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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.6851 of 2017

S.Peter Raj

...Petitioner

Vs

1. The State Government of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The District Educational Officer,
Thoothukudi, Thoothukudi District.
4. The Tuticorin Diocesan Association,
(Registration No.1/1937-38),
Represented by its Procurator & Chief Functionary,
Thoothukudi District.
5. St.Mary's Higher Secondary School,
Represented by its Correspondent,
Pothakalanvilai, Sattankulam Taluk,
Thoothukudi District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus calling for the records relating to the impugned Proceedings in Na.Ka.No.3930/Aa4/2016 dated 24.02.2017 of the 3rd



respondent and to quash the same and forbearing the Respondents 1 to 3 from treating the Respondents 4 & 5 as Religious Minority Institutions and consequently, direct the Respondents 1 to 3 to treat the Respondents 4 & 5 as an aided private school within the meaning of Section 2(7) of the Tamil Nadu Recognized Private schools(Regulation) Act 1973.

For Petitioner	: M/s.I.Pon Ramkumar
For Respondents	: Mr.R.Baskaran Additional Advocate General assisted by Mr.N.Satheesh Kumar Additional Government Pleader for R1 to R3 Mr.Fr.Xavier Arul Raj Senior Counsel for M/s.V.John Kennedy for R4 and R5

ORDER

The present writ petition has been filed challenging an order dated 24.02.2017 passed by the third respondent herein wherein it is recorded that the 4th and 5th respondents institutions are minority institutions.

2. According to the learned counsel appearing for the writ petitioner, the 4th and 5th respondents have never obtained any proper order from the competent authority to declare the status as minority institution and therefore, he seeks a



direction as against the respondents 1 to 3 to treat the respondents 4 and 5 as an aided private school and not a minority institution.

3. The learned Senior counsel appearing for the respondents 4 and 5 submits that the Government of Tamil Nadu has issued G.O.(Ms).No.109, Backward Classes, Most Backward Classes and Minorities Welfare(MW1) Department, dated 29.12.2022 under which all the existing institutions have been directed to apply afresh seeking minority status. He further submits that the 5th respondent institution is going to apply as per the said Government Order.

4. The learned Additional Advocate General appearing for the respondents 1 to 3 herein submits that as on today, the 4th and 5th respondents' institution are treated as minority institutions by the State Government. However, it would depend upon the application to be made by the 5th respondent under G.O.(Ms).No.109, dated 29.12.2022. However, the continuation of the minority status will depend the order to be passed in the application to be made by the 5th respondent under G.O.(Ms).No.109 dated 29.12.2022.



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5. In view of the above said facts, this Court also would like to record that the District Educational Officer is not the competent authority to decide whether a particular institution is a minority institution or not. It is for the first respondent to decide. Therefore, any application made by the 5th respondent under the above said Government Order has to be considered by the State in accordance with law.

6. With the above said observations, this writ petition stands disposed of.

No costs.

11.12.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

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Secretariat, Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The District Educational Officer,
Thoothukudi, Thoothukudi District.



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R.VIJAYAKUMAR, J.

RJR

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