



W.P(MD)No.15789 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.15789 of 2018

and

W.M.P(MD)Nos.14140 and 14141 of 2018

M.I.Ahamed Yasin Educational and Charitable Trust,
rep. by its Chairman,
D.No.729, 6th Cross, 7th Street,
Kamaraj Nagar,
Melakavery Post,
Kumbakonam,
Thanjavur District.

..Petitioner

Vs

1.The State of Tamil Nadu,
rep. by its Secretary,
Department of Agriculture,
Fort St. George,
Chennai.

2.The Tamil Nadu Agricultural University,
Rep. by its Registrar,
Coimbatore – 641 003.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned proceedings issued by the 2nd respondent in his proceedings in No.E1/NCAT/03184/2016 dated 22/07/2016 and quash the same as illegal in so far as it interferes with the petitioner's right to admit students of their choice by requiring the petitioner to admit students belonging to Muslim Minority Community alone to 50% of sanctioned strength is concerned



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For Petitioner : Mr.H.Jasima Yasmin for
M/s Ajmal Associates

For Respondents : Mr.P.T.Thiraviyam
Govt. Advocate (for R1)

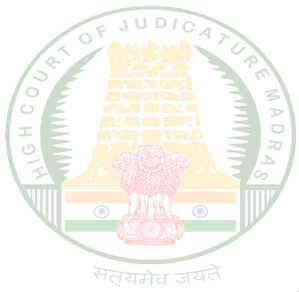
Mr.A.Thirumurthy
Standing Counsel (for R2)

ORDER

This writ petition has been filed challenging the impugned proceedings issued by the 2nd respondent in his proceedings in No.E1/NCAT/03184/2016 dated 22.07.2016 as illegal insofar as it interferes with the petitioner's right to admit students of their choice by requiring the petitioner to admit students belonging to Muslim Minority Community alone to 50% of sanctioned strength is concerned

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and the learned Standing Counsel appearing for the second respondent.

3. The learned counsel for the petitioner has brought to my notice that, by a common order passed by this Court in W.P.(MD) Nos.1137 and 2050 of 2020, dated 27.06.2023, a similar issue was considered. The relevant paragraphs 9, 10, and 11 of the said order read as follows:—



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9. The crux of the issue is the validity of the Government Order that had been passed as a stop~gap arrangement till the judgment of the Larger Bench of the Supreme Court and whether there has been a violation of the terms of the said Government Order, as argued. Paragraph No.6 of the Government Order reads as follows:~

“6.Pending enactment of law on issues relating to granting of minority status and decision of Supreme Court (Larger Bench) in the cases relating to minority issues, the Government have decided to dispose of the applications claiming minority status for Education Institutions, by applying the guidelines specified in Paragraph~8 below.”

10. A reading of this clearly shows that the guidelines have been framed only as a stop~gap arrangement till the decision is rendered by the Larger Bench. The Government Order is dated 17.06.1998. The Judgment of the Larger Bench in T.M.A.Pai Foundation-s case came to be passed on 31.10.2002. Therefore, with effect from the date of this judgment, the guidelines stood withdrawn. Even assuming that this Government Order continues to have the force of law. Clause 8(v) of the Government Order has not been violated. Clause 8(v) is extracted herein below:~

“(v) In the case of self~financing educational institutions imparting professional courses of education established and administered by any minority they shall admit students of that minority alone, not exceeding 50% of the sanctioned strength. If there is any vacancy not filled as above such vacancy in that 50% shall be filled up only on the basis of merit and from common merit list prepared by the competent authority.”



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11. A reading of the above clearly shows that the maximum number of seats which a minority institution could utilise for filling it up with students from the minority category is 50% of the total number of seats. However, there is no minimum cap given to this. On the contrary, it is stated that where there is a vacancy in this 50%, such vacancy can be filled up by the minority institution by selecting students from the common merit list, which is prepared by the competent authority, which in this case is the University. From a reading of the counter or the argument advanced, it is not the case of the respondents that the petitioners have taken the students outside this common merit list. The only ground which has been put forward to question the Minority Status is the fact that the number of minority students being inducted in the minority category has been low. Several factors would work towards this, minority students may opt for different colleges or for different streams, as a result of which, the number of applicants/selective candidates to be inducted in the petitioners minority institutions, would be less. Further, in the light of the judgment in T.M.A.Pai Foundation-s case the respondents cannot issue orders on the basis of G.O.(Ms)No. 270. The similar view has been taken in the order of this Court in W.P(MD) No.5175 of 2014.

4. Since the order passed in W.P(MD)No.1137 and 2050 of 2020 dated 27.06.2023 by this Court directly covers the issue in hand, the writ petition is allowed and the impugned proceedings of the second respondent in No.E1/NCAT/03184/2016 dated 22.07.2016 is set aside. The fact that this



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Government Order no longer has a force of law is evident from the fact that the Government have themselves decided to constitute an Empowered Committee for identifying institutions that have to be granted the status of minority institutions. No costs. Consequently, connected miscellaneous petitions are closed.

03.09.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn
To

1.The Secretary,
Department of Agriculture,
Fort St. George,
Chennai.

2.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore – 641 003.



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P.T.ASHA, J.

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