



WP No. 17865 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MR.JUSTICE **C.KUMARAPPAN**

WP No. 17865 of 2024

AND

WMP NO. 19602 OF 2024, WMP NO. 19603 OF 2024

1. The Secretary
Idhaya Engineering College For
Women, Nainarpalayam Road,
Chinnasalem,
Villupuram District-606201

Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep By Its Secretary, Department Of
Higher Education, Fort St.George,
Chennai-600 009

2.The Commissioner / Director Of
Technical Education
Directorate Of Technical Education,
Guindy, Chennai-600 025

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, calling for the records relating to the impugned order issued by the 1st respondent State Government in GO(1D)No.113, Higher Education (J2) Department dated 30.4.2021 Quash the same in so far as it restricts the status of the petitioner's college as a Christian Minority Educational Institution to a limit period of 5 years from 2018-2019 to 2022 -2023.



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For Petitioner(s): Ms.H.Mary Sowmi Rexi
For M/s.Isaac Chambers

For Respondent(s): Mr.Arumugam, Govt.Advocate
For R1 and R2

ORDER

The instant writ petition has been filed to call for the records relating to the impugned order issued by the 1st respondent State Government in GO(1D)No.113, Higher Education (J2) Department dated 30.4.2021 Quash the same in so far as it restricts the status of the petitioner's college as a Christian Minority Educational Institution to a limit period of 5 years from 2018-2019 to 2022 -2023.

2. Heard Ms.H.Mary Sowmi Rexi, learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate appearing for the respondents.

3. The learned counsel for the petitioner would submit that the petitioner-Institution is recognized as a Christian Religious Minority Educational Institution vide order dated 24.09.1976 made in WP.No.652 of 1975. It is the submission of the petitioner that the Government of Tamil Nadu also recognized the institution as minority institution vide proceedings of the Director of School Education dated 20.11.1976. The learned counsel would further submit that the petitioner-College was



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established in the year 2001 and ever since the establishment has been running the College for the welfare of the Rural women and that the majority of the students hails from the lower economic strata and belongs to Minority community. It is the further submission that the approval of the petitioner college has been time to time renewed. The learned counsel would further submit that vide G.O.Ms.No.180 dated 11.06.2002, the Government has given minority status for the petitioner's College for the period 2002-2003 and the same was extended time to time. Vide Letter No.199 dated 28.08.2009, the petitioner Institution's minority status was extended upto 2012. In G.O.Ms.No.113 dated 30.04.2021 the minority status was extended to 2022-23. It is the specific submission of the petitioner that when the petitioner-institution was already declared as a Minority Institution, such declaration should not be for a specified period and it should be a perpetual one, till such institution fulfilled the conditions as a minority institution. The learned counsel would also rely upon the judgment of this Court in **Secretary Vs. Jeyaraj Annapackiam College for Women (Autonomous)** reported in **2013 8 MLJ 509** and the Division Bench judgment of this Court in **WA.NO.SR7173 of 2019 [The State of Tamil Nadu Vs. Syed Ammal Engineering College]**. Hence, prayed to allow the writ petition.

4. Per contra, the learned Government Advocate on written instructions from the Commissioner of Technical Education would submit that the minority status of the petitioner-Institution was conferred



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originally for the period 2002-03 based upon the G.O.Ms.No.270 dated 17.06.1998 and the same was time to time extended and as of today, the minority status of the petitioner-institution was limited up to the period 2023. It is the specific submission of the learned Government Advocate that they are bound to verify whether the institution will maintain the minority status as per the guidelines of the Government in G.O.Ms.No.17 dated 29.12.2022. It is the further submission of the learned Government Advocate that if the petitioner-institution satisfies the conditions stipulated in G.O.Ms.No.109 dated 29.12.2022, then the petitioner-institution will be conferred with permanent minority status. Hence, prayed to dismiss the present writ petition.

5. I have given my anxious consideration to either side submissions.

6. The issue involved in the present case is, whether the respondent can issue any restriction in respect of the minority status given to the petitioner-institution? The facts involved in this case are not in serious dispute. The only prayer sought for by the petitioner is to quash the minority status of the petitioner-institution, so far it restricts the statute for 5 years between 2018-19 to 2022-23 in G.O.Ms.No.113 dated 30.04.2021. In this connection, the learned counsel draw the attention of this Court about the Division Bench judgment of this Court in **Jeyaraj Annapackiam's** case [cited supra], wherein this Court, after following



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the judgments of the **Secretary, Loyola College Vs. The State of Tamil Nadu** reported in **LNIND 2012 MAD 3839** and **Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal Medical, Educational and Charitable Trust, Salem Vs. State of Tamil Nadu** reported in **(2001) 3 MLJ 433**, has ultimately held that the minority status given to the institution will hold good without any period restriction. However, a liberty was given to the respondent to issue notice and take appropriate decision if they come across change in the Constitution of the Educational Agency or if the institution is run contrary to the Memorandum of Association/Bye-Laws of the Society. In this connection, it is appropriate to extract paragraph 7 of the above judgment:-

"7. We are in entire agreement with the Division Bench judgment of this Court reported in **Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamingal, Medical, Educational and Charitable Trust, Salem v. 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 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."

7. The **Jeyaraj Annapackiam's** case [cited supra] was subsequently followed in the judgment of this Court in **WA.No.1130 of 2013** dated **11.09.2017** [**The State of Tamil Nadu Vs.**



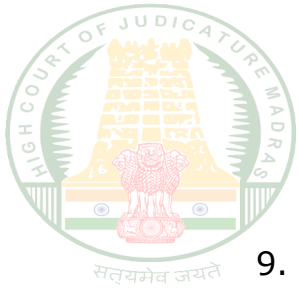
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Secretary/Correspondent, Loyola College (Autonomous)]. Even in

yet another Division Bench Judgement in **Syedammal Engineering College's** case [cited supra], after tracing history of the rights and privileges of the minority institution as mandated under Article 30 of the Constitution of India, vide order dated 13.08.2020, has held that the minority status is not something akin to the extension of a beneficial social scheme which may require a periodical physical verification of the living status or the like a renewal of a driving licence. on the other hand, such status is protected as a fundamental right under Article 30 of the Constitution of India. For ready reference, this Court deems it appropriate to extract paragraph 24 of the judgment:-

"24. It has to be kept in mind that in such matters, one is dealing with fundamental rights guaranteed under Part III and not with a lease or a privilege at the pleasure of the Government. A periodical renewal of a Certificate by limiting its validity may not be necessary for an existing status of minority protected as a fundamental right under Art.30 of the Constitution of India, it is not something akin to the extension of a beneficial social scheme which may require a periodical physical verification of the living status of a human being or like renewal of a gun licence which is also a privilege, or in the like manner a driving licence. The principles of administrative law, therefore, while being pressed into service, in the mechanism of granting of certificates and its continuance or otherwise have to be subservient to the constitutional mandate preserved under Art.30 of the Constitution of India."

8. Therefore, from the above detailed discussion, it is apparent that restricting the minority status up to 2023 is contrary to Article 30 of the Constitution of India. Hence, this Court finds justification in the submissions made by the learned counsel for the petitioner.



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9. In the result, this writ petition stands allowed and the GO(1D)No.113, Higher Education (J2) Department dated 30.4.2021 is hereby quashed insofar as it restricts the status of the petitioner-College as a Christian Minority Educational Institution to a limited period of 5 years from 2018-2019 to 2022 -2023. There shall be no order as to costs. Consequently, connected WMPs are also closed.

19-08-2025

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Index:Yes
Speaking order
Internet:Yes
Neutral Citation:Yes

To

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Rep By Its Secretary, Department Of
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