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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.17429 of 2022

Peniel Matriculation Higher Secondary School,
represented by its Secretary, Mr.Josewin Wesley,
No.1, Selva Nagar, Pallikaranai,
Chennai, Tamil Nadu – 600 100 ... Petitioner

Versus

1. The National Commission for Minority
Educational Institutions, rep by its Secretary,
Gate No.4, 1st Floor, Jeevan Tara Building,
5, Sansad Marg, Patel Chowk, New Delhi-111 001.

2. Principal Secretary, School Education Department,
Government of Tamil Nadu, Rina Road,
Fort St.George, Secretariat,
Chennai, Tamil Naud-600009. ...
Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the first respondent to pass orders on the application of the petitioner School dated 15.02.2021 registered as Case No.104/2021forthwith by accepting the recognition order issued by the Chief Educational Officer, Chengelpet dated 08.07.2020 from LKG to Std XII for the period from 01.06.2020 to 31.5.2023.

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For Petitioner : Mr.P.Ebenezer Paul

For Respondents : Mr.K.Subbu Ramya Bharathi
CGSC
For R.1
Mr.B.Vijay,
AGP
For R.2

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to pass orders on the application of the petitioner School dated 15.02.2021 registered as Case No.104/2021 forthwith by accepting the recognition order issued by the Chief Educational Officer, Chengelpet dated 03.07.2020 from LKG to Std XII for the period from 01.06.2020 to 31.5.2023.

2. Heard Mr.P.Ebenezer Paul, learned counsel for the petitioner and Mr.K.Subbu Ramya Bharathi, learned Central Government Standing Counsel accepts notice on behalf of the first respondent and Mr.B.Vijay, learned Additional Government Pleader accepts notice on behalf of the second respondent. By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

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3.The petitioner School has applied for Minority status from the first respondent and the petitioner's application was registered as Case No.104 of 2021 dated 15.02.2021.

4. At the outset, the learned Standing Counsel appearing for the first respondent drew the attention of this Court to the proceeding dated 07.12.2021 of the first respondent, wherein, it has been observed that in the petitioner's school, out of 1165 students, 222 students are from Christian Minority Community and therefore, the petitioner was directed to file updated affiliation/recognition order issued by the State or CBSE and also submit the copy of Resolution passed by the General Body of the Society to obtain Minority Status Certificate from the first respondent.

5. Learned counsel for the petitioner would submit that the petitioner has complied with all the requirements of the first respondent, including the documents sought for by the first respondents in its proceedings dated 07.12.2021. However, the same is disputed by the learned Standing Counsel appearing for the first respondent.

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6. No prejudice would be caused to the respondents if the petitioner's application dated 15.02.2021, registered as case No.104/2021, seeking for minority status is considered on merits and in accordance with law after affording a fair hearing to the petitioner.

7. In the proceedings dated 07.12.2021, the first respondent has directed the petitioner to produce certain documents referred to supra, which according to the learned counsel for the petitioner, has already been furnished, however, learned Standing Counsel appearing for the first respondent disputes the same. It is for the petitioner to produce all the required documents, including the document sought for in the proceedings dated 07.12.2021 of the first respondent.

8. If the petitioner has already produced the said documents, there is no necessity for the petitioner School to produce them once again, however, it is for the petitioner to satisfy the requirements of the first respondent as per the proceedings dated 07.12.2021.

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9. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 15.02.2021, registered as Case No.104/2021, seeking for Minority status, on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him the right of personal hearing within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to comply with the requirements of the first respondent under its proceedings dated 07.12.2021, if not complied with already.

10. With the above direction, the writ petition is disposed of. No costs.

11.07.2022

sr
Index: Yes/No
Speaking Order/Non-Speaking Order

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ABDUL QUDDHOSE, J

sr

To

1. The National Commission for Minority
   Educational Institutions, rep by its Secretary,
   Gate No.4, 1st Floor, Jeevan Tara Building,
   5, Sansad Marg, Patel Chowk, New Delhi-111 001.

2. Principal Secretary, School Education Department,
   Government of Tamil Nadu, Rina Road,
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