IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

CORAM

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

W.A.No.1510 of 2017
and
C.M.P.No.19914 of 2017

1. The State of Tamilnadu,
   rep. by its Secretary,
   Department of Higher Education,
   Omandurar Government Estate,
   Chennai 600 009.

2. The Director of Collegiate Education,
   College Road, Chennai 600 006. Appellants

Versus

1. The Secretary,
   Stella Maris College Autonomous,
   No.17, Cathedral Road, Chennai 600 086.

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 17.3.2015 passed in W.P.No.14123 of 2012 on the file of this court.

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WP.No.14123 of 2013 Prayer:Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Calling for the records relating to the impugned order issued by the 1st respondent State Government in G.O.Ms. No. 125 Higher Education (E1) Department dt 20.5.2009,quash the same in so far as it restricts the status of the petitioners college as a Minority Educational Institution to a limited period of 5 years from 2007 to 2012.

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

For R1 : Mr.Isaac Mohanlal for
Mr.P.Godson Swaminathan

JUDGMENT

(Judgment of the Court was delivered by RMT.TEEKAA RAMAN, J.)

Challenging the correctness of the order passed by the learned Single Judge in W.P.No.14123 of 2012, dated 17.3.2015, 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 order issued by the 1st respondent State Government in G.O.Ms.No.125 Higher Education (E1) Department dated 20.5.2009, quash the same in so far as it restricts the status of the first respondent-college as a Minority Educational Institution to a limited period of 5 years from 2007 to 2012.

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 in W.P.No.14123 of 2012 dated 17.3.2015, subject to the condition as indicated

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above. The connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

ssk.

To

1. The Secretary,
   Department of Higher Education,
   Omandurar Government Estate,
   Chennai 600 009.

2. The Director of Collegiate Education,
   College Road, Chennai 600 006.

+1cc to Mr.P.Godson Swaminathan, Advocate SR.No.84111
+1cc to Government Pleader SR.No.84253

W.A.No.1510 of 2017

RR(CO)
GN(06/02/2018)

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