



W.P(MD)No.5863 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5863 of 2019

and

W.M.P.(MD)No.4688 of 2019

The Manager,
High School, Higher Secondary School
Teacher Training Institute and Special School,
CSI Thoothukudi Nazareth Diocese,
Caldwell Higher Secondary School Campus,
Beach Road, Thoothukudi 628 001.

... Petitioner

Vs.

- 1.The Director of School Education,
Directorate of School Education,
DPI Complex College Road, Chennai.
- 2.The Chief Educational Officer,
Thoothukudi District,
Chena.Vana.Government,
Higher Secondary School Campus,
Thoothukudi.
- 3.The District Educational Officer,
Thoothukudi Educational District,
Pudukkottai, Thoothukudi District.
- 4.The District Educational Officer,
Tiruchendur, Thoothukudi District.



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5.The District Educational Officer,
Kovilpatti, Thoothukudi District.

6.D.I.Chelladurai
(R6 is impleaded vide order dated 23.03.2023
in W.M.P.(MD)No.6562 of 2019)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to grant approval to the appointments made by the petitioner or his approved correspondents and managers, without insisting on fresh order declaring the minority status of CSI Thoothukudi Nazareth Diocese.

For Petitioner : no appearance

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader for R1 to R5

: Mr.R.Maheswaran for R6

ORDER

The learned counsel appearing for the petitioner reported no instructions. After going through the materials on record and the submission advanced by the learned Additional Government Pleader and also the counter affidavit filed by the department, I am satisfied that the second part of the prayer has to be allowed.



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2. The petitioner is an institution run by CSI Thoothukudi Nazareth Diocese. Admittedly, CSI Tirunelveli Diocese has been recognized as a minority institution by the Government. CSI Thoothukudi Nazareth Diocese was a part of the CSI Tirunelveli Diocese and subsequently, on account of bifurcation, it came into being on its own. It is obvious that CSI Thoothukudi Nazareth Diocese is only a bifurcated part of CSI Tirunelveli Diocese. It is asserted in the affidavit filed in support of the writ petition that minority grant is continued to be paid by the Government for the institutions run by the CSI Thoothukudi Nazareth Diocese. My attention is drawn to G.O.Ms.No.36, Higher Education (E1) Department, dated 17.02.2016, whereby Religious (Christian) Minority Status has been conferred to Nazereth Margoschis College at Pillaiyanmanai, Thoothukudi. The said institution is run by CSI Thoothukudi Nazareth Diocesan Trust Association.

3. Since the petitioner is also identically placed, there is no need for the petitioner to obtain a fresh declaration from the Government. So long as the management of the petitioner association continues to remain what it is, the Government will treat it as a Christian Religious Minority Institution. The respondents shall not insist on any fresh order for declaring the minority



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status of CSI Thoothukudi Nazareth Diocese. The first part of the writ prayer is for directing the respondents to grant approval to the appointments made by the petitioner. This is too general a prayer. Any case for grant of approval will have to be examined on a case to case basis. Therefore, I decline to grant first part of the prayer. I however direct the respondents to consider any application for approval of the appointment made by the petitioner without insisting on any fresh order declaring minority status of CSI Thoothukudi Nazareth Diocese.

4. The Writ Petition is partly allowed on these terms. No costs.
Consequently, connected miscellaneous petition is closed.

28.03.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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