



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.7882 to 7884 of 2017 and
W.M.P.(MD) Nos.6112 to 6114 of 2017

1. The Secretary,
Excel Central School,
17/190A, Awai Farm Lane,
Thiruvattar, Kanyakumari District.
... Petitioner in W.P.(MD) No.7882 of 2017
2. The Secretary,
Excel Global School,
17/190B, Awai Farm Lane,
Thiruvattar, Kanyakumari District.
... Petitioner in W.P.(MD) No.7883 of 2017
3. The Secretary,
Excel Higher Secondary School,
17/190C, Awai Farm Lane,
Thiruvattar, Kanyakumari District.
... Petitioner in W.P.(MD) No.7884 of 2017

-vs-

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
... Common Respondents in all WPs

PRAYER in W.P.(MD) No.7882/2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent State Government herein to recognize forthwith the status of the petitioner school, namely, Excel Central School, Thiruvattar, Kanyakumari District as a Linguistic (Malayalam) Minority Educational Institution.

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PRAYER in W.P.(MD) No.7883/2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of



Mandamus, directing the 1st respondent State Government herein to recognize forthwith the status of the petitioner school, namely, Excel Global School, Thiruvattar, Kanyakumari District as a Linguistic (Malayalam) Minority Educational Institution.

PRAYER in W.P. (MD) No.7884/2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent State Government herein to recognize forthwith the status of the petitioner school, namely, Excel Higher secondary School, Thiruvattar, Kanyakumari District as a Linguistic (Malayalam) Minority Educational Institution.

For all Petitioners : Mr.K.Prabhu
For M/s.Isaac Chambers

For Respondents : Mr.J.Gunaseelan Muthiah
Govt. Advocate

C O M M O N O R D E R

The issue involved in all these writ petitions is one and the same and therefore, all these matters are taken up together for final disposal by way of this common order. The common relief sought is for a direction to the 1st respondent herein to recognize forthwith the status of the petitioners-school as Linguistic (Malayalam) Minority Educational Institutions.

2. For the sake of brevity, the facts are being taken from W.P. (MD) No.7882 of 2017:

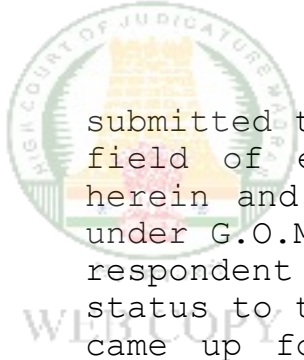
i) The petitioner-school (in short "the school"), which is one among the several educational institutions owned and administered by the Trust, namely, Centre for Educare and Research Charitable Trust, is a minority educational institution in terms of Article 30 of the Constitution of India. The school, in order to obtain a formal declaration regarding its status as a minority, had submitted a memorandum to the 1st respondent dated 15.02.2017, requesting suitable orders to that effect duly annexed with required documents, such as Trust Deed of Trust, supplementary Trust Deed etc.

ii) Though all the requirements enumerated under G.O.Ms.No.375 (School Education) dated 12.10.1998 have been duly complied with, no decision has yet been taken on its memorandum by the 1st respondent, which has caused great inconvenience to the petitioner. Aggrieved by the same, the petitioner is before this Court.

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

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4. The learned counsel appearing for the schools has



submitted that the main object of providing valuable services 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 schools. He 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.

5. 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.

6. In view of the above submission, this Court, without going into the merits of the matter, directs that 1st respondent to consider the memorandums dated 15.02.2017 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 common order in the light of G.O.Ms.No.375 (School Education) dated 12.10.1998 and also bearing in mind the afore-stated judgments. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
Nagercoil, Kanyakumari District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 84648, 84662, 84649
+3cc to M/s.ISAAC CHAMBERS Advocate in SR. No. 84801, 84799, 84800