

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.23181 of 2017
and
WMP.Nos.24282 & 24283 of 2017

The Secretary
Nirmala College for Women
(Autonomous)
Red Fields, Coimbatore,
Coimbatore District - 641 018. Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary
Department of Higher Education
Fort St.George, Chennai-600 009.
- 2.The Director of Collegiate Education
College Road,
Chennai-600 006.
- 3.The Joint Director of Collegiate Education
Coimbatore Region
Coimbatore District - 641 018.
- 4.The Bharathiar University
Rep. by its Registrar
Maruthamalai
Coimbatore - 641 046.
- 5.The University Grants Commission
Rep. by its Chairperson
Bahadur Shah Zafar Marg
New Delhi - 110 002. Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned GO.Ms.No.124 Higher Education (E1) Department dated 28.07.2014, issued by the 1st respondent State Government, quash the same insofar as it restricts the status of the petitioner college as a Christian Minority

Educational Institution to a limited period of 5 years from 2014-2015 to 2018-2019.

For Petitioner : Mrs.H.Mary Sowmi Rexi
For Respondents : Mr.A.Kumar
Special Government Pleader
for R1 to R3
Mr.V.Selvaraj
standing counsel for R4

O R D E R

The petitioner, a minority institution is aggrieved by the order of the first respondent dated 28.07.2014 passed in GO.Ms.No.124 Higher Education (E1) Department, only insofar as restricting the minority status for a limited period of five years alone is concerned. In all other aspects, the petitioner is not aggrieved against the said order.

2. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Standing counsel appearing for the fourth respondent.

3. There is no dispute to the fact that the petitioner was declared as a minority institution and to that effect the impugned GO.Ms.No.124 Higher Education (E1) Department dated 28.07.2014 was issued by the first respondent Government. However, such status was restricted only for a limited period of five years from the academic year 2014-2015 to 2018-2019 and therefore, the petitioner is aggrieved only against such restriction and filed the present writ petition, by contending that a minority status once chosen to be granted, cannot be restricted for a limited period. In support of such contention, the learned counsel for the petitioner relied on various decisions rendered by this Court in similarly situated cases holding that such minority status cannot be restricted for a limited period. In fact, this Court, recently passed an order in WP.No.21057 of 2017 dated 16.08.2017, considering the very same issue and found that the restriction of the minority status only for a limited period is unsustainable.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 though fairly admitted the position that minority status cannot be granted for a limited period as held by this Court in various decisions, has however submitted that it is open to the respondent Government to revisit the issue as and when necessity arises, if there is a change of Constitution of the Educational Agency.

5. Needless to say, that the Government is at liberty to revisit the issue as and when necessity arises, based on any information received with regard to the change of Constitution of the Educational Agency.

6. Considering all the facts and circumstances, this writ petition is allowed and the impugned Government Order insofar as it restricts the minority status of the petitioner's college for a limited period of five years alone is set aside. In other words, the minority status granted by the first respondent through the impugned Government Order stands without any restriction on the period of enjoyment of such status. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

mk

To

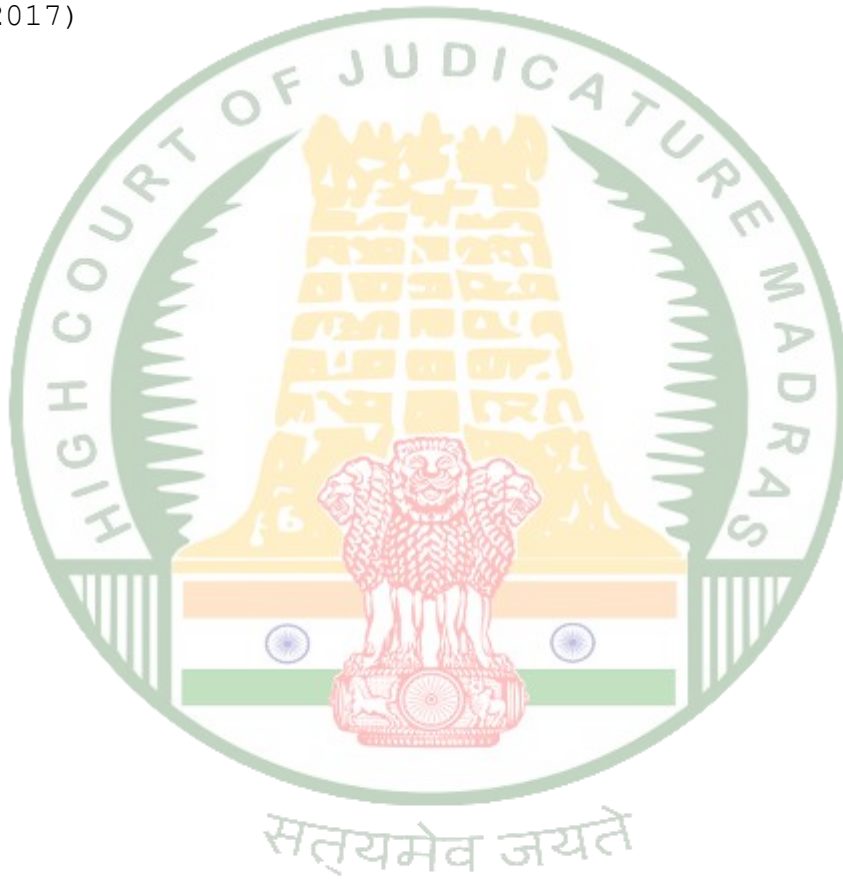
- 1.The Principal Secretary
The State of Tamil Nadu
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- 4.The Registrar
The Bharathiar University
Maruthamalai
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5.The Chairperson,
University Grants Commission,
Bahadur Shah Zafar Marg
New Delhi - 110 002.

+1cc to M/S.Isaac Chambers, Advocate Sr. 66320

W.P.No.23181 of 2017

SVI (CO)
VR(11/10/2017)



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