

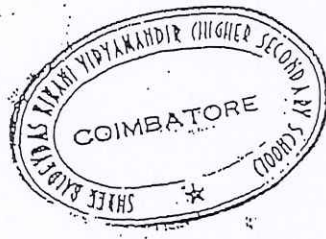
18.12.11

சுயநிர்வகை

விருது -
பாடல் - கி. வெங்கடசுப்பிரமணியன், எம், ஏ, பி. எஸ்.
பி. டி. பி. எச். டி.,
பள்ளிக் கல்வி இயக்குநர்,
கொடை - 600006

பெயர் -
நிர்வாகி,
ஸ்ரீபல் தேவநாள்
கி. வெங்கடசுப்பிரமணியன்
மேல்நிலைப்பள்ளி,
ஆர். எஸ். புரம்,
கோவை.

ந.க.எண். 162428/இருநக(உ(4)சி9/79 நாள் 11.12.1981
சுயநிர்வகை திருவள்ளூர் ஆண்டு 2012



பொருள் - பி. டி. பி. எஸ். 2858 மற்றும் 5038/1979 (பி. 3455 மற்றும் 2557/75) க்கான ஸ்ரீ பால் தேவநாள் அக்காவி வித்யமந்திரர் இரண்டு ஆர். எஸ். புரம் - கோவை.
பார்வை - கோவை, ஸ்ரீபல் தேவநாள் அக்காவி வித்யமந்திரர் மேல்நிலைப்பள்ளி நிர்வாகி மூலம் கடித நாள் 20.11.81

நி.க.எண். 3455/75ல் அளிக்கப்பட்ட தீர்ப்பு ரீட்டி அப்பல் எண். 2557/75ல் படிநிலை அளிக்கப்பட்ட க்காட்டு மன்றப்பகுதியில் அளிக்கப்பட்ட வழங்கப்பட்ட ரூபத்தால் ரிட்ட மீது தீர்ப்பு அளிக்கப்பட்ட நாளிலிருந்து மைசூர் மாநில நிர்வாகி அளிக்கப்பட்ட கடித வேண்டும். எனவே, இயக்குநரால் தனியாக கடித எழுதி பிறப்பிக்க வேண்டிய நிலை உள்ள அறிவிக்கலாகிறது.

பள்ளிக் கல்வி இயக்குநரின்

நகல் - முன்னமது கல்வி அலுவலர், கோவை.
நகல் - மாவட்ட கல்வி அலுவலர், கோவை.

14/12

Green

PRINCIPAL
Kikani Vidhya Mandir
Senior Secondary School
No: 9, Rangasamy Road
R.S. Puram, Coimbatore - 641 002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY THE TWENTY FOURTH DAY OF OCTOBER
ONE THOUSAND NINE HUNDRED AND SEVENTY NINE.

PRESENT:

THE HONOURABLE MR. JUSTICE SETHURAMAN

AND
THE HONOURABLE MR. JUSTICE BALASUBRAMANYAN.

W.M.P.No. 2858 and 5038 of 1979

in
W.P.Nos. 3455 and 2557 of 1975

and
W.P.No. 3455 and 2557 of 1975
respectively.

Shree Baldevdas Kikani Vidya Mandir
Trust, Coimbatore represented by its
Trustee Gopaladas Mohandas Kikani

Shree Gautamchand Kothari Jain
Middle School, represented by its
correspondent, R. Tarechand Jain

Petitioner in WMP
2858/79 and
petitioner in WP
No. 3455/75.

Petitioner in WMP
5038/79 and Petitioner
in WP 2557/75

-vs-

1, The State of Tamil Nadu represented
by the Secretary, Education
Department, Fort St. George, Madras.9.

2, The District Educational Officer
Madras North, Madras

Respondent in WMP
2858/79 and Ist
respondent in WMP
5038/79. (*)

2nd respondent in
WMP 5038/79
2nd respondent in
WP 2557/79

(*) Respondent in W.P.
3455/75 and Ist Respon-
dent in WP 2557/75

WMP No. 2858/79:

Petition praying that in the circumstances stated
therein and in the affidavit filed therewith the High Court

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PRINCIPAL

Kikani Vidhya Mandir
No: 9, Rangasamy Road
R.S. Puram, Coimbatore-641 002

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PRINCIPAL

[Handwritten Signature]
HEADMASTER,
BHREE BALDEVAS KIKANI
VIDYAMANDIR (HIGHER SECI SCHOOL)
COIMBATORE-2

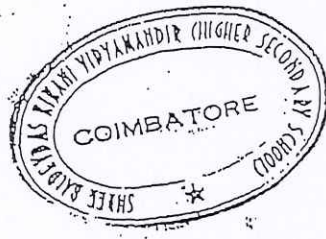
18.12.11

சுயநிர்வகை

விருது -
பாடல் - கி. வெங்கடசுப்பிரமணியன், எம், ஏ, பி. எஸ்.
பி. டி. பி. எச். டி.,
பள்ளிக் கல்வி இயக்குநர்,
கொடை - 600006

பெயர் -
நிர்வாகி,
ஸ்ரீபல் தேவநாள்
கி. வெங்கடசுப்பிரமணியன்
மேல்நிலைப்பள்ளி,
ஆர். எஸ். புரம்,
கோவை.

ந. க. எண். 162428/இருநக(உ(4)சி9/79 நாள் 11.12.1981
சுயநிர்வகை திருவள்ளூர் ஆண்டு 2012



பொருள் - பி. டி. பி. எச். டி. 2858 மற்றும் 5038/1979 (பி. 3455 மற்றும் 2557/75) க்கான ஸ்ரீ பால் தேவநாள் அக்காவி வித்யமந்திரம் ஆர். எஸ். புரம் - கோவை.
பார்வை - கோவை, ஸ்ரீபல் தேவநாள் அக்காவி வித்யமந்திரம் மேல்நிலைப்பள்ளி நிர்வாகி மூலக் கடித நாள் 20.11.81

நி. க. எண். 3455/75ல் அளிக்கப்பட்ட தீர்ப்பு ரீட்டி அப்பல் எண். 2557/75ல் படிநிலை அளிக்கப்பட்ட க்காட்டு மன்றப்பகுதியில் அளிக்கப்பட்ட வழங்கப்பட்ட ரூபத்தால் ரிட்ட மீது தீர்ப்பு அளிக்கப்பட்ட நாளிலிருந்தே மைசூர்நிலைகளால் நிர்வாகிக்கப்படும் பி. டி. பி. எச். டி. கடித வேண்டும். எனவே, இயக்குநரால் தனியாக கடிதம் ஏதும் பிறப்பிக்க வேண்டிய நிலை என் அறிவிக்கவாகிறது.

பள்ளிக் கல்வி இயக்குநரின்

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PRINCIPAL
Kikani Vidhya Mandir
Senior Secondary School
No: 9, Rangasamy Road
R.S. Puram, Coimbatore - 641 002.

நகல் - முன்மைத் கல்வி அலுவலர்,
கோவை.
நகல் - மாவட்ட கல்வி அலுவலர்,
கோவை.

14/12

ந. க. எண். 162428/இருநக(உ(4)சி9/79 நாள் 11.12.1981

will be pleased to direct the office to amend the order to the effect that the W.P.No. 3455 of 1975 would stand allowed.

W.P.No. 3455 of 1975: Petition presented to the High Court under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondent herein to forbear from implementing the provisions of the Tamil Nadu Recognised private schools (Regulation) Act 1973 and Tamil Nadu Recognised Private Schools (Regulations) Rules, 1974 in so far as the petitioner's school is concerned.

W.P.No. 5038 of 1979:

Petition presented to the High Court to re-draft the order dated 4.10.76 to the effect that W.P.No. 2552 of 1975 would stand allowed.

W.P.No. 2552 of 1975:

Petition presented to the High Court under Article 226 of the Constitution of India to issue a writ of Mandamus restraining the respondents herein from implementing or giving effect to the Tamil Nadu Recognised private Schools (Regulation) Act 29 of 1974 and the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974 in so far as it affects the petitioner to run and administer Shree Gautamchand Kottari Jain Middle School.

ORDER: These petitions coming on for hearing upon

Free K.M.

PRINCIPAL
Kikani Vidhya Mandir
No: 9, Rangasamy Road,
R.S. Puram, Coimbatore-641 002

PRINCIPAL

Swaminathan
HEADMASTER,
SHREE BALDEVAS KIKANI
VIDYAMANDIR (HIGHER SEC. SCHOOL),
COIMBATORE-2

perusing the petitions and the affidavits filed in support thereof and the order of this Court dated 8.4.75, 4.10.76 in WP No.2557/75 and 3455/75 and the Counter and reply affidavits filed herein the records relevant thereto and upon hearing the arguments of Mr. Somayajee for Mr. V.Subramaniam, Advocate for Petitioner in W.M.P. No. 2858/79 and the Petitioner in WP 3455/75 and for M/s S.PL. Palaniappa and Vastipal Jain Advocates for the Petitioner in W.M. 5038/79 and the Petitioner in WP 2557/75 and of the Government Pleader on behalf of the respondent in WP 2858/79, and for the respondents in WMP 5038/79 the Court made the following Order:-

(The Order of the Court was pronounced by
Sethuraman, J.)

These two miscellaneous petitions have been filed for amendment of the order of this Court passed on 4.10.1976. WMP No. 2858 of 1979 has been filed by Shree Baldevdas Kikani Vidya Mandir Trust, Coimbatore, represented by its trustee. A School was founded by the Coimbatore Gujarathi Samaj and it is imparting education in Gujarathi, English, Tamil and Hindi. In W.P. No. 3455 of 1975 there was a challenge of the provisions of the Tamil Nadu Recognised Private Schools (Regulation)

Shree Baldevdas Kikani
HEADMASTER,
SHREE BALDEV DAS KIKANI
VIDYAMANDIR (HIGHER SEC. SCHOOLS)
COIMBATORE-2

Shree Kikani

PRINCIPAL
Kikani Vidhya Mandir
No: 9, Rangasamy Road
R.S. Puram, Coimbatore-641 002

Shree Kikani
PRINCIPAL

Act 1973 (Act 29/1974) and the Rules framed thereunder, on the ground that the trust was established and is being run by the Gujarathis as a linguistic minority and that their rights were guaranteed under Article 30 of the Constitution of India, among other articles of the Constitution. By judgment in W.P.No. 4478 of 1974 and other cases, certain of the provisions of the said Act and the Rules were held to be unconstitutional. However, when it came to the question of passing an order on the writ petition of the present petitioner, it was decided that in view of the judgment in W.P.No. 4478 of 1974 the writ petition was dismissed. The petitioner now states that the Gujarathis are a linguistic minority and therefore they would also be governed by the decision in W.P.No. 4478 of 1974. C.T. In W.P. 4478/74;

The Society of the Brothers of the Sacrete Heart of Jassas, Palayankottai, Tirunelveli District by Rev. A. Thomas, S.H.J, General Manager - Petitioner

-VS-

The State of Tamil Nadu, represented by the Sceretary to Government Education Department, Madras.9 - and 2 others - Respondents, and in such circumstances, the writ petition could not have been dismissed, but should have been allowed. The State has filed a counter-affidavit. It did not file a counter-affidavit at the time when the writ petition came up for hearing. At any

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PRINCIPAL
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PRINCIPAL
 Kikani Vidhya Mandir
 Coimbatore School

[Handwritten Signature]
 HEADMASTER,
 SHREE BALDEVNDAS KIKANI
 VIDYAMANDIR (HIGHER SEC. SCHOOL),
 COIMBATORE-2

rate, in the counter-affidavit filed to the present
applying for amendment, there is no denial that
the Gujarathi Community is a linguistic minority
community and that the institution run by them should
have all the rights of the minority educational
institutions. The dismissal of the writ petition
(W.P. No. 3455/1975) was thus ~~praxix~~ purely a mistake
and therefore, we are satisfied that the order in this
case will have to be amended as prayed for.

Now taking up W.M.P.No. 5038 of 1979, the
institution in question is an institution run by the
Jain community. In a judgment dated 24.9.1976 in W.P.
No. 295 of 1975, C.T. in W.P. 295/75 (The ^{MADRAS} Manager
Diocese of the Church of the ~~Cxxx~~ South India a
represented by the Rt. Rev. Sunducharke, Bishop of Madras-

Petitioner
-vs-

The Secretary to the Government of Tamil Nadu, Education
Department, Madras, 9 and another - Respondents.

and other cases, this Court has held that the Jains are
a religious minority and that the institution run by them
would be entitled to the protection as a minority institution.
At the time of disposal of W.P.No. 2557 of 1975 earlier,
this aspect was obviously lost sight of and it is purely
a mistake. We are satisfied that in this case also, there

Shree Baldevdas Kikani
HEADMASTER
SHREE BALDEVSDAS KIKANI
VIDYAMANDIR (HIGHER SEC. SCHOOL)
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Green
Gadhil

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PRINCIPAL
Kikani Vidhya Mandir
Senior Secondary School
Rangasamy Road
Coimbatore-641 002

there should be an amendment of the order in the writ petition as prayed for.

We direct accordingly in both the petitions. There will be no order as to costs.

In both the cases, learned Government Pleader asks for oral leave to appeal to the Supreme Court in accordance with Article 134-A of the Constitution. We find that leave has already been granted as against the judgment in Writ Petition No.4478 of 1974 and we therefore grant leave in these cases also.

sd/ K.P. Madavan,
Asst. Registrar (P)

/true copy/

Sub Asst. Registrar (A.S)

- To
1. The Secretary to Government of Tamil Nadu, Education Department, Fort St. George, Madras-9 (with Writ of Mandamus in both the W.Ps.) (with records if any will follow)
 2. The District Educational Officer, Madras North, Madras. (with writ of Mandamus in W.P. 2557 of 1975) (with records if any will follow)
 3. The Supreme Court Section, T & P Department, High Court, Madras (with certified)

Two C.Cs. to the Government Pleader on payment of charges.

One C.C. to Mr. V. Subramanian, Advocate on payment of charges.

Two C.Cs. to Mr. SP.L. Palaniappan, Advocate on payment of charges.

ss.

SS
NY

HEADMASTER,
SHREE BALDEV DAS KIKANI
VIDYAMANDIR (HIGHER SEC. SCHOOL),
COIMBATORE-2

PRINCIPAL

Kikani Vidhya Mandir

No: 9, Rangasamy Road

R.S. Puram, Coimbatore-641 002

PRINCIPAL

Kikani Vidhya Mandir

Dated 24-10-1979

ORDER

W.P. Nos. 3455 and 2557 of 1979

and

WMP 2058 and 507P/79

Green

PRINCIPAL
Kikani Vidhya Mandir
No: 9, Rangasamy Road
R.S. Puram, Coimbatore-641 002

HIGH COURT OF JUDICATURE	
MADRAS	
S.R. No.	18939
Carbon copy application with	23/10/79
Application returned	19
Application represented	19
Copy made ready	23/10/79
Copy delivered	24/10/79
S. K. Purandare Clerical Section	

Green
PRINCIPAL
Kikani Vidhya Mandir

Trine
Shri Ramakrishna
5.11.79

HEADMASTER,
SHREE BALDEVAS KIKANI
KIKANI VIDHYA MANDIR SEC SCHOOL