

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition No.2293 of 2013

and

M.P.Nos.1 & 2 of 2013

Carmel Garden Matriculation Higher Secondary School,
Rep.by its Correspondent,
Rev.Fr.A.Maria Joseph,
Ramanathapuram Post,
Coimbatore - 641 045. Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep.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. The Inspector of Matriculation Schools,
Ramanathapuram,
Coimbatore - 45. Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings dated 20.09.2012, in Na.Ka.No.3692/A3/12 on the file of the 2nd respondent and quash the same, directing the respondents to grant recognition for a period of three years, from 01.02.2012 to 31.03.2015 under the Code of Regulations of Matriculation Schools, for the Carmel Garden Matric Hr.Sec.School, instead of under the provisions of Right to Education Act, 2009 in accordance with the principles laid down by the Hon'ble Apex Court as reported in 2012 (6) SCC 1.

For Petitioner : Dr.Fr.A.Xavier Arulraj, Senior Counsel
For M/s.A.Arul Mary

For Respondents : Mr.V.Anandhamoorthy
Additional Government Pleader

O R D E R

The learned Senior counsel appearing for the petitioner would submit that the petitioner/school has been exempted from the provisions of Right to Education Act 2009, as the said Act is not applicable to the minority institutions. Since the petitioner/school is a minority institution, as per the judgment of the Hon'ble Supreme Court reported in 2012 (6) SCC 1, it is exempted from the purview of the Act.

2. The certificate of recognition granted to the petitioner/institution has been modified, incorporating the aforesaid exemption. Therefore, this writ petition has become infructuous.

3. Accordingly, this writ petition is dismissed as Infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Secretary,
The Government of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai - 600 009.
2. The Director of Matriculation Schools,
DPI Campus,
College Road,
Chennai - 600 006.
3. The Inspector of Matriculation Schools,
Ramanathapuram,
Coimbatore - 45.

+1cc to Government Pleader in sr.no.50156

W.P.No.2293 of 2013

VGII(CO)
NR 21/08/2017