

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.A.No. 491 of 2019
&
C.M.P.No.4321 of 2018

1. The State of Tamil Nadu,
Rep by its Secretary,
Department of Higher Education,
Fort St.George, Chennai - 600 009.
 2. The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai - 600 025.
- ...Appellant/Respondents

Vs.

1. The Secretary,
Don Bosco Polytechnic College,
Kothimangalam, Thirukazhukundram,
Kancheepuram District.
- ... Respondent 1/Petitioner
2. The Regional Director,
Southern Regional Office,
All India Council for Technical Education,
Shastri Bhavan, 26, Haddows Road,
Chennai - 600 006.
- ...Respondent 2/Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the Order dated 16.08.2017 in W.P.No.21057 of 2017.
WP.No. 21057 of 2017 Prayer : Filed under Article 226 of the Constitution of India to issue a Writ of certiorari to call for the records relating to the impuged order issued by the 1st respondent State Government in G.O.(D) No.227 Higher Education (B2) Department dated 29.11.2013 quash the same in so far as it restricts the status of the petitioners college as a Christian Minority Educational Institution to a limited period of 5 years from 2012- 2013 to 2016-2017.

For Appellant : Mr.V.Kathiravelu
Special Government Pleader

For Respondents : Mr.Edwin Prabhakar

JUDGMENT

(Judgment of the Court was delivered by T.S.SIVAGNANAM, J.)

This Writ Appeal is directed against the order in the Writ Petition No.21057 of 2017 dated 16.08.2017 filed by the appellant praying to set aside the above order.

2. Heard Mr.V.Kathiravelu, learned Special Government Pleader appearing for the petitioner and Mr.Edvin Prabakar, learned counsel for the respondents.

3. This appeal filed by the State is directed against the order passed in W.P.No.21057 of 2017 dated 16.08.2017. The question which fell for consideration before the learned Writ Court is with regard to the restoration of the minority status of the first respondent/writ petitioner for a limited period of 5 years. The learned writ Court in our considered view, rightly relied upon decision of the Division Bench in the case of Secretary, Jeyaraj Annapackiam College Vs. State of Tamil Nadu [reported in (2013) 8 MLJ 509] and allowed the writ petition. We had an occasion to consider an identical issue in Writ Appeal No.2642 of 2018 and in the said decision, we referred to the other decisions of the Hon'ble Division Bench. The operative portion of the judgment reads as follows:

"4. We find that there is no error in the order passed by the learned Single Bench and the learned Single Bench has taken the view consistent with a view taken by the Division Bench in the case of Secretary, Jeyaraj Annapackiam College for women (Autonomous) Vs. The State of Tamil Nadu and others [reported in CDJ (2013) MHC 5667]; The State of Tamil Nadu and others Vs. Loyola College (Autonomous) [reported in CDJ (2017) MHC 6377]; The State of Tamil Nadu, Department of Higher Education, Chennai and others Vs. Vaniyambadi Muslim Educational Society, [reported in CDJ (2017) MHC 6896]; The State of Tamil Nadu Vs. The Manager and Correspondent, Carpenter Street Middle School, Tuticorin [reported in CDJ (2018) MHC 1496]. Much earlier the Hon'ble Supreme Court in the case of Manager, Corporate Educational Agency Vs. James Mathew [reported in CDJ (2017) SC 986] has held that validity of declaration of minority status is a declaration of existing status and society cannot be called upon to obtain such recommendation once in a year or once in

five years.

5. As rightly pointed out by the learned Single Bench, the validity of the minority status is without any restrictions. However, if there is any change in the educational agency or if the institution is running contrary to the Memorandum of Association, it is open to the Government to issue notice and pass fresh orders in accordance with law as observed by the learned Division Bench in the decisions quoted above.

6. The minority status of the respondent was declared by the Government of Tamil Nadu that in G.O (Ms).No. 120, Higher Education (E1) Department, dated 20.05.2009. The Government order stipulates certain conditions. Therefore, if there has been any change in the educational agency, it is well open to the Government to take appropriate action either for withdrawal or cancellation of minority status.

7. Therefore, the judgement of the learned writ Court calls for no interference. The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed."

4. In the light of the above there is no error in the order passed by the learned Writ Court and accordingly, the appeal fails and dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

mrm/ssb

To

1. The Regional Director,
Southern Regional Office,
All India Council for Technical Education,
Shastri Bhavan, 26, Haddows Road,
Chennai - 600 006.

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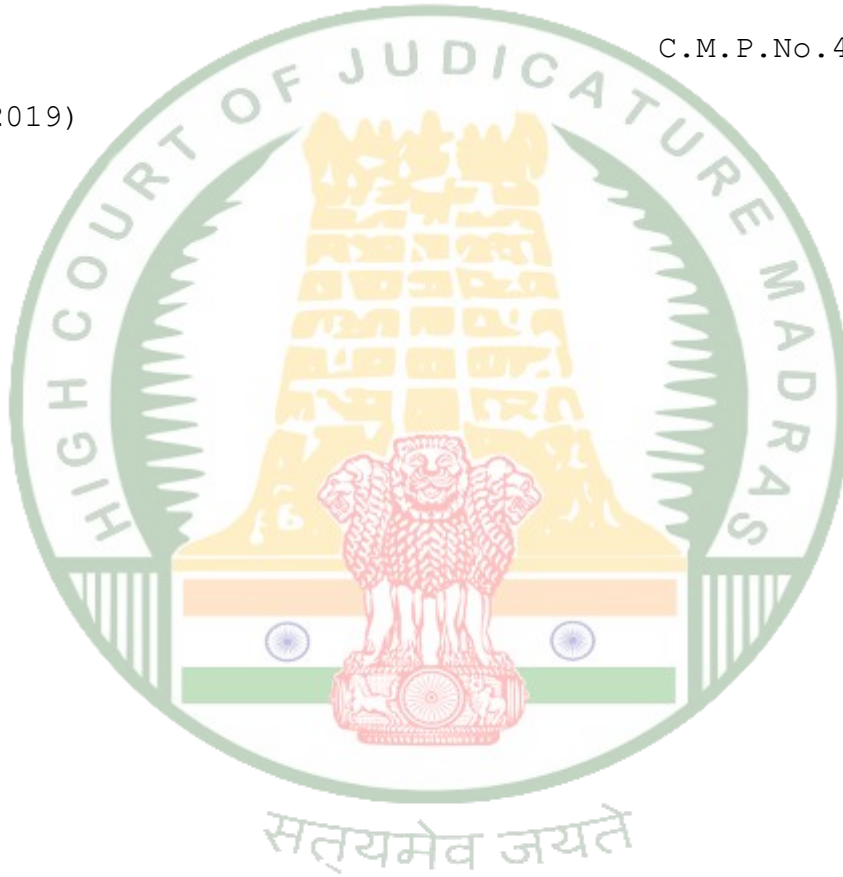
2.The Secretary,
Department of Higher Education,
Fort St.George, Chennai - 600 009.

3.The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai - 25.

+lcc to the Government Pleader, S.R.No. 18189

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&
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RV(CO)
GN(29/03/2019)



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