

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM :
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.8797 of 2015

Tamil Nadu Private School Teachers Sangam
Rep. by its General Secretary K.Palani

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Higher Education,
Fort St. George,
Chennai - 600 001.
- 2.The National Counsel
Y.M.C.A. Rep. by its
General Secretary Bharat Yuvak Bhavan,
Jaysingh Road, New Delhi - 110 001.
- 3.The Correspondent,
Y.M.C.A. College of Physical Education,
Nandanam, Chennai - 600 035.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the first respondent made in Ref. Letter No.5836/E1/2014-6, dated 03.03.2015 quash the same as being illegal and unsustainable in law.

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.V.Annalakshmi, G.A., for R1
No Appearance, for RR2 & 3

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorari to quash the proceedings of the first respondent dated 03.03.2015.

2. The petitioner is a registered Private Teachers Association, working for the welfare of the Tamil Nadu Private School Teachers. It is stated that the petitioner's representation dated 25.08.2011 to cancel the minority status given to the third respondent Institution, vide G.O.Ms.No.309, Higher Education (E1) Department, dated 21.09.2010, was rejected

by the impugned order passed by the first respondent.

3. It is stated by the petitioner that the third respondent-College is working under the control of the second respondent / National Council of YMCA of India, New Delhi. It is the case of the petitioner that the 3 respondent-College is not a minority Institution and they are misusing the power as minority Institution, without any authority of law.

4. It is further stated by the petitioner that the third respondent is taking advantage of the minority status declared by the first respondent and started passing orders detriment to the teachers employed by them. It is further stated that the first respondent has passed the impugned order in a lethargic manner without applying mind.

5. None of the grounds raised by the petitioner is appealing to this Court. The petitioner is an Association of Private School Teachers. By the impugned order, the petitioner's representation dated 25.08.2011 requesting to cancel the orders issued in G.O.(Ms) No.309, Higher Education (E1) Department, dated 21.09.2010 granting minority status to YMCA College of Physical Education, Chennai, was rejected. From the impugned order and the counter filed by the first respondent, it is seen that the first respondent has conferred the minority status to the third respondent-Institution, which is run by the National Council of YMCA of India, New Delhi.

6. It is further stated that before granting minority status to the third respondent / Y.M.C.A. College of Physical Education, Nandanam, Chennai, the first respondent has examined the issue in detail and consulted the Director of College Education regarding functioning of the College Committee, appointment of Secretary, appointment of Teachers and other procedures.

7. It is not in dispute that the College is administered by the Board of Management as per the Bye-laws approved by the National Council at New Delhi. However, the first respondent, in paragraph 9 of the counter affidavit has stated as follows:

"9. With reference to the averments made in the grounds of the affidavit, it is submitted that in G.O. (Ms) No.48, Higher Education (E1) Department dated 12.03.2007, a special provision has been made to the effect that if any minority institution by commission or omission does anything against the minority status, the Head of the Department shall bring it to the notice of the Government for withdrawal of minority status. Therefore, the Regional Joint Director of Collegiate Education, Chennai has been instructed to

conduct regular annual inspection to submit a report to the Director of Collegiate Education in this regard. The College functions as per the bye-laws approved by the National Council of YMCA of India, New Delhi and all the Board members of the Colleges belong to Christian minority community. Therefore, the need to cancel the minority status granted to the YMCA College of physical Education, Nandanam in the above said Government order does not arise at all. It is submitted that only after obtaining and examining the remarks of the Regional Joint Director of Collegiate Education, Chennai and the Director of Collegiate Education, the representation dated 25.08.2011 of the petitioner to withdraw G.O.(Ms).No.309, Higher Education (E1) Department, dated 21.09.2010, was rejected by a reasoned order."

8. The learned counsel for the petitioner submitted that the minority status of the third respondent-Institution should be considered every now and then and the Writ Petition may be disposed of based on the above extracted paragraph of the counter affidavit.

9. First of all, the locus-standi of the petitioner is doubtful. It is seen that the petitioner in this Writ Petition is only an Association of Private School Teachers. It is not in dispute that the third respondent has been declared as Minority Institution. The declaration means that the Institution, viz., the third respondent was a minority Institution from the beginning. The petitioner-Association has no locus standi to question the minority status of the third respondent Institution.

10. The petitioner's grievance is that the declaration as to the minority status of the third respondent should be limited for a certain period. This position has been answered in several precedents by holding that the declaration once obtained from the Government, holds good for all time to come, unless there is any change in the Constitution of Education Agency or other valid reasons. The Writ Petition has no merits and hence the same is dismissed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

pvs

To

1.The Secretary to Government,
State of Tamil Nadu,
Department of Higher Education,
Fort St. George,
Chennai - 600 001.

2.The National Counsel
Y.M.C.A. Rep. by its
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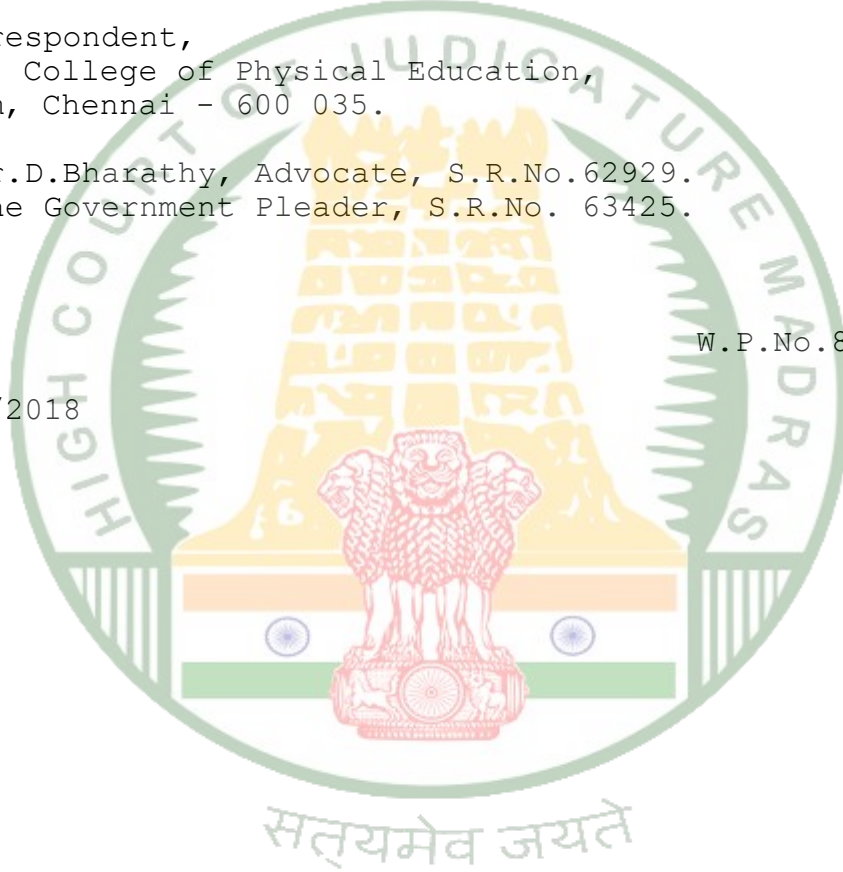
3.The Correspondent,
Y.M.C.A. College of Physical Education,
Nandanam, Chennai - 600 035.

+1cc to Mr.D.Bharathy, Advocate, S.R.No.62929.

+1cc to the Government Pleader, S.R.No. 63425.

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rrs 27/09/2018



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