



ABSTRACT

Technical Education - Issue of conferment of minority status to Self Financing Engineering Colleges once in 5 years instead of every year from 2007-2008 - Orders - Issued.

Higher Education (J1) Department

G.O.(Ms) No.386

Dated: 11.12.2006

Read:

1. Judgement of the 11 Judges Constitution Bench of the Supreme Court of India dated 31.10.2002 in W.P.(Civil) No.317/1993 in T.M.A.Pai Foundation and others Vs. State of Karnataka and others.
2. G.O.(Ms) No.270, Higher Education, dated 17.6.1998.
3. Judgement of High Court of Madras, dated 21.11.2003 in W.P.No.12169/2001 filed by C.S.I. Institute of Technology, Thovalai.
4. Opinion of Advocate General of Tamil Nadu No.93/2006, dated 11.9.2006.

ORDER:

The 11 Judge Constitution Bench of the Supreme Court of India has delivered its judgement on 31.10.2002. While giving its orders on many issues, the Bench has said that the question of adoption of 'Indicia' for treating an Educational Institution as a minority institution will be dealt with by a regular Bench. As the 'Indicia' by a regular Bench has yet been framed, Government have been issuing orders conferring minority status to educational institutions every year, by following the guidelines issued in G.O.(Ms) No.270, Higher Education, dated 17.6.98.

2. Aggrieved by the practice of requiring the educational institutions to apply to the Government every year for renewal of minority status, the C.S.I. Institute of Technology, Thovalai filed writ petition in the High Court of Madras, praying for declaration that once the institution is granted minority status, it should become permanent and hence there is no need to apply for renewal of minority status every year.

3. The High Court of Madras in its judgement on 21.11.2003 in W.P. No.12169/2001, filed by C.S.I. Institute of Technology, Thovalai, has held as follows:

“..... Assuming that periodical check is necessary, the Government should evolve a methodology whereby renewal could be sought for once in five years or more and in such a manner that renewal should be applied for and granted at least three or four months prior to the lapse of the said period. The present requirement of annual renewal is neither reasonable nor warranted.....”

The considered opinion of the Learned Advocate General was obtained in the matter.

4. The Advocate General of Tamil Nadu in his opinion dated 11.9.2006, has stated that the order passed by the High Court is in accordance with Law. The insistence on getting yearly declaration of minority status is neither reasonable nor rational. In such circumstances, the Advocate General has said that in his considered opinion, this is not a fit case for filing a writ appeal.

5. The Government have examined the opinion of the Learned Advocate General and decided to confer minority status to Educational Institutions based on the judgement of the Hon'ble High Court, Madras. They accordingly direct that,

- (i) Minority Status, for the first time, to Self Financing Engineering Colleges may be given for five years from 2007-2008;
- (ii) For those institutions which have already been granted minority status, may be given extension of minority status for five years from 2007-2008;
- (iii) if any of the minority institutions by commission or omission of any action does anything against the minority status, the Head of Department shall bring it to the notice of the Government for the withdrawal of minority status and the Government may take further necessary action for the withdrawal of minority status after giving an opportunity to the institution concerned.

(By order of the Governor)

K.GANESAN,
SECRETARY TO GOVERNMENT.

To

The Commissioner of Technical Education, Chennai-25

The Member-Secretary, State Minority Commission, Teynampet, Chennai-18

The Secretary, Engineering Admission Committee, Anna University, Chennai-25

Copy to:

Health and Family Welfare/Agriculture/Animal Husbandry and Fisheries and Law
Departments, Chennai-9.

Office of the Hon'ble Chief Minister, Chennai-9

The Senior P.A. to the Hon'ble Minister, Higher Education/Law/
Health, Chennai-9.

Higher Education 'E' and 'A' Departments, Chennai-9

SF/SC

// forwarded / by order //

Section Officer.