



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **23.12.2022**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 34016 of 2022

St. Thomas Matriculation Higher Secondary School,
Run by St. Thomas Orthodox Syrian Cathedral
Educational and Charitable Trust,
Rep. by its Secretary Thomas Mathew
No.33/34, Stringer Street, Broadway
Chennai, Tamil Nadu – 600 108.

... Petitioner

..Vs..

1. The Secretary
National Commission for Minority Educational Institutions
Gate No.4, 1st Floor, Jeevan Tara Building,
5, Sansad Marg, Patel Chowk, New Delhi – 110 001.

2. Principal Secretary
School Education Department
Government of Tamil Nadu, Rina Road,
Fort St. George, Secretariat, Chennai,
Tamil Nadu – 600 009.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of Case No.84 of 2020 dated 02.06.2022 on the file of the first respondent and



quash the same to the extent of declaring the petitioner school as minority educational institution conditional to production of updated recognition / affiliation order issued by State Board / CBSE to the petitioner institutions. Consequently, directing the respondent No.1 to accept the certificate of Recognition issued by the Chief Educational Officer, Chennai, to the petitioner School for the purpose of issuing Minority Status Certificate.

For Petitioner	:: Mr. R. Edwin Sahayaraj
For 1 st Respondent	:: Mr. B.Rabu Manohar (SCGC)
For 2 nd Respondent	:: Mr. V.Baranidharan Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of Writ Certiorarified Mandamus seeking interference with an order in Case No.84 of 2020 dated 02.06.2022 passed by the first respondent/ the Secretary, National Commission for Minority Educational Institutions and to consequently, direct the first respondent to accept the Certificate of Recognition issued by the Chief Educational Officer, Chennai, to the petitioner School for the purpose of issuing Minority Status Certificate.



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2. The petitioner School St. Thomas Matriculation Higher Secondary School in Chennai, is run by St. Thomas Orthodox Syrian Cathedral Educational and Charitable Trust. The School was established in the year 2003 and is administered by a Christian Religious minority. They had applied for issuance of Minority Status Certificate with the first respondent on 11.12.2019. Their application was registered as Case No. 84 of 2020. The petitioner had enclosed all requisite documents along with the application to establish that they are indeed a minority school. They also enclosed a Certificate of Recognition issued by the Chief Educational Officer at Chennai. This certificate was issued on 10.02.2021 and was for the period till 17.11.2023.

3. The first respondent after due consideration of the documents, by an order dated 02.06.2022 had declared the petitioner as a Minority Educational Institution under Article 30 of the Constitution within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004. But however, they had placed a caveat that the petitioner should file an affidavit or give an undertaking that the



petitioner would not deny admission to any eligible candidate of Christian Minority Community, subject to availability of accommodation in the School and the updated recognition / affiliation issued by the State Board / Central Board of Secondary Education to the unaided petitioner institution. The petitioner has filed the present Writ Petition complaining about that particular condition requiring an affidavit to be filed.

4. Notice had been directed and Mr. B.Rabu Manohar, learned Central Government Standing Counsel entered appearance on behalf of the first respondent. Mr.V.Baranidharan, learned Additional Government Pleader entered appeared on behalf of the second respondent.

5. The facts are simple and the facts are clear. The petitioner seeks recognition as a Christian Minority Institution. It is the first respondent, who is the authority, to grant such recognition. If the petitioner seeks that particular status, they must also be prepare to admit Christian students, who belong to their own community, if they are eligible and subject to availability of accommodation. The first respondent only wanted that particular affidavit / undertaking to be submitted. They wanted that



affidavit to be submitted within a period of three months. The starting period of the three months commenced on 08.06.2022. By any mathematical calculation the period would end on 07.09.2022. The petitioner had not filed such affidavit.

6. On the other hand, on 09.11.2012 the petitioner had presented the present Writ Petition before this Court.

7. When a condition is imposed as a pre-condition requisite for issuance of a certificate, unless those conditions are challenged as being ultravires, this Court cannot sit as an appellate authority over the requirement of the first respondent and examine whether those conditions are reasonable or required.

8. A cursory glance of the condition makes it very clear what that the first respondent seeks is only reasonable. It is for the petitioner, who seeks recognition as Christian Minority Institution to undertake to admit students, who profess Christian religion. There is no other condition imposed. The first respondent wanted the petitioner to admit eligible Christian students if there are vacancies in the petitioner institution.



9. I find no reason to justify the petitioner approaching the Court.

They should have filed the necessary affidavit. This Court had therefore gave an option to the petitioner to file an affidavit. In order to that extent was issued on 20.12.2022.

10. Today a copy of an affidavit said to have been filed by the petitioner has been presented. The deponent of the affidavit, Thomas Mathew, Secretary of St. Thomas Orthodox Syrian Cathedral Educational and Charitable Trust, had stated is as follows:-

“I hereby undertake that St. Thomas Matriculation Higher Secondary School, 33/34, Stringer Street, Broadway, Chennai, Tamil Nadu shall admit all eligible students from the Christian Minority Community. I further state that this institution shall not deny admission to any eligible students from the Christian Community.”

11. I am hopeful that this affidavit satisfies the condition required by the first respondent.



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12. It is however pointed out by Mr.B.Rabu Manohar that the affidavit had been filed after the time limit fixed for filing such an affidavit. I would however grant that particular concession to the petitioner.

13. They had actually filed the affidavit and have undertaken to admit eligible Christian students to their institution. Therefore, I would direct the first respondent should take this affidavit on their Board and provided all other conditions are satisfied, which this Court presumes have been, grant recognition to the petitioner as a Christian Minority Status to the petitioner school. The first respondent may pass a rectified order in case No. 84 of 2002 on or before 31.01.2023.

14. Writ Petition stands disposed. No costs.

23.12.2022

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



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C.V.KARTHIKEYAN, J.,

vsg

To

1. The Secretary
National Commission for Minority Educational Institutions
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