



W.A.(MD)No.1090 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.1090 of 2014

Annai College of Engineering & Technology,
Rep. by the Chairman,
Anakudi Road,
Kovilacheri,
Kumbakonam,
Thanjavur District.

... Appellant

vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
St. George Fort,
Chennai – 600 009.
- 2.The Commissioner of Technical Education,
Directorate of Technical Education,
Chennai – 600 025.
- 3.Anna University,
Rep. by its Registrar,
Chennai.



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4.The Secretary to Government,
National Commission for Minority Educational Institutions,
1st Floor, Jeevan Tara Building,
5, Sansad Marg Patel Chowk,
New Delhi – 110 001.

(R4 is *suo motu* impleaded as per order of this Court,
dated 27.07.2017)

5.The Secretary,
Department of Backward Classes,
Most Backward Classes and Minorities Welfare Department,
Secretariat, Chennai.

... Respondents

(R5 is *suo motu* impleaded as per order of this Court,
dated 20.07.2023)

PRAYER : Writ Appeal filed under Clause 15 of the Letters of Patent, against the
order dated 23.07.2014, made in W.P.(MD)No.10065 of 2014.

For Appellant : Mr.M.Ajmalkhan
Senior Counsel
for M/s.Ajmal Associates

For R1, R2, R4 & R5 : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.D.Sadiq Raja
Additional Government Pleader

For R3 : No Appearance



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JUDGMENT

**DR.G.JAYACHANDRAN, J.
and
C.KUMARAPPAN, J.**

This Writ Appeal is preferred aggrieved by the order dated 23.07.2014, passed in W.P.(MD)No.10065 of 2014.

2. The appellant is an Educational Institute and is enjoying the status of minority educational institution, pursuant to the certificate issued by the National Commission for Minority Educational Institution, New Delhi. However, when a request was made by the appellant to the Government of Tamil Nadu to treat them as a minority educational institution based on the service certificate given by the National Commission for Minority Educational Institution and extend the privileges under Article 30(1) of the Constitution of India, the same was declined by the State. Hence, the Writ Petition came to be filed, seeking Mandamus to direct the respondents to treat the appellant Institute as a minority educational institution. The said Writ Petition was dismissed on 23.07.2014 on the ground that determination of minority status under Article 30(1) of the Constitution of India is a power vested with the State and not with the National Commission for



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Minority Educational Institution. However, there are conflict of decisions in this regard and the latest judgment of the Hon'ble Supreme Court has clarified, by following the earlier judgments in **T.M.A. Pai Foundation and others vs. State of Karnataka and others** reported in **2002 (8) SCC 481** and **Sisters of St. Joseph of Cluny vs. State of West Bengal and others** reported in **2018 (6) SCC 772**, stating that the National Commission for Minority Educational Institution is vested with the original power of declaring minority status of Trust/Institution and therefore, the present Writ Appeal is filed by the aggrieved writ petitioner.

3. Pending appeal, the State has considered the representation of the appellant, vide proceedings, dated 05.08.2023, in R.C.No.B4/2928/2023. The appellant institution has been conferred with minority status for a period of five years commencing from the academic year 2023-2024 subject to certain conditions.

4. In the light of the above proceedings, this Court is of the view that nothing survives in this Writ Appeal. Hence, this Writ Appeal is disposed of. Any other legal issue pertaining to the power of issuing minority status, is left



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open subject to the outcome of the reference made by the learned Judge in W.P. (MD)No.16339 of 2021 and also the outcome of the case pending before the Hon'ble Supreme Court in Writ Petition (Civil) No.836 of 2020, filed by Ashwini Kumar Upadhyay against the Union of India and others. No costs.

Index : Yes / No
NCC : Yes / No
smn2

[G.J., J.] [C.K., J.]
04.01.2024

To

- 1.The Secretary,
State of Tamil Nadu,
Department of Higher Education,
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Chennai – 600 009.
- 2.The Commissioner of Technical Education,
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- 3.The Registrar,
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