



W.P(MD)No.13092 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13092 of 2015

and

M.P(MD)No.1 of 2015

The Correspondent,
St.Anne's Jeyaraj Chellathurai,
Matriculation School,
Nanjapuram,
Periyakulam,
Theni District-625 601.

... Petitioner

Vs.

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

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

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

4.The Inspector of Matriculation Schools,
Dindigul District.

... Respondents

(Cause title amended vide Court order, dated 22.11.2022, in M.P(MD)No.2 of 2015 in W.P(MD)No.13092 of 2015)



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PRAYER : Writ Petition 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 proceedings issued by the third respondent Director of Matriculation Schools, Chennai in Oo.Mu.No.177/A1/2015, dated 28.03.2015, quash the same and further direct the first respondent State Government to recognize forthwith the status of the petitioner-School namely, St.Anne's Jeyaraj Chellathurai Matriculation School, Nanjapuram, Periyakulam, Theni District as a Christian Religious Minority Education, Institution.

For Petitioner : M/s.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chambers

For Respondents : M/s.S.Kameswaran
Government Advocate

ORDER

The present Writ Petition has been filed challenging an order passed by the third respondent herein, under which, he has directed the petitioner to produce community certificate of the members of the Educational Agency.

2. According to the learned Senior Counsel appearing for the petitioner Institution, the petitioner School is one of the several Educational Institutions owned and administered by the Congregation of



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Sisters of St.Anne, Tiruchirappalli, St.Anne's Generalate, Crawford, Tiruchirappalli. According to the petitioner, it is a Religious Minority Institution in terms of Article 30(1) of the Constitution of India. He further contends that there are 213 Institutions under the said Congregation, namely, one Arts and Science College, one Engineering College, one Polytechnic College, one Industrial Training Institute, three Community Colleges, two College of Education, one Teacher Training Institution, four Technical Institutes and many other Institutions.

3. According to the learned Senior Counsel, the Society is administering the Educational Institutions and the hostels for imparting both religious and secular education for benefit of Roman Catholic Christians, and admission is not denied to others on grounds of religion, caste, race or language. The Society is the Educational Agency of all the above Educational Institutions. All the members and the office bearers of the Society are all belonging to Roman Catholic order of Christianity.



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4. When the petitioner Institution applied for grant of minority status, the present impugned order has been passed, directing the writ petitioner to produce the community certificate of all the members of the Administrative Committee of the Institution.

5. According to the learned Senior Counsel, the members of the Society are all Nuns, who have renounced the world and they are residing in the Convent. Hence, the question of obtaining the community certificate for them does not arise. That apart, the petitioner Institution is only seeking a Religious Minority Status and it does not depend upon the caste, in which the Nuns were born before their renunciation of the world.

6. Per contra, the learned Government Advocate appearing for the respondents pointed out that the Government has to follow G.O.Ms.No. 375 School Education (X1) Department, dated 12.10.1998 and G.O.Ms.No.214 School Education (X2) Department, dated 03.11.2008, before conferring minority status upon the schools. He further pointed out that as per the G.O.Ms.No.214, dated 03.11.2008, a Tahsildar has to



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submit a report to ascertain whether the Educational Institutions satisfies all the additional guidelines as prescribed in G.O.Ms.No.375, dated 12.10.1998. He further contended that community certificates are also issued to Christian individuals, indicating their community and hence, there cannot be any difficulty for the members of the petitioner Society to produce the community certificate. Hence, he prayed for dismissal of the writ petition.

7. I have carefully considered the submissions made on either side.

8. There is no dispute that the petitioner Institution has made an application for declaring themselves as a Religious Minority Institution. For declaring a particular Institution as a Religious Minority Institution, the Constitution of the Educational Agency has to be ascertained. All the members of the Educational Agency should belong to that particular religious minority. The caste of those persons is completely immaterial. That apart, a perusal of the G.O.Ms.No.375, dated 12.10.1998 and G.O.Ms.No.214, dated 03.11.2008, does not contemplate the production of community certificate of the members of the Educational Agency or



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the School Committee for declaring a particular Institution as a Religious Minority Institution.

9. In view of the above said facts, I find that the order impugned in the writ petition, in so far as it directs the petitioner Institution for production of community certificates of the members of the Society is concerned, is not legally sustainable and the same is set aside. The third respondent is directed to consider the request of the petitioner Institution for conferment of Religious Minority Status, without insisting upon the community certificate of the members of the Educational Agency. However, the official respondents are at liberty to verify the religious status of the members of the petitioner Educational Agency.

10. With the above said observation, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

22.11.2022



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Index : Yes / No

Internet : Yes / No

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To

- 1.The Secretary,
The State of Tamil Nadu,
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- 2.The Director of School Education,
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R.VIJAYAKUMAR, J.

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