



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

and

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.A(MD)Nos.230 and 231 of 2018

and

C.M.P(MD)Nos.1276 and 1292 of 2018

1.The State of Tamil Nadu
rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

.. Appellants in
both W.As.

Vs.

The Secretary,
Aruppukottai Devangar Mahajana Sabha,
51, Thangasalai Street, Aruppukottai,
Virudhunagar District - 626 101.

.. Respondent in
both W.As.

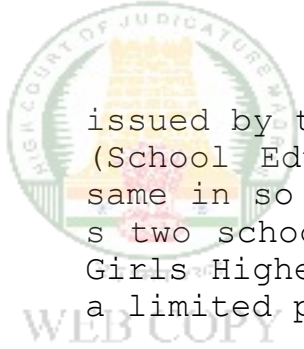
COMMON PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent, against the orders, dated 24.02.2015, made in W.P(MD) Nos.2136 of 2015 and 20350 of 2014, by the learned Single Judge.

Prayer in WP(MD). 2136/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court go issue a Writ of Certiorari, calling for the records relating to the impugned Order issued by the 1st respondent State Government vide G.O. (Ms) No. 310 (Schol) Education (X2) Department dated 08.12.2010 and quash the same in so far as it restricts the minority status of the petitioner's four schools namely Devangar Primary School, South Street, Devangar Middle School, Chokkalingapuram, Devangar Middle School, Puliyampatti, Devangar Town Middle School, Aruppukottai, Virudhunagar District for a limited period of 5 years from 2010 to 2015.

Prayer in WP(MD). 20350/ 2014 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the Impugned order



issued by the 1st Respondent State Government vide G.O. (Ms) No. 119 (School Education (X2) Department) dated 28.04.2010 and quash the same in so far as it restricts the minority status of the Petitioner's two schools namely, Devangar Higher Secondary School and Devangar Girls Higher Secondary School, Aruppukottai, Virudhunagar District to a limited period of 5 years from 2010 - 2015.

For Appellants : Mr.A.K.Baskarapandian,
in both W.As. Special Government Pleader.

For Respondent : Mr.M.Thirunavukkarasu,
in both W.As.

C O M M O N J U D G M E N T

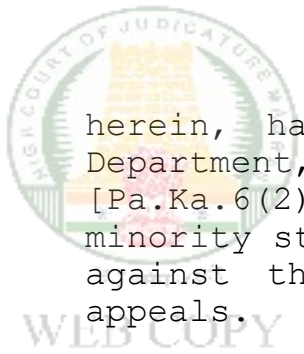
[Common Judgment of the Court was delivered by M.SATHYANARAYANAN, J.]

By consent, both writ appeals are taken up together and disposed of by this Common Judgment, as the writ appeals also arise out of the common order, passed in the writ petitions.

2.The respondent/writ petitioner, aggrieved by the restriction of minority status on the ground that linguistic minority, came forward to file the writ petitions, challenging the impugned proceedings and vide common order, dated 24.02.2015, made in W.P(MD)Nos.4878 of 2013, 20350 of 2014 and 2136 of 2015, the learned Judge has quashed the impugned proceedings and allowed the writ petitions and the present writ appeals are preferred against the orders passed in W.P(MD)Nos.2136 of 2015 and 20350 of 2014.

3.Mr.A.K.Baskarapandian, learned Special Government Pleader, appearing for the appellants would submit that since the respondent institutions are aided institutions *de hors* the linguistic minority status, they are entitled to restrict the same and the learned Judge, without appreciating the factual as well as legal aspects, has erroneously quashed the impugned orders.

4.Per contra, Mr.M.Thirunavukkarasu, learned counsel appearing for the respondent/writ petitioner would submit that the matter-in-issue is no longer *res integra* in the light of the Judgment reported in (2013) Vol 8 MLJ 509 [*The Secretary, Jeyaraj Annapackiam College for Women (Autonomous) v. State of Tamil Nadu rep. by its Secretary and others*] which in turn, follows the decision of the *Hon'ble Supreme Court of India* and the said decision has also been subsequently followed in W.P(MD)No.9453 of 2014, vide order, dated 04.02.2015 and would further add that during pendency after allowing the writ petitions, the first appellant



herein, has passed G.O.Ms.No.182, School Education [Tho.Ka.2(1)] Department, dated 04.08.2017 and G.O.Ms.No.171, School Education [Pa.Ka.6(2)] Department, dated 17.07.2017, regarding the religious minority status, subject to the result of the writ appeals preferred against the said orders and prays for dismissal of these writ appeals.

5.This Court has considered the rival submissions and also perused the materials placed before it.

6.As rightly contended by the learned counsel appearing for the respondent/writ petitioner, the matter-in-issue is no longer *res integra* in the light of the above cited decision and based on the same, very many writ petitions came to be allowed and the challenge made by the appellants herein, also entered in dismissal.

7.This Court, on an independent application of mind to the entire materials, is of the considered view that there are no errors apparent or infirmity in the reasons assigned by the learned Single Judge for allowing the writ petitions and finds no merit in these writ appeals and therefore, both writ appeals are dismissed, confirming the orders, dated 24.02.2015, made in W.P(MD)Nos.2136 of 2015 and 20350 of 2014, by the learned Single Judge. However, in the circumstances of the case, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

smn

RL/3C/2P/KK/SAR1/19/2/2018

COMMON JUDGMENT MADE IN
W.A(MD)Nos.230 and 231 of 2018

and
C.M.P(MD)Nos.1276 and 1292 of 2018
08.02.2018