



W.P(MD)No.4464 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4464 of 2015

and

M.P(MD)No.1 of 2015

Devanga Arts College,
Represented by its Secretary,
Aruppukkottai,
Virudhunagar District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Higher Education (E1) Department,
Fort St. George,
Chennai.

2.The Director of Collegiate Education,
Directorate of Collegiate Education,
9th Floor, E.V.K.Sampath Building,
College Road,
Chennai.

3.The Regional Joint Director of Collegiate Education,
D.No.30, Vaithianathiar Street,
Shenoy Nagar,
Madurai.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from insisting for periodic renewal of the linguistic minority status for the petitioner college and consequently direct the respondents to treat the petitioner college as a Linguistic Minority Educational Institution entitled to protection and Article 30(1) of the Constitution of India, in light of the order made by the first respondent in G.O.Ms.No. 409, Higher Education Department, dated 29.12.2006 and G.O.Ms.No.253 Higher Education Department, dated 19.07.2007.

For Petitioner : M/s.A.Afritha Fathima
for M/s.Ajmal Associates

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

ORDER

The present Writ Petition has been filed for a Writ of Mandamus, forbearing the respondents from insisting for periodic renewal of linguistic minority status for the petitioner College and for a consequential direction to the respondent to treat the writ petitioner College as a Linguistic Minority Educational Institution entitled to the Protection under Article 30(1) of the Constitution of India. Admittedly, the petitioner College was founded, managed and administered by a linguistic minority.



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2. The learned Counsel appearing for the petitioner submits that every time, minority status is conferred upon the writ petitioner college, only for a limited period and the respondent authorities are insisting for a renewal periodically. Hence, the present Writ of Mandamus has been filed.

3. The learned Counsel appearing for the petitioner brought to the notice of the Court that the Hon'ble Division Bench judgment of this Court reported in ***2013 (8) MLJ page 509 (Secretary, Jeyaraj Annapackiam College for Women (Autonomous), Managed by the Congregation of the Sisters of St. Anne, Tiruchirappalli Vs. The State of Tamil Nadu, Represented by its Secretary and Others)*** in paragraph Nos.6 and 7 are extracted hereunder:

"6. The reason given by the learned Single Judge for distinguishing the said judgment is that the matter is pending before the Hon'ble Supreme Court regarding the issue of grant of minority status to linguistic minorities. It is relevant to note herein that the appellant College is a religious minority institution, viz. Christian religion. It may be noted that Christians are minorities not only throughout India but also in the State of Tamil Nadu. The same is also made clear in the Government



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Order issued in G.O.Ms.No.270, Higher Education (JI) Department, dated 17.06.1998. In paragraph 8(vi), it is stated that to decide whether an applicant is a minority or not based on religion or language, the total population of that minority in the State of Tamil Nadu shall be taken into consideration and not the population of that minority in any particular region where the educational institution is situated. Therefore, it is evident that the impugned order restricting minority status which was upheld by the learned Single Judge is without noticing the said guidelines issued by the Government itself in G.O.Ms.No.270, Higher Education (JI) Department, dated 17.06.1998. It is also to be noted that the said Government Order, nowhere states that minority status can be given to a limited period. The Government is also not doubting the claim of minority status of the appellant-College. Hence the order restricting the period is without any rhyme or reason.

7. We are in entire agreement with the Division Bench judgment of this Court reported in Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal, Medical, Educational and Charitable Trust, Salem Vs. State of Tamil Nadu stated supra. Accordingly, the order of the learned Single Judge is set aside. 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



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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. In view of the above said Division Bench judgment, whenever a minority status is conferred either upon a religious minority or upon a linguistic minority, the status cannot be limited for a particular period. The status will hold good unless some changes are effected in the Educational Agency. Hence, the writ petition stands allowed in view of the Division Bench judgment. However, in case, if there is any change in the Educational Agency, the respondent authorities are at liberty to initiate appropriate action.

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

15.11.2022



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Index : Yes / No

Internet : Yes / No

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To

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R.VIJAYAKUMAR, J.

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