



WEB COPY

W.A.(MD).No.947 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A. (MD) .No.947 of 2019

and

C.M.P. (MD) .No.8567 of 2019

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Department of Higher Education,
Fort St.George,
Chennai-600 009.
 - 2.The Director of Collegiate Education,
College Road, Chennai-600 006.
 - 3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli,
Tirunelveli District-627 007.
- ... Petitioners/Appellants/Respondents

Vs.

- 1.Gerald Selvaraja
Managing Trustee cum Chairman
Nesamony Memorial Trust,
Kollanvilai, Karungal-629 157
Kanyakumari District.

Now residing at Macomb, Michigan, U.S.A.
Represented by his Power of Attorney Holder,
Mr.Davy Christopher

..Respondent/Respondent/Petitioner
- 2.Manonmanian Sundaranar University,
Rep by its Registrar, Abishekapatti,
Tirunelveli, Tirunelveli District.

..Respondent/Respondent/4th Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.8694 of 2016 dated 22.09.2017.



Prayer in WP (MD) No. 8694/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue an appropriate Writ, Order or Direction in the nature of Writ of Certiorari Mandamus calling for the records relating to the impugned order issued by the 1st respondent State Government in Letter(d). No.125 dated.13.04.2016 quash the same and further Direct the 1st respondent Government herein to recognise forthwith the status of the petitioner as a Christian Religious Minority Educational Agency for running the proposed college namely Bethlahem College of Arts and Science Karungal, Kanyakumari District.

For Appellants : Mr.S.Angappan
Government Advocate

For R1 : Mr.Ragathish Kumar
for M/s.Isacc Chambers

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Angappan, learned Government Advocate appearing for the appellants and Mr.Ragathish Kumar, learned counsel appearing for the first respondent.

2.This appeal is directed against the order dated 22.09.2017 passed in W.P(MD).No.8694 of 2016.

3.It is not disputed on either side that an identical issue was already decided by us in W.A(MD).No.917 of 2019 dated 12.09.2019. The operative portion of the said judgment is extracted hereunder:

*"The learned Single Bench took note of the legal position, particularly the decision in the case of **the Secretary, Immaculate College for Women vs. The State of Tamil Nadu, [2015(1)CWC 557]** and allowed the writ petition. In yet another decision, in the case of **the Secretary, State of Tamil Nadu, Department of Higher Education and two others vs. The Secretary, Rajiv Gandhi College of Arts and Science, Nemili and another** in W.A (MD).No.532 of 2017 dated 19.07.2018, an identical issue was considered and appeal filed by the Government was dismissed confirming the order passed by the learned Single Bench."*



4. In the light of the above, we find no ground to interfere with the order passed by the learned Single Bench. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (W)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The Secretary, The State of Tamil Nadu,
Department of Higher Education,
Fort St. George,
Chennai-600 009.
2. The Director of Collegiate Education,
College Road, Chennai-600 006.
3. The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli,
Tirunelveli District-627 007.

ORDER MADE IN
W.A. (MD) .No.947 of 2019
and
C.M.P. (MD) .No.8567 of 2019
18.09.2019

Ns
ES/01.10.2019/3P/4C