



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)No.253 of 2021 AND

C.M.P.(MD)No.805 of 2021

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
St. George Fort,
Chennai – 9.
 2. The Directorate of Collegiate Education,
College Road,
Chennai – 6.
- ... Appellants / Respondents
Vs.

The Secretary,
Sri.S.Ramasamy Naidu Memorial College,
Sattur,
Virudhunagar District.

... Respondent / Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent,
to set aside the judgment dated 07.01.2016 in W.P.(MD)No.283 of
2016 on the file of this Court.

For Appellants : Mr.T.Amjadh Khan

For Respondent : Mr.K.Ragatheesh Kumar,
for M/s.Isaac Chambers.

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**J U D G M E N T****(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard both sides.

2. The only question that calls for consideration is whether the Government was justified in restricting minority status of the respondent college for a period of five years. The Government had issued G.O.Ms.No.243, Higher Education (E1) Department dated 16.07.2007 recognising the minority status of the respondent college for a period of five years, therefrom. This restriction on the period of recognition was challenged in W.P.(MD)No.283 of 2016. The learned single Judge vide order dated 07.01.2016 allowed the writ petition in the following terms:-

“5.Accordingly, the portion of G.O.Ms.No.243, Higher Education (E1) Department dated 16.07.2007, limiting the minority status period is quashed and the minority status given to the petitioner's college will hold good without any restriction as to period. However, this Court could not preclude the Government to take action if there is 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.”



3. The Government questions the said order.

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4. We are of the view that the issue raised in this writ appeal in no longer *res integra*. The learned counsel appearing for the respondent draws our attention to the decision reported in **2023 (5) CTC 529 (Justice Basheer Ahmed Sayeed College for women (Autonomous) V. State of Tamil Nadu)**. The first question framed for consideration was whether the minority status can be granted only for a limited period. The Hon'ble Division Bench answered the issue in the following terms:-

“ 11.5. The scheme of the Act of 2004 no way envisages grant of Minority Status for a temporary period or for a restricted period. The grant of Minority Status is not for a particular tenure. The Minority Status of an Institution, accorded by the Competent Authority or the Commission, would subsist until the Commission cancels the same, as provided under Section 12-C of the Act of 2004.”

5. In the same issue, the earlier Hon'ble Division Bench vide order dated 13.08.2020 made in C.M.P.No.5028 of 2020 in



W.A.SR.No.7173 of 2019 had taken the very same issue. Paragraph

No.21 of the aforesaid order reads as follows:-

“ 21. The contention of the State that such restrictions on the period of certification of minority status is necessary to monitor in our opinion also is not logically made out, inasmuch as, the State can take appropriate steps if it finds any deviation in the status of minority or otherwise of the institution for the limited purpose of certification and recognition granted by it. However, the issuance of the certificate for five years in the present case does not indicate any reason not to continue it beyond five years. Even in the affidavit filed in support of the appeal or before the learned single Judge, no material was brought forth to even remotely suggest that the institution had violated any regulation or norms so as to disentitle it to continue to claim recognition as an institution having minority status. This is a case where there is no such material and therefore, there cannot be any justification for making a provision so as to limit recognition. On the other hand, putting a limitation would not serve any such purpose inasmuch as even during the pendency or continuance of a certificate, the State is not denuded by the power of withdrawing



any such recognition if any violation is established upon a due consideration of the facts by following the procedure prescribed by law. There is no rationale decipherable in restricting the period so as to connect it with the power of withdrawal of recognition of the State Government. If the power of the State Government can be exercised reasonably, there is no rational nexus between the object of limiting the period of certification with the object of exercising control or the power of withdrawal of recognition. The status of minority of an institution and the power to withdraw the recognition or certification though connected with each other, are differently placed. The power of withdrawal of recognition or certification is still there with the Government even if the recognition or certification is for an unlimited period. Accordingly, the limitation prescribed does not pass the test of Article 14 of the Constitution of India or reasonableness as well. Thus, the prescription of limitation of certification of minority rights guaranteed under Article 30 of the Constitution of India may not be permissible in these circumstances.”



6. In fact, the learned single Judge had only followed the decision of the earlier Hon'ble Division Bench reported in **(2013) 8 MLJ 809 (Secretary, Jeyaraj Annapackiam College V. State of Tamil Nadu)**. Paragraph No.7 of the aforesaid decision reads as follows:-

“ 7.We are in entire agreement with the Division Bench judgment of this Court reported in Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal, Medical, Educational and Charitable Trust, Sales 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. When as many as three Hon'ble Division Benches have taken the view that the minority status of the respondent college cannot be restricted for a limited period, we are of the view that there is no merit in the writ appeal. Merely because the respondent



college filed the writ petition belatedly, questioning the position will

not be different. This writ appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)

5th February 2025

NCC : Yes / No

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