Madras HC stays government order on admission in minority institutions

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The Madras High Court has stayed a state government order stipulating that all minority educational institutions should admit not less than 50 per cent of students from the minority community every year to retain the minority status.

Justice SS Sundar granted the interim stay Tuesday while admitting a petition from the Institute of the Franciscan Missionaries of Mary, by its president Rev Sr Sriyapushpam, seeking to quash the government order issued on April 5, 2018, which also fixed the upper limit of 75 per cent in respect of aided institutions.

The judge then posted the matter for further hearing after two weeks.

Referring to a Supreme Court directive, the petitioner said the top court has held that admissions in unaided minority educational institutions at school education level could not be regulated by the state government, while it could notify the percentage of the non-minority students to be admitted in the aided minority institutions.

That will be in respect to the minimum admission but never be a maximum limit.

The petitioner also noted that the apex court has time and again held that the minority institutions gain minority character because it was established and administered by the minority community and not because of the number of minority students admitted therein.

If the minority status was linked to the ratio of admission of minority students, the status would be fluctuating every year, she contended.

Moreover, there would never be certainty in the nature of the institution. That was not the intention of the founding fathers of the Constitution, the petitioner said.

The government order suffers from executive mala-fide to indirectly deprive the minority status to the educational institutions established and administered by the minority community by imposing a burdensome and impractical condition, modifying the principles that have stood the test of time, she added.