

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.2293 of 2013
and
M.P.No.1 of 2013

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 - 6.
3. The Joint Director of Collegiate Education,
Vellore Region, Vellore - 6. ... Appellants/Respondents

... Vs ...

Vaniyambadi Muslim Educational Society,
Regn. No.1/1905-1906
Rep. by its General Secretary,
C.Khiser Ahmed,
Fort, Vaniyambadi. ... Respondent/Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of The Letters Patent, against the impugned order dated 19.10.2012 passed by this Court in W.P.No.27763 of 2012. Writ Petition filed under article 226 of the constitution of India, Praying for the issuance of writ of Prohibition, prohibiting the respondents from insisting the petitioner to seek declaration of its minority character every year or once in five years for Islamiah College, Vaniyambadi, run by the petitioner.

For Appellants : Mr.R.Prathapkumar,
Additional Government Pleader

For Respondent : Mr.N.A.Nissar Ahamed

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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.27763 of 2012, dated 19.10.2012, the State has preferred this writ appeal.

2. The respondent-Society has filed the above writ petition seeking to issue a writ of prohibition, prohibiting the appellants herein from insisting the respondent-Society to seek declaration of its minority character every year or once in five years for Islamiah College, Vaniyambadi, run by the respondent-Society and the said writ petition was allowed by the learned Single Judge by an order dated 19.10.2012.

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]

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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.27763 of 2012 dated 19.10.2012, subject to the condition as indicated above. The connected miscellaneous petition is closed. No costs.

Jrl

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ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

TO,

1 The Stated Tamilnadu
Rep by its Principal Secretary
Department of Higher Education,
Fort St.George, Chennai-600 009.

2 The Director College Education,
College Road, Chennai-6.

3 The Joint Director College Education,
Vellore Region,
Vellore.

+1CC to Government Pleader SR.NO.73711

+1CC to MR.N.A.NISSAR AHMED Advocate SR.NO.73681

W.A.No.2293 of 2013

GMR [CO]
MK:13/11/2017

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