



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.07.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND**

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY
W.A(MD)NO.670 OF 2019**

**and
C.M.P(MD)No.5722 of 2019
in
WP(MD)16006 of 2018**

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

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

3.The Chief Educational Officer,
Kokkirakulam,
Thirunelveli,
Thirunelveli District.

4.The District Education Officer,
Valliyoor, Thirunelveli,
Thirunelveli District.

5.The Block Educational Officer,
Kalakkad Range,
Thirunelveli,
Thirunelveli District.

:Appellants/Respondents

.vs.

The Manager and Secretary,
Hindu Middle School,
Mavadi, Nanguneri Taluk,
Thirunelveli District - 627 107

: Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.16006 f 2018, dated 01.10.2018.

Prayer in WP(MD). 16006/ 2018 :

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 G.O.(Ms)No.231



School Education (Thoka.2(1) Department dated 08/11/2017, quash the same in so far as it restricts the status of the petitioners school as a Minority Educational Institution to a limited period of 5 years.

WEB COPY

For Appellants

:Mrs.S.Srimathy
Special Govt.Pleader

For Respondent

:Mr.T.Cibi Chakraborty
M/s Isaac Chambers

JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order passed in W.P (MD)No.16006 of 2018, dated 1.10.2018., wherein and whereby, the Writ Court allowed the Writ Petition and set aside the order of the State Government, dated 8.11.2017 only insofar as the restriction of the period of minority status to the Petitioner institution, as five years.

2.Heard the learned Special Government Pleader appearing for the appellants and the learned counsel appearing for the respondent.

3.The issue involved in this Writ Appeal is no-more res-integra. Time and again, this Court in several number of cases held that the Government is not entitled to restrict the period of minority status to a body or institution by saying that such status is valid only for a period of five years or so.

4.The Writ Court by following the decisions rendered in similar cases, has allowed the Writ Petition.

5.The learned Special Government Pleader appearing for the appellants submitted that if the status of minority is granted without any restriction on the period of its validity, the Government will not be in a position to find out as to whether the body or institution who get such status continues to retain such status with their constitution of the educational agency. Therefore, she contended that the above restriction of the period as five years, has some meaning and intention.

6.We do not think that the learned Special Government Pleader is justified in raising the very same contention, as raised in earlier cases to justify the restriction of the minority status for a limited period. Needless to state that once the Government has chosen to grant minority status, it cannot be restricted for a limited period. At the same time, this Court has also observed in its earlier cases that while granting such status, it is open to the Government to impose a condition that if the Government is



able to find any change in the constitution of educational agency or if the institution is run contrary to the Memorandum of Association /Bye-laws of the Society, it is open to the Government to issue notice and take appropriate decision in accordance with law. When such liberty is granted to the Government to impose such condition, We do not think that the apprehension expressed by the learned Special Government Pleader in this case is well founded.

7. Accordingly, We find that the Writ Appeal is totally misconceived as the same was filed without reference to the settled position of law, in respect of the issue involved in this case which is already decided in various decisions against the appellants.

8. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

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Thirunelveli District.



+1 CC to M/s.SPL GP (SR-74003[F] dated 08/07/2019)

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-73888[F] dated 08/07/2019)

vsn

JUDGMENT MADE IN
W.A(MD) NO. 670 OF 2019
and
C.M.P (MD) No. 5722 of 2019
05.07.2019

KM/ (16.07.2019) 4P 8C