



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16649 of 2019 and
W.M.P.(MD)No.13281 of 2019

Sowdambigai Higher Secondary School
and Elementary School,
Rep. by its President of the School Committee,
M.Manisankar,
S/o.M.Mallaiyasamy,
Allampatti,
Virudhunagar – 626 001,
Virudhunagar District.

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 9.
2. The Director of School Education,
O/o.The Director of School Education,
DPI Campus, Chennai -6.
3. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records pertaining to the impugned Government Order in



G.O.(Ms) NO. 15 dated 19.01.2009 on the file of the respondent No.1 and quash the same as illegal in so far as restricting the minority status of the petitioner's school for a period of 5 years is concerned.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.D.Sadiq Raja,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner was declared as linguistic minority vide G.O.(Ms)No.15 School Education (X2) Department dated 19.01.2009. The grievance of the petitioner is that the status should not be restricted to five years.

3. This issue is no longer *res integra*. The Hon'ble Division Bench in the decision reported in **(2013) 8 MLJ 509 (The Secretary, Jeyaraj Annapackiam College for Women (Autonomous) Vs. State of Tamil Nadu, Represented by its Secretary and Others)** held that the minority status



given to the appellant will hold good without any restriction period. However, if the respondents are able to find any change in the constitution of educational agency or if the institution is run contrary to the memorandum of Association / Bye-laws of the Society, it is open to the Government to issue notice and take appropriate decision in accordance with law.

4. The order impugned in the writ petition is set aside. This writ petition stands allowed on the same lines. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2022

Index : Yes / No
Internet : Yes/ No

PMU



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W.P.(MD)NO.16649 OF 2019

G.R.SWAMINATHAN,J.

PMU

To:

1. The Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 9.
2. The Director of School Education,
O/o.The Director of School Education,
DPI Campus, Chennai -6.
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