

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.06.2017

CORAM

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

**C.M.P.No.8553 of 2017
in
W.A.SR.No.31921 of 2017
and
W.A.SR.No.31921 of 2017**

1. The State of Tamil Nadu
rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai 600 009.
 2. The Commissioner of Technical Education,
The Directorate of Technical Education,
Guindy, Chennai 600 025.
- Petitioners/Appellants

Vs.

1. The Correspondent,
CSI College of Engineering,
Ketti Valley, The Nilgiris,
Tamil Nadu 643 215.
 2. The Anna University,
Rep. by its Registrar,
Guindy, Chennai,
Tamil Nadu 600 025.
 3. The Regional Officer,
All India Council for Technical Education,
The Southern Regional Office,
Shastri Bhavan,
No.26, Haddows Road,
Chennai 600 006.
- Respondents/Respondents

Prayer: Petition filed under Section 5 of the Limitation Act to condone the delay of 1534 days in filing the Writ Appeal.

Writ Appeal filed under clause 15 of the Letters Patent Act set aside the order dated 4.1.2013 made in W.P.No.148 of 2013 on the file of this court.

For petitioners/appellants : Mr. P.S.Sivashanmughasundaram
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the the learned counsel appearing for the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who takes notice for the respondents.

2. The present petition is filed to condone the inordinate delay of 1534 days in filing the writ appeal.

3. The order of the learned Single Judge, which was passed almost more than 4 years back, is sought to be challenged in the writ appeal. The issue is with regard to the declaring the institution as minority institution.

4. It appears that in a similar situation in the case of ASAN MEMORIAL ASSOCIATION v. STATE OF TAMIL NADU (2009 (6) CTC 579), a writ of prohibition was issued prohibiting the respondents from demanding minority status every year and it was held therein that the minority status already granted by the Government to the petitioner institution therein for the year 2000-2001 is valid without any restriction and further held that if there is any change in the educational agency or if the institution is run contrary to

the Memorandum of Association, it is open to the Government to issue notice and pass fresh orders in accordance with law.

5. Therefore, the issue involved in the case on hand is no more res integra. In the circumstances and also having regard to the fact that there is inordinate delay which has not been properly explained except merely contending that it is due to administrative reasons, we are not inclined to condone the delay. Therefore, the petition seeking to condone the delay is dismissed. Consequently, the writ appeal at SR stage is rejected. No costs.

(H.G.R.,J.)(T.K.R., J.)

13.06.2017.

ssk

Index:Yes/No

Internet:Yes/No

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**HULUVADI G. RAMESH, J.
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