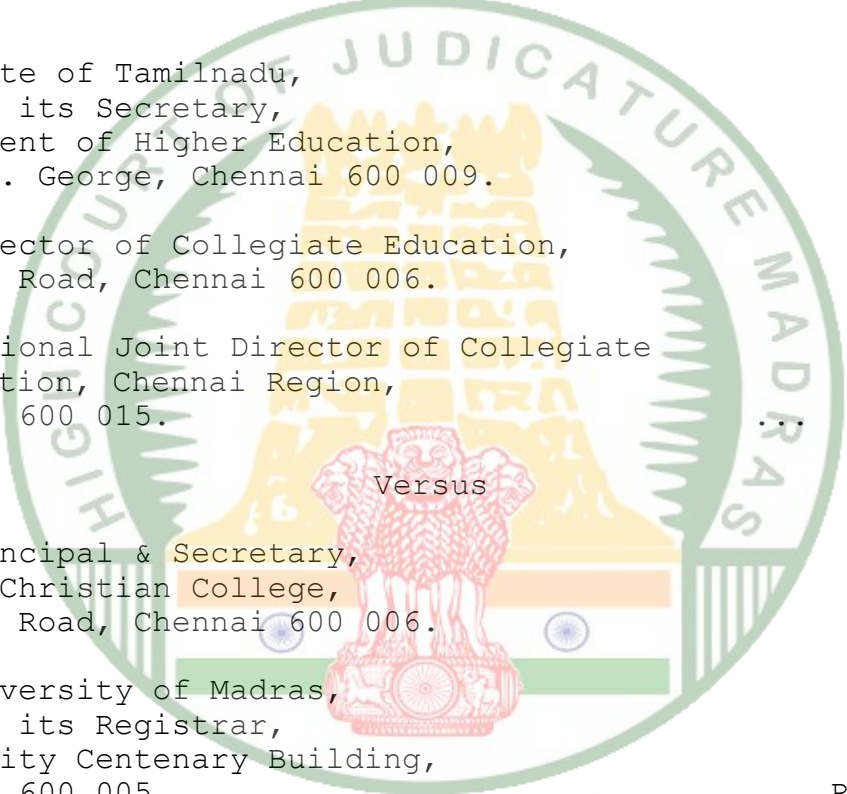


IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017
CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1386 of 2017
and
C.M.P.No.19007 of 2017

- 
1. The State of Tamilnadu,
rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai 600 009.
2. The Director of Collegiate Education,
College Road, Chennai 600 006.
3. The Regional Joint Director of Collegiate
Education, Chennai Region,
Chennai 600 015. ... Appellants
- Versus
1. The Principal & Secretary,
Womens Christian College,
College Road, Chennai 600 006.
2. The University of Madras,
rep. by its Registrar,
University Centenary Building,
Chennai 600 005. ... Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 14.5.2015 passed in W.P.No.14694 of 2015 on the file of this court.

W.P.No.14694 of 2015:-

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of certiorari to call for the records relating to the impugned GO.Ms.No.74 (Higher Education -E1) dated 9.4.2010 issued by the 1st respondent State Government Quash the same in so far as it restricts the status of the petitioner college as a Christian Minority Educational Institution to a limited period of 5 years from 2010-2011 to 2014-2015.

For appellants : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

For R1 : Mr.Issac Mohanlal for
Mr.P.Godson Swaminath

JUDGMENT

(Judgment of the court was made by RMT.TEEKAA RAMAN, J.)

Challenging the correctness of the order passed by the learned Single Judge in W.P.No.14694 of 2015, dated 14.5.2015, the State has preferred this writ appeal.

2. The respondent-College has filed the above writ petition seeking to issue a writ of certiorari to call for the records relating to the impugned G.O.Ms.No.74 Higher Education E1 dated 9.4.2010 issued by the State Government, quash the same insofar as it restricts the status of the writ petitioner college as a Christian Minority Educational Institution to a limited period of five years from 2010-2011 to 2014-2015 and the said writ petition was allowed by the learned Single Judge by an order dated 14.5.2015.

3. The short point that arises for consideration is whether the minority status given to the respondent-institution is bound to be renewed periodically or not. The similar facts have already been decided by the Division Bench of this Court in the case of Secretary, Jeyaraj Annapackiam College for Women Vs. State of Tamil Nadu Rep. by its Secretary & Others [CDJ 2013 MHC 5667]. Subsequently, following the same, another judgment was rendered by the Division Bench of this Court dismissing the writ appeal in W.A.No.1130 of 2013, on 11.09.2017, wherein, it has been held that minority status need not be renewed periodically. However, a condition has been imposed as under:-

"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." [emphasis supplied]

4. We are in agreement with the views expressed by the Division Bench cited supra. In view of the same, we do not find

any merit in the writ appeal and hence, the same is liable to be dismissed. Accordingly, the Writ Appeal is dismissed confirming the order passed by the learned Single Judge, subject to the condition as indicated above. The connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The State of Tamilnadu,
rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai 600 009.
2. The Director of Collegiate Education,
College Road, Chennai 600 006.
3. The Regional Joint Director of Collegiate
Education, Chennai Region,
Chennai 600 015.
4. The Principal & Secretary,
Womens Christian College,
College Road, Chennai 600 006.
5. The University of Madras,
rep. by its Registrar,
University Centenary Building,
Chennai 600 005.

+1cc to Mr.Issac Chambers, Advocate, S.R.No.81758
+1cc to the Government Pleader, S.R.No. 81723

W.A.No.1386 of 2017

AD(CO)
NR/22/12/17

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