

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.43567 of 2016

and

W.M.P.No.37395 of 2016

The President
Carmelite Sisters' of St. Teresa,
No.4/412, NGGO Colony,
Salamedu Post,
Kandamanadi - Via,
Villupuram District - 605 401.Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary
Department of Higher Education,
Fort St.George, Chennai - 600 006.
2. The Director of Collegiate Education,
College Road, Chennai - 600 006.
3. The Joint Director of Collegiate Education,
Saidapet, Chennai District - 600 006.
4. The Thriuvalluvar University,
Rep. by its Registrar,
Serkkadu, Vellore,
Vellore District - 632 115. ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus, directing the first respondent State Government herein to recognise forthwith the status of the petitioner's -college as a Christian Religious Minority Educational Institution by considering its application dated 06.09.2016 together with the reminder dated 26.09.2016.

For Petitioner : Mr.P.Godson Swaminath
For Respondent 1 to 3 : Mr.T.N.Rajagopalan,
Special Government Pleader
(Education) Assisted by
Mr.V.Anandhamurthy,
Additional Government Pleader
For Respondent 4 : Mr.M.C.Samy

O R D E R

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus directing the first respondent to recognise forthwith the status of the petitioner's College as a Christian Religious Minority Educational Institution by considering its application dated 06.09.2016 followed by a reminder dated 26.09.2016.

2. It is the case of the petitioner that the petitioner is the President of the "Carmelite Sisters of St.Teresa Tamilnadu Province". The petitioner's college namely, Sacred Heart Arts and Science College, Perani, Villupuram District is one among the several educational institutions founded and administered by the "Carmelite Sisters of St.Teresa, Tamilnadu Province", which is a registered Society bearing Registration No.78 of 1988 under the Tamil Nadu Societies Registration Act No.27 of 1975. The said Society is formed by the Roman Catholic Congregation Order of "Carmelite Sisters of St.Teresa". All the educational institutions under the said congregation have all along been recognised and treated as minority educational institutions. It is stated that there are 115 institutions under the Congregation, viz., 5 colleges, 35 Higher Secondary Schools and PU Colleges, 44 Schools and Training Institutes, 15 Hospitals & Dispensaries, 37 Homes and Boarding, 12 for the Aged and Handicapped, 20 Non-Formal education centre etc. The Chief object of the Society is to establish, maintain and administer Schools, orphanages, colleges, hospitals, churches and chapels, spiritual training institutes, welfare centres and all other educational institutions for the people in general and more particularly, for the welfare of the people belonging to the Catholic order of Christian community. In order to promote the educational interest and social advancement of the educationally and socially backward students, the petitioner's college was established from the academic year 2016-2017 under the administrative control of the Society. As the petitioner's College decided to start 6 Arts and Science Courses in Undergraduate level from the academic year 2017-2018, they have arranged for the required infrastructural and instructional facilities for the new College in a sprawling campus of 26 acres

of land. It is pertinent to note that the College has satisfied all the requirements under the guidelines issued by the State Government under G.O.Ms.No.270 (Higher Education-J1) dated 17.06.1998 for grant of minority status. Unless the State Government declared the petitioner as Christian Religious Minority Institution, the respondent University would not consider the proposal seeking affiliation to the College. With regard to the same, the petitioner has submitted statements to the respondents on 26.08.2016 by way of registered post as required under Section 9 of Tamil Nadu Private Colleges (Regulation) Act 1976. But, there was no response from the respondents. Hence, the petitioner also sent an application to the fourth respondent-University Vellore on 31.10.2016 for grant of affiliation to the College from the academic year 2017-2018 onwards together with the Demand Draft for Rs.18,000/- towards the application fee. But the fourth respondent-University was reluctant to consider the said application. Since there was no response forthcoming from the respondents, the petitioner sent a reminder dated 26.09.2016 by Registered Post to the respondents. As the application of the petitioner has not been considered for long time, the petitioner has moved this Court seeking a direction to the first respondent-State Government to recognise the status of the petitioner-College as a Christian Religious Minority Institution.

3. Heard both sides.

4. The petitioner's institution has to be conferred the status of the minority educational institution as per the G.O.Ms.No.270, Higher Education (J1) dated 17.06.1998. Since it is a mandamus that has been sought for by the petitioner, this Court is inclined to direct the first respondent to consider the application of the petitioner dated 06.09.2016, followed by a reminder dated 26.09.2016 to recognise forthwith the status of the petitioner's college as a Christian Religious Minority Educational Institution in the light of G.O.Ms.No.270 Higher Education (J1) dated 17.06.1998, and pass appropriate orders, on merits and in accordance with law, after affording sufficient opportunity of hearing to the petitioner. However, the said exercise shall be done within a period of three weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

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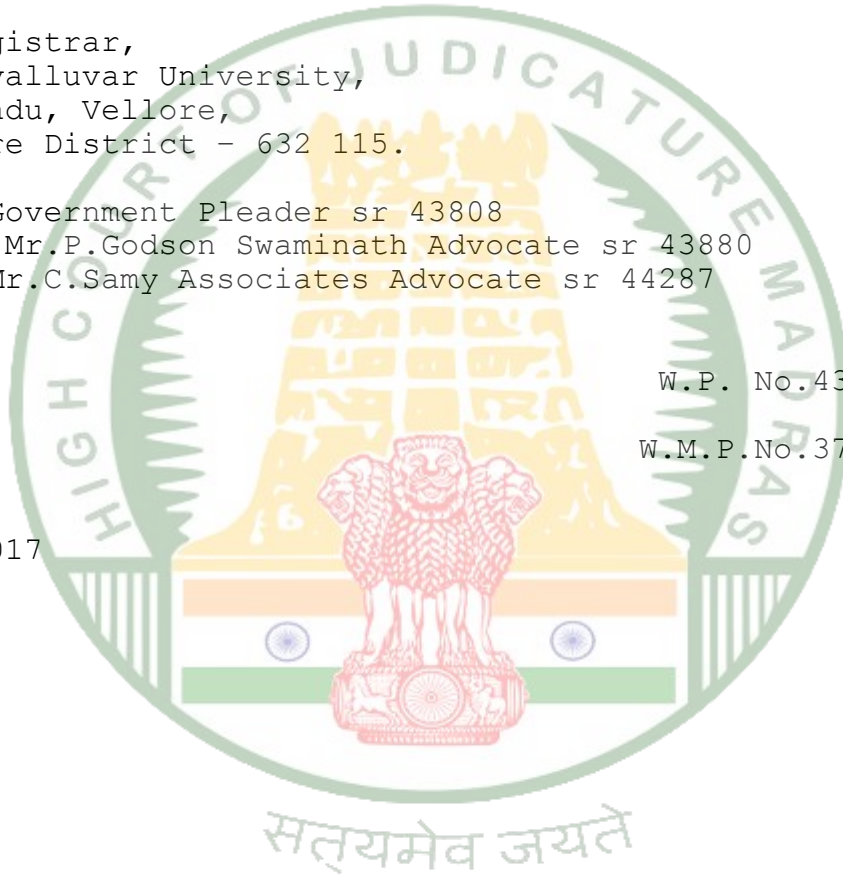
Sub Assistant Registrar

1. The Secretary
State of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai - 600 006.
2. The Director of Collegiate Education,
College Road, Chennai - 600 006.
3. The Joint Director of Collegiate Education,
Saidapet, Chennai District - 600 006.
4. The Registrar,
Thriuvalluvar University,
Serkkadu, Vellore,
Vellore District - 632 115.

+1 cc to Government Pleader sr 43808
+2 ccs to Mr.P.Godson Swaminath Advocate sr 43880
+1 cc to Mr.C.Samy Associates Advocate sr 44287

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