

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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WRIT PETITION No. 21414 of 2012

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Date: 13.04.2016

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Between:

Madrasa-I-Aizza,
Rep., by its Secretary, Hyderabad,
& others.

... Petitioners

And

The Govt., of A.P., rep., by its Principal Secretary,
Minority Welfare (WAKF-II) Department,
Hyderabad & others.

... Respondents

This Court made the following:

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

WRIT PETITION No. 21414 of 2012

ORDER:

Heard Kumari Avani, learned counsel holding for Sri Avinash Desai, advocate on record for the petitioners.

The petitioners, in the instant writ petition, seek the following relief:

“For the reasons stated in the accompanying affidavit prayed that this Hon'ble Court may be pleased to issue writ, order, direction more particularly one in the nature of writ of mandamus declaring the action of the respondents herein in not renewing the 2nd petitioner institution's Muslim Minority Status in accordance with the guidelines issued in G.O.Ms.No.1, dated 16.01.2004, as illegal, arbitrary and unconstitutional and consequently direct the respondents to forthwith grant renewal of Muslim Minority Status to the 2nd petitioner institution and permit the 2nd petitioner institution to make admissions as Minority Educational Institution and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

It appears that minority status was conferred on the 2nd petitioner's institution through Memo, dated 16.07.2008, for a period of three years. Since the minority status has not been renewed, though the petitioners applied for, the writ petition was filed.

While issuing Rule on 17.07.2012, interim direction, as prayed, was granted in WPMP.No.27441 of 2012. The prayer in the said application reads thus:

“For the reasons stated in the accompanying affidavit the petitioners herein pray that this Hon'ble Court may be pleased to

direct the respondents to forthwith include the 2nd petitioner institution under the Muslim Minority Educational Institutions Category for the purpose of admission in the counseling process for the academic year 2012-13 and also permit the 2nd petitioner to make admissions as a Muslim minority educational institution, pending the disposal of the writ petition and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Having regard to the prayers made in the writ petition and WPMP.No.27441 of 2012 and the order passed by this Court on 17.07.2012, in my opinion, nothing further survives in the writ petition.

Hence, the writ petition is disposed of as infructuous. This, however, shall not preclude the petitioners from approaching the concerned authority afresh, if the minority status, initially conferred vide Memo, dated 16.07.2008, is not renewed thereafter. If the petitioners approach the respondents for seeking renewal of minority status, the concerned authority shall consider the same as expeditiously as possible and preferably within a period of four weeks from the date of application. Petitioners are directed to make an application within two weeks from today, if the minority status has not been renewed after the interim order, dated 17.07.2012, passed by this Court. It is, however, made clear that if their application for renewal of minority status had been rejected, this order allowing them to make fresh application for renewal would not operate and it would be open to the petitioners to challenge the said order in the appropriate proceedings, if not challenged already. It is made clear that while passing this order I have not examined merits of the case.

Miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

DILIP. B. BHOSALE, ACJ

Date: 13.04.2016

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