



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.917 of 2019

and

C.M.P. (MD)No.8290 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.

... Appellants

Vs.

1.Manaing Trustee cum Chairman,
Christ the King Pentecost Mission Trust,
Elimpuram House, Nagachan Vilai,
Pincode-629 168,
Kanyakumari District.

2.Manonmaniam Sundaranar University,
Rep. by its Registrar, Abishekapatti,
Tirunelveli, Tirunelveli District.

..Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the order dated 22.09.2017 made in W.P.(MD) No.20586 of 2016 on the file of this Court.

Prayer in WP(MD). 20586/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 1st respondent State Government in Letter (D) No 284 dated 02.08.2016, quash the same, and further Direct the 1st Respondent State Government herein to recognise forthwith the status of the petitioners as a Christian Religious Minority Educational Agency for running the proposed college namely, Royal College of Arts and Science, Thailapuram, Nazareth, Pidanarei village, Thoothukudi District.



For Appellants

: Mr.A.K.Baskara Pandian
Special Government Pleader

For Respondents

: Mr.Ragadeesh Kumar

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JUDGMENT

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

Heard Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the appellants and Mr.Ragadeesh Kumar, learned counsel appearing for the respondents.

2. This appeal by the Government is directed against the order in W.P.(MD)No.20586/2016

3. The said writ petition was filed by the first respondent trust seeking to quash the order passed by the first appellant, dated 02.08.2016 and to direct the first appellant to recognize the status of the first respondent as Christian Religious Minority Educational Agency for the purpose of establishing an Arts and Science College in Tuticorin District.

4. 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.

5. 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 connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1.The 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.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-86494[F] dated 13/09/2019
)

W.A. (MD) No. 917 of 2019

12.09.2019

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