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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)
Friday, the Sixth day of January Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

WMP(MD) No.75 of 2017

IN

WP(MD) No.9260 of 2013

ESTHER SANTHAM HIGHER -
SECONDARY SCHOOL,
REP.BY ITS MANAGER AND
CORRESPONDENT PASTOR G.NELLAIKUMAR,
(FOUNDER AND MANAGING TRUSTEE-INTERNATIONAL
YOUTH FELLOWSHIP IN CHRIST)
OLD NO.1/113-A, NEW NO.1/197,
KALVILLAI ROAD, MEIGNANAPURAM,
TUTICORIN DISTRICT.

... PETITIONER/PETITIONER

Vs

1 THE DIRECTOR OF SCHOOL EDUCATION,
(HIGHER SECONDARY SCHOOL EDUCATION),
COLLEGE ROAD, CHENNAI-006.

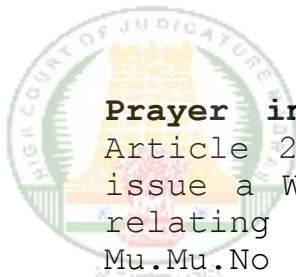
2 THE CHIEF EDUCATIONAL OFFICER,
C.V.GOVERNMENT HIGHER SECONDARY SCHOOL
CAMPUS, TUTICORIN, TUTICORIN DT.

3 THE DISTRICT EDUCATIONAL -
OFFICER, C.V.GOVERNMENT HIGHER SECONDARY
SCHOOL CAMPUS, TUTICORIN, TUTICORIN DT.

4 THE GOVERNMENT OF TAMILNADU,
(EDUCATON DEPARTMENT) REP.BY ITS SECRETARY,
FORT.ST.GEORGE, CHENNAI-009.

5 THE DIRECTOR OF GOVERNMENT EXAMINATION,
COLLEGE ROAD, CHENNAI-600 006 ... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order Direction, directing the respondents herein to permit the students of the 10th Standard and XII standard of the 2016-2017 batch, annexed herewith, in the petitioner s Esther Santham Higher Secondary School, Meignanapuram, Tuticorin District to write the ensuing Government Examinations (Practical including computer science and Theory) commencing from January 2017 onwards uptill April 2017 and be permitted to have their results declared and entitled to receive their mark sheets and certificates in accordance with law in so far as the petitioner school is concerned.



Prayer in WP(MD). 9260/ 2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for all records relating to the impugned order of the 1st respondent made in Mu.Mu.No 29207/G1/E1/2013 dated 29/04/2013 and quash the same and direct lthe respondents 1 and 4 to grant a declaration of religious minority status, recognition, attendant benefits to the petitioner Std., VI to XI Esther Santham Higher Secondary School, Kalvillai Road, Meignanapruam, Tuticorin district is concerned.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.JOSEPH THATHEUS JEROME, Advocate for the petitioner and of M/S.M.ALAGUDEVAN, Spl.Govt.Pleader on behalf of the Respondents the court made the following order:-

The issue, with regard to the recognition and grant of minority status to the petitioner's school is pending in W.P(MD) Nos.9260 and 7392 of 2013. Pending the writ petitions, when the Government examinations had approached, this Court by various orders had permitted the students to appear for the examination and had also directed for publication of the results as well as the issuance of mark sheets to the students. The various grounds raised by the petitioner deserve consideration in the main writ petitions.

2.In the meanwhile, the petitioner has now come out with the present application seeking for a direction to the respondents to permit the students of 10th Standard and 12th Standard for the academic year 2016-2017 batch in their school to write the ensuing Government Examinations (Practical including computer science and theory) commencing from January 2017 onwards. I do not see any reason as to why I should differ from the earlier orders passed in identical circumstances.

3.The Hon'ble Division Bench of this Court while passing orders in similar circumstances, in connection with the petitioner's school in W.A.(MD)No.306 of 2013, has held as follows:-

"2.The learned counsel for the appellants submitted that after the order was passed, recognition request was rejected by the Director of School Education (Higher Secondary) by order dated 29.4.2013, and the said order was separately challenged by the Management in W.P.(MD) No.9260 of 2013. The reason stated for rejecting the recognition was that the Management has not obtained the minority status from the Government. Therefore, the School cannot be started without the prior permission of the Education Department.

3. The learned counsel appearing for the Management submits that the Management will apply for minority status as per G.O.Ms.No.648, School Education Department, dated 3.8.1994, followed by G.O.Ms.No.375, dated 12.12.1998. The said submission is recorded.



4. Further, the learned counsel for the first respondent submits that the students, who have underwent 10th Standard in the respondent School, though permitted to appear for the examinations, have not been issued Mark Statement, even though the Students have already appeared and their results have been declared.

5. As the first respondent school is not granted recognition to IX and X standards, the students cannot be issued with certificates in the school name. Hence, this Writ Appeal is disposed of with a direction to the appellants to issue the Mark sheets to individual students (as private candidates). The Certificate is directed to be issued within two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed."

4. In view of the various interim reliefs being extended to the petitioner's school pending these writ petitions it would be appropriate to issue a similar direction in the present case also.

5. Accordingly, the respondents are directed to permit the students of 10th Standard and 12th Standard for the academic year 2016-2017 batch in the petitioner's school to write the ensuing Government Examinations (Practical including computer science and theory) commencing from January 2017 onwards. While permitting the students, the respondents shall treat each of the individual students as private candidates and such permission shall be subject to the final decision in the above writ petitions.

6. With the above direction, this petition is disposed of.

sd/-

06/01/2017

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Sub-Assistant Registrar (C.S.1)

TO

1 THE DIRECTOR OF SCHOOL EDUCATION,
(HIGHER SECONDARY SCHOOL EDUCATION),
COLLEGE ROAD, CHENNAI-006.

2 THE CHIEF EDUCATIONAL OFFICER,
C.V. GOVERNMENT HIGHER SECONDARY SCHOOL
CAMPUS, TUTICORIN, TUTICORIN DT.

3 THE DISTRICT EDUCATIONAL OFFICER,
C.V. GOVERNMENT HIGHER SECONDARY SCHOOL CAMPUS,
TUTICORIN, TUTICORIN DT.



4 THE SECRETARY,
GOVERNMENT OF TAMILNADU,
(EDUCATION DEPARTMENT)
FORT.ST.GEORGE, CHENNAI-009.

5 THE DIRECTOR OF GOVERNMENT EXAMINATION,
COLLEGE ROAD, CHENNAI-600 006

+1cc to Mr.M.Joseph Thatheus Jerome, Advocate in SR No.1180/17

ORDER
IN
WMP (MD) No.75 of 2017
IN
WP (MD) No.9260 of 2013
Date :06/01/2017

anr/ss3/sar1/06.01.2017/4p/7c