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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5186 of 2019

and

W.M.P.Nos.5894 & 5896 of 2019

Good Shepherd Convent  
Represented by its Secretary  
Good Shepherd Convent  
32, College Road,  
Chennai-600 006,  
Chennai-District.

...Petitioner

Vs

- 1.The Government of Tamil Nadu,  
Represented by the Principal Secretary,  
Department of School Education,  
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.
- 3.The Director of Matriculation Schools,  
DPI Campus, College Road,  
Chennai-600 006.

...Respondents

W.P.NO.5192 of 2019

and

W.M.P.Nos.5900 & 5901 of 2019

The Capuchin Friars Minor Society,  
Represented by its Secretary & Treasurer,  
Gnanalaya,  
26, Birds Road,  
Trichy-620 001,  
Trichy District

...Petitioner

Vs



1.The Government of Tamil Nadu,  
Represented by the Principal Secretary,  
Department of School Education,  
Fort St. George, Chennai-600 009.

2.The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.

3.The Director of Matriculation Schools,  
DPI Campus, College Road,  
Chennai-600 006.

...Respondents

W.P.NO.5199 of 2019  
and  
W.M.P.Nos.5905 & 5907 of 2019

St. Joseph's Development Trust,  
Represented by its Managing Trustee,  
St. Vincent Pallotti Matriculation Higher Secondary School,  
Annai Theresa Nagar,  
Dharga Road,  
Zamin Pallavaram,  
Chennai-600 117,  
Kancheepuram District.

...Petitioner

Vs

1.The Government of Tamil Nadu,  
Represented by the Principal Secretary,  
Department of School Education,  
Fort St. George, Chennai-600 009.

2.The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.

3.The Director of Matriculation Schools,  
DPI Campus, College Road,  
Chennai-600 006.

...Respondents



W.P.NO.5208 of 2019  
and  
W.M.P.Nos.5915 & 5917 of 2019

The R.C. Diocese of Sivagangai,  
Represented by its Secretary,  
Bishop's House,  
5/59, Britto Nagar, Melur Road,  
Sivagangai District,  
Sivagangai -630 561.

...Petitioner

Vs

- 1.The Government of Tamil Nadu,  
Represented by the Principal Secretary,  
Department of School Education,  
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.
- 3.The Director of Matriculation Schools,  
DPI Campus, College Road,  
Chennai-600 006.
- 4.The Director of Elementary Education,  
DPI Campus, College Road,  
Chennai-600 006.
- 5.The Joint Director (Higher Secondary),  
DPI Campus, College Road,  
Chennai-600 006.

...Respondents

W.P.NO.5213 of 2019  
and  
W.M.P.Nos.5923 & 5925 of 2019

Society of Human Resource Development,  
Represented by its Secretary cum Treasurer,  
Pillar,  
Annai Velankanni Nagar,  
Nagamalai-Pudukottai,  
Madurai -625 019,  
Madurai District.

...Petitioner

Vs



1.The Government of Tamil Nadu,  
Represented by the Principal Secretary,  
Department of School Education,  
Fort St. George, Chennai-600 009.

2.The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.

3.The Director of Elementary Education,  
DPI Campus, College Road,  
Chennai-600 006.

4.The Joint Director (Higher Secondary),  
DPI Campus, College Road,  
Chennai-600 006.

...Respondents

PRAYER in W.P.NO.5186 of 2019

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records, pertaining to the impugned G.O.(Ms.) No.65, School Education (MS) Department, dated 05.04.2018, on the file of the 1<sup>st</sup> Respondent, in respect of Good Shepherd Matriculation Higher Secondary School, 32, College Road, Chennai-600 006, the member Educational institutions of the petitioner society as mentioned in the Annexure in the above Writ Petition and quash the same.

PRAYER in W.P.NOs.5192, 5208 & 5213 of 2019

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records, pertaining to the impugned G.O.(Ms.) No.65, School Education (MS) Department, dated 05.04.2018, on the file of the 1<sup>st</sup> Respondent, in respect of the member Educational institutions of the petitioner society as mentioned in the Annexure in the above Writ Petition and quash the same.

PRAYER in W.P.NOs.5199 of 2019

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records, pertaining to the impugned G.O.(Ms.) No.65, School Education (MS) Department, dated 05.04.2018, on the file of the 1<sup>st</sup> Respondent, in respect of St. Vincent Pallotti Matriculation Higher Secondary School, Annai Theresa Nagar, Dharga Road, Zamin Pallavaram, Chennai-600 117, the member Educational institutions of the petitioner Trust as mentioned in the Annexure in the above Writ Petition and quash the same.



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For Petitioner : Mr. Father Xavier Arulraj,  
Senior Counsel (in all Wps)

For Respondents: Ms. U. Baranidharan  
Government Advocate (in all Wps)

#### COMMON ORDER

The above Writ Petitions are filed challenging the impugned G.O (Ms) No.65, School Education (MS) Department dated 05.04.2018, on the file of the 1<sup>st</sup> Respondent and quash the same.

2. It is the case of the petitioners that minority Educational Institutions are Governed by the the Decision in TMA Pai Foundation case, as reported in (2002) 8 SCC 481. Based on the said decisions, time and again various Government Orders have been issued framing certain Guidelines for the said Institutions. Vide G.O (Ms) No.65, School Education Department dated 05.04.2018, certain additional guidelines were framed for grant of Minority Status to the Educational Institutions in and by the said G.O, the minority institutions were directed to admit not less than 50% of the students. The said G.O was put to challenge before this Court in W.P.No.23789 of 2018 etc batch and this Court vide its order dated 30.01.2019 had quashed the said G.O. It is the case of the petitioner that the petitioners institutions are also similarly placed and accordingly, the benefit of the said order are also to be extended to the petitioner. Hence the present Writ Petition is filed.

3. Learned Government Advocate appearing for the respondents submits that as against the said order passed in W.P.No.23789 of 2018, the state has preferred appeal before the Division Bench in W.A.No.3309 of 2019 and same has been admitted for hearing.

4. Learned Counsel for the petitioner submits that no Interim Orders have been granted in the said Appeal and therefore as on date the order passed in W.P.No.23789 of 2018 etc., batch is to be followed.

5. Learned Government Advocate fairly concedes that no Interim Order has been passed in the W.A.No.3309 of 2019.

6. In view of the above, the issue already having been decided, these Writ Petitions are allowed in terms of the order passed in W.P.No.23789 of 2018 which decision would always be subject to the orders that may be passed in W.A.No.3309 of 2019.



7. Accordingly, these Writ Petitions are allowed with the aforesaid directions. Consequently, the connected Miscellaneous petitions are closed.

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Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

NHS

To

- 1.The Principal Secretary,  
The Government of Tamil Nadu,  
Department of School Education,  
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.
- 3.The Director of Matriculation Schools,  
DPI Campus, College Road,  
Chennai-600 006.
- 4.The Director of Elementary Education,  
DPI Campus, College Road,  
Chennai-600 006.
- 5.The Joint Director (Higher Secondary),  
DPI Campus, College Road,  
Chennai-600 006.

+5ccs to M/s.Father Xavier Associates, SR. No.59068

+1cc to Government Pleader SR. No.59412

W.P.Nos.5186, 5192,5199,5208  
& 5213 of 2019

and  
W.M.P.Nos.5894, 5896, 5900,  
5901,5905,5907,5915,5917,5923  
& 5925 of 2019

GSM (CO)  
PR (05/01/2022)