

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

WP.No.29972 of 2014
and W.M.P.Nos.1 & 2 of 2014

Good Shepherd Matriculation

Higher Secondary School,

Represented by its Correspondent,

Rev.Sr.C.Maria Rose,

32, College Road,

Chennai-600 006.

...Petitioner

Vs

1.The Government of Tamilnadu

Represented by The Secretary,

Department of School Education,

Fort St. George, Chennai-600 009.

2.The Director of Matriculation Schools,

DPI Campus, College Road,

Chennai-600 006.

3.Inspector of Matriculation Schools,

DPI Campus, College Road,

Chennai-600 006.

... Respondents

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned order 03.11.2008 in G.O (MS) No.214 School Education (X2) Department on the file of the 1st respondent and the consequential proceedings in G.O.Ms.No.128 dated 28.04.2011 on the file of the 1st respondent, in so far as it restricts the period of minority status for 5 years, and quash the same in respect of the petitioner institution.

For Petitioner : Mr.Dr.FR.A.Xavier Arulraj
Senior Counsel for
A.Arul Mary

For Respondents : Mr.P.Senthilvel
Government Advocate

O R D E R

The petitioner/school has been established in the year 1925 and is being run in the name of "Good Shepherd Convent". The petitioner applied for minority status and the same was granted by G.O.Ms.No.128 dated 28.04.2011, the status was given only for a period of 5 years. The petitioner is aggrieved over, granting of minority status for a limited period of five years and therefore, the petitioner has come before this Court.

2. Heard Mr.Dr.FR.A.Xavier Arulraj, learned Senior Counsel appearing for the petitioner and Mr.P.Senthilvel learned Government Advocate appearing for the respondents.

3. This issue is already covered by the Division Bench Judgment of this Court reported in (2001) 3 M.L.J. 433 [Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal, Medical, Educational and Charitable Trust, Salem, represented by its Chairman Vs. State of Tamil Nadu and another]. This Court had also followed the said Judgment in Writ Petition No.18318 of 2009 which was disposed of on 24.07.2017. The Division Bench in the aforesaid Judgement has held in paragraph 5 of the order that if any entity is once declared as a minority entitling to the rights envisaged under Article 30(1) of the Constitution, unless there is fundamental change of circumstances on suppression of facts, the Government has no power to take away the said right. Therefore, the portion of the impugned order dated 28.04.2011 which limits the minority status to the petitioner school only for a period of five years is quashed.

Hence, this writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sai/sji

To

1.The Government of Tamilnadu
Represented by The Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

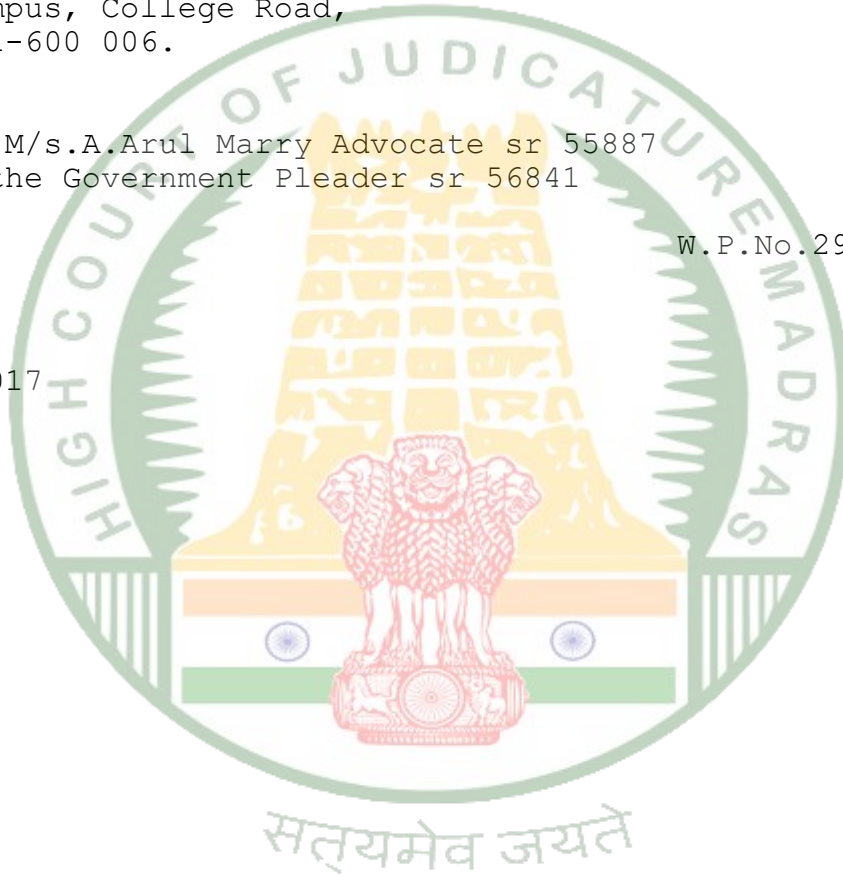
2.The Director of Matriculation Schools,
DPI Campus, College Road,
Chennai-600 006.

3.Inspector of Matriculation Schools,
DPI Campus, College Road,
Chennai-600 006.

+2 ccs to M/s.A.Arul Marry Advocate sr 55887
+1 cc to the Government Pleader sr 56841

W.P.No.29972 of 2014

sv(co)
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