



W.P.(MD)No.3615 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.3615 of 2021
and
W.M.P.(MD)Nos.2932 and 2933 of 2021

The Secretary,
Madonna Arts and Science College for Women,
Madurai-Rameshwaram High Road,
Viraganur, Madurai-625 009,
Madurai District.

... Petitioner

vs.

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

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

3.The Joint Director of Collegiate Education,
Palam Station Road, Madurai-625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order issued by the 1st respondent State Government G.O. (Ms) No.135 Higher Education (E1) Department dated 25.09.2020 quash



W.P.(MD)No.3615 of 2021

the same in so far as it restricts the status of the petitioner's college namely the Madonna Arts and Science College for Women, Madurai-Rameshwaram High Road, Viraganur, Madurai-625 009 as a Christian Minority Educational Institution to a limited period of 5 years from 2020-2021.

For Petitioner :Ms.A.Amala
For Respondents :Mr.P.Thambidurai
Government Advocate

ORDER

This Writ Petition has been filed challenging the Government Order in G.O.(Ms)No.135, Higher Education (E1) Department, dated 25.09.2020 insofar as it restricted the recognition of minority status of the petitioner educational institution for five years.

2.Heard Ms.A.Amala, learned Counsel appearing on behalf of the petitioner and Mr.P.Thambidurai, learned Government Advocate appearing on behalf of the respondents.

3.The case of the petitioner is that petitioner college is administered by the Congregation of the Immaculate Conception Society,



W.P.(MD)No.3615 of 2021

Madurai. The first respondent, after being satisfied with the minority status of the college, issued orders recognising the status from the year 2020-21 through G.O.(Ms)No.135, Higher Education (E1) Department, dated 25.09.2020. The grievance of the petitioner is that the minority status was restricted for a period of five years. The same has been put to challenge in the present Writ Petition.

4.The issue involved in the present Writ Petition is squarely covered by the earlier judgments of this Court, wherein, it has been categorically held that the Government cannot restrict the period of minority status for five years. Useful reference can be made to the judgment of the Division Bench of this Court in W.A(MD)No.38 of 2018, dated 05.01.2018 and the relevant portions are extracted hereunder:

“10.In the decision in the Secretary, Jeyaraj Annapackiam College for Women Autonomous Vs. State of Tamil Nadu rep. By its Secretary and others reported in 2013 Vol 8 MLJ 509, the Division Bench of this Court has considered the earlier decision, which has been subsequently followed in two other decisions, which in turn make a reference as well as to the earlier decision in C.S.L Institute of Technology, Thovalai Vs. The Government of Tamil Nadu reported in 2004 WLR 202 and in Asan Memorial Association Vs. The State of Tamil Nadu reported in 2009 (6) CTC 579 and found that in the guideline issued by the



WEB COPY



W.P.(MD)No.3615 of 2021

Government in G.O.Ms.270, Higher Education (J1) Department, dated 17.06.1998, nowhere, it has been stated that the minority status can be given for a limited period.

11.In the considered opinion of this Court, the said legal position is in subsistence, even as on today and the issue arose for consideration in this Writ Appeal is no longer res integra, in the light of the settled legal position. The learned Single Judge has correctly applied the same and quashed the impugned G.O in so far as restricting the minority status for a limited period of five years.”

5.In view of the above, G.O.(Ms) No.135, Higher Education (E1) Department, dated 25.09.2020 insofar as it restricted the minority status for a limited period of five years is hereby quashed and this status shall be continued without imposing any restrictions.

6.In the result, this Writ Petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

28.11.2023

cmr

4/6



W.P.(MD)No.3615 of 2021

To

1.The Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort St.George,Chennai-600 009

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

3.The Joint Director of Collegiate Education,
Palam Station Road, Madurai-625 002.



WEB COPY



W.P.(MD)No.3615 of 2021

N.ANAND VENKATESH, J.

cmr

W.P.(MD)No.3615 of 2021

28.11.2023