

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.03.2018
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.20260 and 20261 of 2014

WP.No.20260 of 2014

Sri Krishnasamy Reddiar Educational Trust
rep. by its Managing Trustee
Dr.K.Rajendran ... Petitioner

Vs

- 1.The Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director of Collegiate Education,
College Road,
Chennai - 600 006.
- 3.The Commissioner of Technical Education,
Guindy, Chennai - 32. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to grant the minority status (Telugu Minority) to all the institutions run by the petitioner Trust, namely, Krishnasamy Memorial Polytechnic College, S.Kumarapuram, Krishnasamy College of Engineering and Technology, S.Kumarapuram, Krishnasamy College of Science, Arts and Management for Women, S.Kumarapuram, based on G.O.Ms.No.179 Higher Education Department, dated 11.06.2002.

WP.No.20261 of 2014

Sri Subbulakshmi Krishnaswamy Reddiar Educational Trust
rep. by its Managing Trustee
Dr.K.Rajendran ... Petitioner

Vs

The Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to grant the minority status (Telugu Minority) to the Krishnasamy Matriculation Higher Secondary School of Excellence, S.Kumarapuram, Cuddalore and to Krishnasamy Memorial Matriculation Higher Secondary School, Cuddalore run by the petitioner Trust.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.C.Munusamy, SGP (Edn)

COMMON ORDER

Both the writ petitions have been filed for a Mandamus, directing the respondents to grant minority status (Telugu Minority) to the institutions run by the petitioner.

2.According to the petitioner, the petitioner trust was already conferred with the minority status in respect of Krishnasamy College of Engineering and Technology, S.Kumarapuram, by the Government in G.O.Ms.No.179 Higher Education Department dated 11.06.2002. They submitted an application on 18.07.2012 seeking minority status in respect of other institutions run by them. However, the respondents have not taken any action on the said application. Hence, these two writ petitions.

3.The second respondent in WP.No.20260 of 2014 has filed a detailed counter affidavit inter alia stating that as per the decision of the Hon'ble Supreme Court in the case of T.M.A.Pai Foundation v. State of Karnataka [(2002) 8 SCC 481], the Government is the competent authority to verify and determine the minority character of an educational institution. It is further stated therein that linguistic minority status has been granted in G.O.Ms.No.179 Higher Education Department Dated 11.6.2002 only to Krishnasamy College of Engineering and Technology and not to the Trust, which administers the college and hence, separate application requesting minority status has to be submitted by the petitioner furnishing all the details as laid down in G.O.(Ms)No.270 Higher Education (J1) Department dated 17.06.1998.

4.When the matter was taken up for consideration, the learned counsel for the petitioner, on instructions, submitted that it would suffice, if the petitioner is permitted to submit a fresh application seeking minority status, furnishing all the necessary details as laid down in G.O.Ms.No.270 Higher Education (J1) Department, dated 17.06.1998, for which, the learned Special Government Pleader (Education) appearing for the respondents has no serious objection.

5.Considering the facts and circumstances of the case and having regard to the submissions so made by the learned counsel on either side, this Court permits the petitioner to submit a fresh application furnishing all the details as laid down in G.O.Ms.No.270 Higher Education (J1) Department, dated 17.06.1998 to the authorities concerned within a period of two weeks from the date of receipt of a copy of this order. On such submission, the authorities concerned shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks thereafter.

6.Accordingly, both the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
- 2.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
- 3.The Director of Collegiate Education,
College Road,
Chennai - 600 006.
- 4.The Commissioner of Technical Education,
Guindy, Chennai - 32.

+1 cc to Mr.G.Sankaran Advocate sr 20286
+1 cc to Govt Pleader sr 20498

W.P.Nos.20260 and 20261 of 2014

lrs(co)
aa13/04/2018