

## BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2015 /

CORAM :

THE HONOURABLE MR.JUSTICE D.NARIPARANTHAMAN /

W.P (MD) No.10816 of 2015 /

and

M.P. (MD) Nos.1 and 2 of 2015 /

The Secretary, /

Holy Cross College (Autonomous)

Nagercoil - 629 004

Kanyakumari District. /

.. Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Secretary,

Department of Higher Education,

Fort St. George, Chennai - 600 009. /

2.The Director of Collegiate Education,

College Road, Chennai - 600 006. /

3.The Joint Director of Collegiate Education,

Tirunelveli Region, Tirunelveli - 627 002. /

4.The Manonmaniam Sundaranar University,

rep. by its Registrar, Abishekapatti,

Tirunelveli - 627 012. /

... Respondents

Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order issued by the 1<sup>st</sup> respondent State Government vide G.O.Ms.No.141, Higher Education (E1) Department dated 20.05.2009, and quash the same insofar as it restricts the status of the petitioner's College as a Christian Minority Educational Institution to a limited period of 5 years from 2007-2008 to 2011-2012. /

For Petitioner

: Mr. Isaac Mohanlal /

For Respondents

: Mr. Asyiram K. Selvakumar, G.A.  
for RR1 to 3 /

Mr. Mohsboob Athiff for R4

for M/S. Ajmal Associates /

## O R D E R

The petitioner is a minority institution. The writ petition is questioned G.O.Ms.No.141, Higher Education (E1) Department dated 20.05.2009 insofar as granting minority status for a limited period of five years from 2007-2008 to 2011-2012. /

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2. Heard both sides. ✓

3. According to the learned counsel for the petitioner, the minority status will hold good for ever without any restriction as to period. However, he has submitted that 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, it is open to the Government to issue notice and take appropriate action in accordance with law. ✓

4. The learned counsel for the petitioner relied on a Division Bench judgment of this Court in Secretary, Jayaraj Annapackiam College V. State of Tamil Nadu reported in (2013) 8 MLJ 809. It is useful to extract para 7 of the said judgment. ✓

"7. We are in entire agreement with the Division Bench judgment of this Court reported in Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamikal, 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." ✓

5. Accordingly, the portion of G.O.Ms.No.141, Higher Education (E1) Department dated 20.05.2009, 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. ✓

6. The writ petition is allowed to the extent above. No costs. Consequently, connected M.P. (MD) Nos.1 and 2 of 2015 are closed. ✓

Sd/-  
Assistant Registrar

//True Copy//

*Shunji 11.12.11*  
Sub Assistant Registrar *CSR*  
Madurai Bench of Madras High Court,  
Madurai.

To

1. The Secretary,  
State of Tamil Nadu  
Department of Higher Education,  
Fort St. George, Chennai - 600 009. ✓

2. The Director of Collegiate Education,  
College Road,  
Chennai - 600 006. ✓

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3. The Joint Director of Collegiate Education,  
Tirunelveli Region,  
Tirunelveli - 627 002. ✓

4. The Manonmaniam Sundaranar University,  
rep. by its Registrar, Abishekapatti,  
Tirunelveli - 627 012. ✓

+lcc to M/S. Isaac Mohanlal, Advocate in SR.No. 71592 ✓

TS/31.12.2015/3P-6C/MP-PM

W.P(MD) No. 10816 of 2015  
and  
M.P. (MD) Nos. 1 and 2 of 2015 ✓

14.12.2015 ✓



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MADRAS HIGH COURT  
MADURAI BENCH

S. R. No. .... 7.1.5.9.2 .....

Carbon Copy Application

madd. 5. / 12. 2015

Application Returned ..... 201

Application Re-presented ..... 201

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24/1/2016  
Section Officer  
C. C. C. Section