

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No. 3634 of 2018
and WMP.No.4469 of 2018

Rabiammal Ahamed Maideen College for Women,
(Administered by Rabiammal Ahamed Maideen Educational Trust)
rep. by its Secretary,
"White House", No.55A, South Main Street,
Tiruvarur - 610001. ..Petitioner

Vs

1.The Government of Tamil Nadu
rep.by its Secretary to Government
Higher Education Department,
Secretariat, Fort St.George, Chennai-600009.

2.The Director of Collegiate Education
DPI Campus, College Road,
Nungambakkam, Chennai-600 034.

3.The Deputy Secretary,
National Commission for Minority
Educational Institutions
Government of India,
Gate No.4, First Floor, Jeewan Tara Building,
No.5, Samsad Marg, New Delhi-119001

4.The Member Secretary,
State Minorities Commission,
LLA Building, 3rd Floor, No.735,
Anna Salai, Chennai-600 002

..Respondents

(R3 & R4 as per order dated 26.06.2018
in WMP.No.18558/18)

PRAYER : Writ Petition is filed under Article 226 of
Constitution of India praying to issue Writ of Mandamus,
directing the 1st and 2nd respondents to confer upon the
petitioner, Rabiammal Ahamed Maideen College for Women,

Tiruvavarur established and administered by the Rabiammal Ahamed Maideen Educational Trust, the Minority Status by granting the Minority Status Certificate, within a time frame.

For Petitioner : Mr.L.S.M.Hasan Fizal
For Respondents 1 & 2 : Mrs.V.Annalakshmi, GA
For Respondent No.3 & 4 :Mr.J.Madana Gopal Rao

ORDER

The petitioner has come forward with the present writ petition to issue Writ of Mandamus, directing the 1st and 2nd respondents to confer upon the petitioner, Rabiammal Ahamed Maideen College for Women, Tiruvavarur, established and administered by the Rabiammal Ahamed Maideen Educational Trust, the Minority Status by granting the Minority Status Certificate, within a time frame.

2. The case of the petitioner is that the Trust has been formed for the purpose of imparting education to women in general and Muslim women in particular.

3. According to the petitioner, the documents produced for registration have been returned on the ground that the following words are not mentioned in the Trust deed.

"The object of the Educational Institutions should be for promoting the interest of the (muslim) Minority concerned and it should sub-serve the interests of Minority community concerned"

4. He would further submit that for imparting education to the Muslim minority, the request of the petitioner has to be considered.

5. The respondents 1 & 2 have filed counter affidavit and contended that the petitioner has not produced any document, more particularly, the documents mentioned below and further stated that the Trust Deed is not clear and that it is not pertaining to Muslim minority.

i. Copy of the Community Certificate or Transfer Certificate of
T.A.Mumawar Deen.

ii. Clear copy of SSLC certificate of Safiya Munowar

iii. Copy of Community Certificate or Transfer Certificate for
Fejila Froz.

- iv. Revised Trust Deed mentioning object clause, it is to sub-serve the interest of the concerned minority.
- v. percentage of Muslim Minority Community students admitted in the college for the academic year from 2011-2012 to 2016-2017.

6. On a reading of the Trust Deed, it is seen that the object quoted therein satisfies the requirement of the respondents. For the sake of convenience, the object of the petitioner Trust, as could be seen from the Trust Deed, is extracted hereunder;

"WHEREAS the FOUNDERS of the Trust have been cherishing a desire to establish a College for women in Tiruvarur District, where it is highly needed for imparting education to women in general and Muslim in particular."

7. It is not necessary that the object of the Trust should be exactly worded in the Trust Deed as required by the respondents. If the Petitioner is able to produce any other document required by the Respondents, the Petitioner shall produce the same and on scrutiny, the request of the petitioner with regard to grant of minority status shall be considered by the Respondents. It is needless to mention that the 3rd and 4th respondents shall play their role as and when required.

8. The Petitioner is directed to produce all the documents that are required and after scrutiny, a decision shall be taken by the Respondents with regard to the grant of minority status to the petitioner's Trust. If, for any reason, the Petitioner Institution fails to sub-serve the object as required by the Respondents, minority status if any, granted shall stand automatically withdrawn.

9. Minority status, can at the most be for a period of 5 years, as the judgment in Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal Medical Educational and Charitable Trust, Salem vs. State of Tamil Nadu, 2001 (3) MLJ 433 has been interfered with by the Apex Court and the judgment rendered in Jeyaraj Annapackiam College vs. State of Tamil Nadu, (2013) 8 MLJ 509, holding that minority status should be given without any restriction period, may not be good in view of the order of the Apex Court, dated 18.02.2013 in C.A.No.6730 of 2004. For continuation of minority status, the Petitioner need to apply six months' in advance to enable the Respondents to process and verify the records, conduct spot inspection and take a decision before the expiry of the minority status period.

With the above directions, the writ petition stands disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government
Higher Education Department,
Secretariat, Fort St.George, Chennai-600009.

2.The Director of Collegiate Education
DPI Campus, College Road,
Nungambakkam, Chennai-600 034.

+1cc to M/s.J.Madanagopal Rao, Advocate sr.no.45009
+1cc to Government Pleader sr.no.45741

W.P.No. 3634 of 2018
and WMP.No.4469 of 2018

gj(co)
nr 06/08/2018

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