



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.09.2019

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THE HONOURABLE MR. JUSTICE M. SUNDAR

W.P. (MD)No.15960 of 2019

and

W.M.P. (MD)No.12668 of 2019

The Secretary,
Madonna Arts and Science College for Women,
Madurai-Rameswaram High Road,
Viraganur, Madurai-625 009,
Madurai District.

... Petitioner

vs.

1.The State of Tamilnadu,
represented 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,
Palam Station Road, Madurai-625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent herein to recognise the status of the petitioner's college namely, Madonna Arts and Science College for Women, Madurai-Rameswaram High Road, Viraganur, Madurai District as a Christian Religious Minority Educational Institution and issue appropriate orders to that effect forthwith.

For Petitioner : Ms.A.Amala

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader
for Mr.Aayiram K.Selvakumar
Additional Government Pleader



ORDER

Ms.A.Amala, learned Counsel on record for the writ petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader representing Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing on behalf of all the three respondents are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up for disposal.

3. Prayer in the writ petition is to mandamus the respondents to recognise writ petitioner's educational institution as a Christian Religious Minority Educational Institution. However, at the hearing, prayer was abridged and it was submitted that writ petitioner has made an application in this regard to the respondents on 10.05.2019. (page No.52 of the typed set of papers forming part of the case file before this Court)(hereinafter, referred to as 'said application' for the sake of brevity, convenience and clarity) and it would suffice if there is a direction for disposal of said application.

4. Vide said application, writ petitioner has made a request to the respondents to recognise the educational institution of writ petitioner as Christian Religious Minority Educational Institution particularly in terms of Article 30(1) of the Constitution of India.

5. Furthering her submissions in this direction, learned Counsel for writ petitioner submits that there is a Government Order, which has been made by the Government of Tamil Nadu being G.O.Ms.No.270, dated 17.06.2019, wherein *inter alia* parameters and determinants had been adumbrated for dealing with applications in the nature of said application and for taking a decision on applications in the nature of said application.

6. It is further submitted that there was inaction qua the said application necessitating a reminder dated 03.07.2019. It is also submitted that post reminder, the respondents 2 and 3 had sought for certain documents for the purpose of examining said application and it is also submitted that writ petitioner responded suitably.

7. In the light of abridged prayer now, this Court deems it appropriate not to express any view or opinion on the merits of the matter.

8. In the light of narrative thus far, the following order is passed:

(a) This Court is informed that first respondent is the authority who shall take decision on the said



application, i.e., application dated 10.05.2019 and therefore, the first respondent shall take a decision on the said application *inter alia* in tune with G.O.Ms.No.270, dated 17.06.2019 as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order;

(b) In the course of processing the said application, it is open to the respondents to ask for further documents if it becomes necessary; and

(c) The decision taken by the first respondent in the aforesaid manner shall be communicated to writ petitioner under due acknowledgement within seven working days from the date of decision.

9. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Secretary,
State of Tamilnadu,
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,
Palam Station Road, Madurai-625 002.

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W.P. (MD)No.15960 of 2019
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CS(19.09.2019) 3P 5C