



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.3647 of 2019

WEB COPY

The Dr.Zakir Hussain College,
Illauangudi, Represented by its Secretary,
Mr.V.M.Jabarullah Khan.

... Petitioner

Vs

1.The Secretary to the Government,
Higher Education Department,
Fort.St.George, Chennai.

2.The Director of Collegiate Education,
Office of the Director of Collegiate Education,
E.V.K.Sambath Maligai,
Nungambagam, Chennai.

3.The Joint Director of Collegiate Education,
Office of the Joint Director of Collegiate Education,
Madurai Region, Maduari.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent herein to issue minority certificate to the petitioner college viz., Dr.Zakir Hussain Collge, Ilayangudi, Sivagangai district by considering their petition dated 26.12.2012 within a stipulated period as to be fixed by this Court.

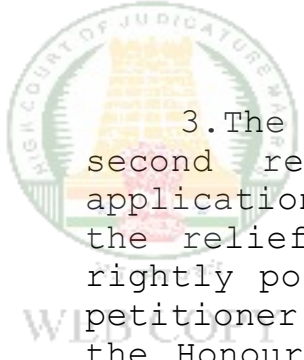
For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's college was established in the year 1970. It was enjoying minority status right from the inception, vide G.O.Ms.No.32 Higher Education (E1) Department, dated 19.02.2010. The minority status was extended upto 2012. Thereafter even though the petitioner has been submitting application, extension order was not passed. Therefore, this writ petition can be filed.



3. The learned Additional Government Pleader states that the second respondent can be directed to pass orders on the application made by the writ petitioner. I am of the view that the relief can be granted directly in this writ petition. As rightly pointed out by the learned counsel appearing for the writ petitioner that the issue on hand is covered by the decision of the Honourable Division Bench of this Court reported in **(2013) 8 MLJ 509 (Secretary, Jeyaraj Annapackiam College V. State of Tamil Nadu and others)**, the Honourable Division Bench quoted an earlier decision in the following terms;-

"In conclusion, we hold that if any is once declared as minority entitling to the rights envisaged under Article 30(1) of the Constitution of India, unless there is fundamental change of circumstances of suppression of facts, the Government has no power to take away that cherished Constitutional right which is a fundamental right and that too, by an ordinary letter without being preceded by a fair hearing in conformity with the principles of natural justice."

4. In the case on hand, the writ petitioner's college was given minority status and the same was extended from time to time. There is nothing on record to indicate that the Government is now contesting the claim of the writ petitioner. Therefore, there is simply no justification in not issuing the extension order sought for. The first respondent shall issue appropriate order recognizing the minority status of the writ petitioner's college within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)

To:

1. The Secretary to the Government of Tamil Nadu,
Higher Education Department,
Fort.St.George, Chennai.

2. The Director of Collegiate Education,
Office of the Director of Collegiate Education,
E.V.K.Sambath Maligai,
Nungambalam, Chennai.



3.The Joint Director of Collegiate Education,
Office of the Joint Director of Collegiate Education,
Madurai Region, Maduari.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-60308[F] dated
11/04/2019)

+1 CC to M/s.SPL GP (SR-60731[F] dated 12/04/2019)

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