



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.10.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

**W.P(MD)No.17650 of 2017 and
WMP(MD)Nos.14209 and 14210 of 2017**

The Correspondent,
St.Mary's Nursery and Primary School,
Devakottai - 630 302,
Sivagangai District.

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.

2. The Director Elementary Education,
College Road, Chennai - 600 006.

3. The District Elementary Educational Officer,
Sivagangai, Sivagangai District.

4. The Assistant Elementary Educational Officer,
Sivagangai, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent District Elementary Educational Officer in Oo.Mu.No.4853/a4/2015, dated 29.03.2016, quash the same and further direct the State Government to recognise forthwith the status of the petitioner-School namely, St.Mary's Nursery and Primary School, Devakottai, Sivagangai District as a Christian Religious Minority Educational Institution.

For Petitioner

: Mrs.A.Amala

For Respondents

: Mr.J.Gunaseelan Muthiah
Government Advocate

**ORDER**

This writ petition is filed seeking to call for the records relating to the impugned proceedings issued by the third respondent District Elementary Educational Officer in Oo.Mu.No.4853/a4/2015, dated 29.03.2016, quash the same and further direct the State Government to recognise forthwith the status of the petitioner-School namely, St.Mary's Nursery and Primary School, Devakottai, Sivagangai District as a Christian Religious Minority Educational Institution.

2.Heard the learned counsel on either side. By consent, these writ petitions are taken up for final disposal.

3.According to the petitioner, the school namely St. Mary's Nursery and Primary School at Devakottai, Sivagangai District belongs to the Saint Joseph's Society of Madurai, which was declared as Minority society by this Court vide order dated 24.09.1976 in W.P.No.648 of 1975. The School was established in the year 1964 and is totally self financed. In order to get the status as minority, the school submitted a Memorandum dated 14.12.2015 with all necessary documents to the respondents, but the same was returned to comply with the conditions stipulated in G.O(Ms).No.375 (School Education Department) dated 12.10.1998 and G.O(Ms).No.214 (School Education Department) dated 03.11.2008. After complying with the same, the school resubmitted the proposal on 10.02.2016, which was again returned pointing out certain defects vide proceedings No.Oo.Mu.No.4853/a4/2015, dated 29.06.2016. Aggrieved over the same the petitioner is before this Court.

4.The learned counsel for the petitioner brought to the notice of this Court that the applications dated 14.12.2015 and 31.05.2017 as well as the certificate affirming the status of the society as a minority institution would be sufficient to concede with prayer of the petitioner.

5.On the other hand, the respondent filed a counter wherein, in paragraph No.8, it has been submitted as follows:

"8.With regard averment made in the Para 10 of the Affidavit it is submitted that the constitution of school committee will not arise for Minority Institution. But till date the petitioner's school has not been declared as minority school as such it is for the school authority to submit the documents as called for. More particularly the separate community certificate of the school committee members is required. It is pertinent to note that the G.O.375, it is specifically mentioned that the institution should have been founded by minority and same should be administered by minority. The petitioner's school must produce the name of the administrators along with their



community certificate. It has been stated in the 7th paragraph of the affidavit that the petitioner's school re-submitted the proposal with relevant documents. The required documents as referred above shall be submitted by the school and thereafter the proposal for providing minority status will be forwarded to the authority concerned as per law".

which has been totally refuted by the learned counsel for the petitioner.

6.The learned counsel appearing for the petitioner has submitted that the main object of providing valuable services by the petitioner in the field of education is curtailed and defeated by the respondents herein and despite fulfillment of all the requirements as required under G.O.Ms.No.375 with regard to infrastructure facilities, the 1st respondent has not shown any positive sign in extension of minority status to the petitioner schools. She has further submitted that when such issue came up for consideration before this Court in the case of **The Correspondent, St.Joseph's Matriculation Higher Secondary School, Madurai vs. The State and others [W.P.(MD) No.12884 of 2016] decided on 23.11.2016**, this Court had directed the respondents therein to consider the claim of the petitioner school within twelve weeks. This Court, in yet another case in **The Correspondent, St.Marys Nursery and Primary School, Devakottai, Sivagangai District vs. The State and others [W.P.(MD) No.17650 of 2017] decided on 25.10.2017** has followed the aforesaid judgment and has issued the similar direction.

7. At this juncture, the learned Government Advocate appearing for the respondents would contend that the memorandums submitted by the respective schools will be considered by the 1st respondent in a time bound manner.

8.In view of the above submission, this Court, without going into the merits of the matter, directs the 1st respondent to consider the memorandums dated 14.12.2015 and 31.05.2017 submitted by the schools and pass necessary orders thereon on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order in the light of G.O.Ms.No.375 (School Education) dated 12.10.1998, as well as the aforesaid judgments. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai - 600 009.

2. The Director Elementary Education,
College Road, Chennai - 600 006.

3. The District Elementary Educational Officer,
Sivagangai, Sivagangai District.

4. The Assistant Elementary Educational Officer,
Sivagangai, Sivagangai District.

+ 1 cc TO Mrs.A.Amala , Advocate in SR No. 83804

+ 1 cc TO The Special Government Pleader in SR No. 83842

dsk

AE/MR KKR/SAR4/30.11.2017/4P/7C

ORDER MADE IN
W.P(MD)No.17650 of 2017
25.10.2017