

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Fourth day of October Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE S.S. SUNDAR

WMP NO.32251 OF 2018

IN WP.27737/2018

CONGREGATION OF MOTHER OF CARMEL [PETITIONER]
EDUCATIONAL SOCIETY, REP. BY ITS
SECRETARY, AVILA CONVENT THADAGM ROAD,
VELANDIPALAYAM POST, COIMBATORE - 641 025.

Vs

1 THE GOVERNMENT OF TAMIL NADU [RESPONDENTS]
REP. BY THE PRINCIPAL SECRETARY, DEPARTMENT
OF SCHOOL EDUCATION, FORT ST. GEORGE,
CHENNAI - 600 009.

1 THE DIRECTOR OF SCHOOL EDUCATION
DPI CAMPUS, COLLEGE ROAD, CHENNAI - 600 006

2 THE DIRECTOR OF MATRICULATION
SCHOOLS,, DPI CAMPUS, COLLEGE ROAD,
CHENNAI - 600 006.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of interim stay of the impugned G.O. (Ms.) No.65, School Education (MS) Department, dated 05.04.2018, on the file of the 1st respondent , in respect of Avila Convent Matriculation Higher Secondary School, Thadagam Road, Velandipalayam Post, Coimbatore 641 025, Coimbatore District, The member institution of the petitioner society, (WMP.32251/2018) pending disposal of the above writ petition.27737/2018

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. XAVIER ARUL RAJ, SENIOR COUNSEL FOR M/S.A.ARUL MARY Advocate for the petitioner and of MR.A.RAJA PERUMAL Additional Government Pleader on behalf of the Respondents the court made the following order:-

This Court has already granted interim stay in connected case in W.M.P.No.27734 of 2018 in W.P.No.23789 of 2018. This Court has found that there is a prima facie case in favour of the petitioner and observed that it is impossible to admit 50% of students belonging to minority community in the petitioner's institution, which has been declared as a minority institution.

2 Hence, there shall be an order of interim stay. It is submitted by the learned senior counsel for the petitioner that the institution undertakes not to deny admission to any eligible minority student. The undertaking is recorded.

3 Notice to the respondents returnable in three weeks. Private notice is also permitted in all the cases.

Post these matters after three weeks.

-sd/-

24/10/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE GOVERNMENT OF TAMIL NADU
REP. BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI - 600 009.

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CHENNAI - 600 006.

C.C. to FATHER XAVIER ASSOCIATES Advocate Sr.No. 12889

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Order
in
WMP.32251/2018
in
WP.27737/2018

Date :24/10/2018

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RRI 29/10/2018