

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.24575 of 2017
and
W.M.P.Nos.25939 & 25940 of 2017

The Secretary
Immaculate College for Women
Pudupalayam, Cuddalore
Cuddalore District - 607 001.

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Additional Chief 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
Thiruchirappalli Region
Thiruchirappalli - 620 002
Thiruchirappalli District.
- 4.The Thiruvalluvar University
Rep. by its Registrar
Serkkadu, Vellore
Vellore District - 632 115.
- 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 order issued by the 1st respondent State Government in G.O.(Ms)No.208 Higher Education (E1) Department dated 12.12.2014, 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 : Mr.Godson Swaminathan
for M/s.Isaac Chambers

For Respondents : Mr.A.Kumar
Special Government Pleader
for R1 to R2

Mr.P.R.Gopinathan
standing counsel for R5

O R D E R

Mr.A.Kumar, learned Special Government Pleader takes notice for R1 & R2. Mr.P.R.Gopinathan, learned standing counsel takes notice for R5. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself, as the issue involved in this case is squarely covered by the earlier decisions rendered by this Court in favour of the petitioner.

2. Heard both sides.

3. The petitioner, a minority institution is aggrieved against the order passed by the first respondent in G.O.(Ms). No.208 Higher Education (El) Department, dated 12.12.2014, only insofar as restricting the minority status for a limited period of five years alone, while granting such status on the petitioner's institution. In other words, the petitioner is not aggrieved against the other aspects of the impugned order.

4. Mr.Godson Swaminathan, learned counsel appearing for the petitioner submitted that the first respondent having chosen to confer the minority status on the petitioner's institution, is not justified in restricting such status only for a limited period of five years as such practice is already found to be erroneous by this Court, in very many similarly situated cases. He invited this Court's attention to one such order recently passed in WP.No.21057 of 2017 dated 16.08.2017.

5. There is no dispute to the fact that this Court has already held that a minority status once chosen to be granted, cannot be restricted for a limited period.

6. The learned Special Government Pleader appearing for the respondents 1 & 2 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.

7. 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.

8. Considering all these facts and circumstances, this Court is of the view that the impugned order insofar as restricting the minority status of the petitioner's institution only for a limited period of five years is erroneous and on the other hand, such restriction ought not have been imposed. Thus, the writ petition is allowed and the Clause in the impugned Government Order only insofar as restricting the minority status of the petitioner's institution for a limited period of five years is set aside. In all other aspects, the impugned order stands. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Additional Chief Secretary
State of Tamil Nadu
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
Thiruchirappalli Region
Thiruchirappalli - 620 002
Thiruchirappalli District.
- 4.The Registrar
Thiruvalluvar University
Serkkadu, Vellore
Vellore District - 632 115.

5.The Chairperson
University Grants Commission
Bahadur Shah Zafar Marg
New Delhi - 110 002.

+1cc to M/s.Isaac Chambers, Advocate, S.R.No.66319

W.P.No.24575 of 2017

CA(CO)
CA(09/10/2017)



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