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W.P.No.22448 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22448 of 2021

Morning Star Matriculation School,
Molasur, Sunguvarchatram P.O.,
Kancheepuram District,
Tamil Nadu – 602 106.

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Through its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.

2. Directorate of Matriculation Schools,
Through its Director,
DPI Campus,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the petitioner school is minority educational institution and that no further minority status certificate is liable to be obtained and produced by it, and direct the respondents to treat the petitioner school as minority educational institution for availing the rights and privileges.



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For Petitioner : Mr.S.M.Vivek Anandh

For Respondents

For R1 & R2 : Mrs.P.Rajarajeswari
Government Advocate

ORDER

This writ petition has been filed for declaration, declaring that the petitioner school is minority educational institution and direct the respondents to treat the petitioner school as minority educational institution for availing the rights and privileges.

2. The case of the petitioner is that the petitioner school is a religious minority educational institution established by the Regular Tertiary Franciscan Sisters of Our Lady of Bon Secours Society. It was running classes from L.K.G to fifth standard, till the year 2018, in the name of Morning Star Nursery and Primary School. Thereafter, the National Commission for Minority Educational Institution Act, 2004 came into force, thereby establishing the National Commission for Minority Education Institution with an object to address the issues faced by the minorities in establishing and running their own educational institution, despite the constitutional guarantees accorded to them.



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3. Accordingly, the petitioner on 12.08.2014, applied for minority status certificate with National Commission for Minority Education Institution and the petitioner was granted minority status on 12.10.2015. In the year 2019, the petitioner school was upgraded and added upto class eight. Therefore, once again applied with second respondent for recognition of the same and the petitioner school was granted temporary recognition. However, the respondents in view of the upgradation of the school, sought a fresh minority status certificate for granting recognition. Hence, the present writ petition.

4. Heard the learned counsel appearing on either side and perused the material places before this Court.

5. On perusal of counter filed by the second respondent revealed that on termination of the renewal of recognition on 31.03.2020 for L.K.G. to fifth standard, the school management had applied for opening of a new matriculation school. On receipt of the said application, the District Educational Officer inspected the school and submitted proposal to the Chief Educational Officer. On perusal of the claim revealed that the petitioner nowhere stated that it is a minority school and



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the minority status obtained for the nursery and primary school will apply for the matriculation school, which is proposed to be opened.

6. Further as per the report of the District Educational Officer, the petitioner school is not a minority school. Further if at all the petitioner school to be certified as minority school, it has to apply before the Backward Classes, Most Backward Classes and Minorities Welfare (MW1) Department, as per the G.O.Ms.No.109 dated 29.12.2022. As per the said order, the applicant once again applied for minority certificate and the Director of Minorities Welfare shall issue minority status certificate to the educational institutions.

7. Therefore, the prayer sought for in this writ petition cannot be granted and the writ petition is devoid of merits and liable to be dismissed. However, the petitioner is at liberty to apply before the Backward Classes, Most Backward Classes and Minorities Welfare (MW1) Department, for issuance of minority status certificate in the manner known to law.

8. With the above directions, the Writ Petition stands



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dismissed. There shall be no orders as to costs.

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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts
To

1. The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai – 600 009.
2. The Director,
Directorate of Matriculation Schools,
DPI Campus,
Chennai – 600 006.



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G.K.ILANTHIRAIYAN. J.

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