

6.The writ petition is allowed to the extent above. No costs. Consequently, connected W.M.P.(MD) Nos.218 and 219 are closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

Arul
To

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

2.The Directorate of Collegiate Education,
College Road, Chennai - 6.

+1CC to Spl.Government Pleader Sr.No.1575
+1CC to Mr.Ajmal Associates Sr.No.1306

GJM/NGM/SS/19.1.16-2p-5c

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