



## Abstract

School Education – Framing of certain additional guidelines for grant of Minority Status to Educational Institutions – Orders – Issued.

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### **SCHOOL EDUCATION (MS) DEPARTMENT**

G.O.(Ms.)No.65

Dated 05.04.2018

திருவள்ளூர் ஆண்டு 2049,  
ஹேவிளம்பி வருடம், பங்குனி-22

Read:

1. G.O.(Ms.) No. 375, School Education (X1)Department, dated 12.10.1998.
2. G.O.(Ms.) No. 214, School Education (X2)Department, dated 03.11.2008.
3. From the Director of Matriculation School Letter Na.Ka. No. 6196/A1/2017, dated 08.11.2017.

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In the Government Orders read above, certain guidelines were issued for conferment of minority status to the educational institutions under the purview of School Education Department.

2. In the letter third read above, the Director of Matriculation Schools has requested the Government to issue certain additional guidelines for fixation of certain percentage of admission of students belonging to the minority concerned in the Minority Educational Institutions.

3. Minority Status is conferred to the educational institutions on fulfilment of the guidelines prescribed in the Government Orders read above. An entity (Educational Institution) once conferred with minority status, is entitled to all the privileges and the special rights envisaged under Article 30(1) of the Constitution.

4. One of the mandatory conditions for conferment of minority status is that the object of the educational institutions seeking minority status should be to subserve the interest of the students belonging to the minority concerned. But it is noticed that most of the minority educational institutions have not attached due priority to subserve the interest of the minority students.

5. In C. Stephenson Roobasingh versus State of Tamil Nadu (1993 WLR 544), it was held that the institution must be an educational institution of the minorities in truth and reality and not mere masked phantoms. In Chikkala Samuel versus District Educational Officer (AIR 1982, AP-64), it was held that it should be

shown that the minority concerned, or a considerable section thereof, is benefited by that institution, otherwise, there would be no nexus between the institution and the minority as such.

6. Though the additional norms issued in the Government Order second read above inter-alia provide that in respect of privately managed Teachers Training Institute under the control of the Director of Teacher Education, Research and Training, the management should admit not less than 50% of the students belonging to their community, it cannot be denied or disputed that the above norms of 50% for admission of minority students is not applicable to other minority educational institutions. It is implied that the above norms ought to have been followed by all other educational institutions also claiming minority status. It has been noticed that most of the minority educational institutions do not follow the prescribed percentage governing admission of minority students i.e., not less than 50%, in their educational institutions.

7. Further in the case of aided institutions, it has been held in P.A. Inamdar versus State of Maharashtra (2005 (6) SCC 537) that an aided minority educational institution, would be entitled to have the right of admission of students belonging to the minority group and at the same time, would be required to admit a reasonable extent of non-minority students, so that the rights under Article 30 (1) are not substantially impaired. The emphatic point in the P.A. Inamdar's case is that a **substantive section** of student population in the minority educational institutions should belong to the minority community otherwise the minority educational institution will only be a facade for money making.

8. That apart, the fixation of a percentage governing admissions in a minority educational institution was dealt with by the Supreme Court in T.M.A. Pai Foundation and others versus State of Karnataka (2002 (8) SCC 481), wherein also, it was held that the minority educational institution will have to admit students of the non-minority group to a reasonable extent, whereby the character of the institution is not annihilated, and at the same time, the rights of the citizen engrafted under Article 29 (2) are not subverted. As such, the State Government can prescribe percentage of the minority community to be admitted in a minority educational institution taking into consideration the population of the minority community and the educational needs of the area in which the institution is located. However, there should be a balance maintained between two objectives viz., preserving the right of the minorities to admit students of their own community and that of admitting "**sprinkling of outsiders**" in their institutions subject to the condition that the manner and number of such admission should not be violative of the minority character of the institution. Thus, the State Government is empowered to prescribe percentage governing admissions of students in the minority educational institutions in accordance with the aforesaid principles of law enunciated by their Lordships of the Supreme Court in the cases of T.M.A. Pai Foundation and P.A. Inamdar. Therefore, it is considered necessary that all educational institutions including the Teacher Training Institutes under the control



of School Education Department claiming minority status should admit not less than 50% of the minority concerned in every academic year.

9. The Director of Matriculation Schools has also informed that the State of Andhra Pradesh has fixed the percentage of admission of minority students in the minority educational institutions as not less than 70% and likewise the State of Maharashtra has also fixed the percentage of admission of minority students as 50%. As such, in the absence of any measurable assessment of the norms governing admission, it becomes very difficult to ensure whether these educational institutions in Tamil Nadu to whom minority status has been conferred actually subserve the interest of the minority students admitted in those institutions.

10. Keeping in view the observations of the Hon'ble Supreme Court and considering the proposal of the Director of Matriculation Schools, the Government have decided to issue the following additional guidelines in partial modification of the guidelines already issued in the Government Order second read above so as to protect the interest of the minority students:-

i) The educational agency of all educational institutions, coming under the purview of the School Education Department including Teacher Training Institute, claiming minority status shall admit not less than 50% of the students belonging to the minority community in every academic year subject to the condition that in respect of the minority educational institutions, wherein the number of eligible applications received from the minority community are less than 50%, it would suffice for such institutions to admit all such minority students without any screening or imposing condition of whatsoever in nature including economic condition of the family, distance from the institution, academic performance of the students / parents.

ii) In case of aided institutions, the educational institutions coming under the purview of the School Education Department including the Teacher Training Institute claiming minority status shall admit not more than 75% of the students belonging to the minority community in every academic year.

iii) The educational agency of such minority educational Institutions shall give wide publicity to reach out to the respective minority community to achieve at least 50% of admissions from that particular community in any given academic year in future and shall take all measures to ensure easy and transparent access to minority students. They shall also submit their returns with regard to the percentage of minority students admitted in their institutions to the authorities concerned by the end of September every year without fail in order to retain their minority status.

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iv) It is also clarified that the concept of minority is State specific and is with reference to proportion of population in that State. Therefore, the students, belonging to any minority group, residing only in the State of Tamil Nadu, can claim right for admission in such minority educational institutions.

(By Order of the Governor)

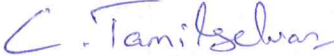
Pradeep Yadav  
Principal Secretary to Government

To

The Director of School Education, Chennai-6.  
The Director of Elementary Education, Chennai-6.  
The Director of Matriculation Schools, Chennai-6.  
The Director of State Council of Educational Research and Training  
Chennai-6  
State Minority Commission, Teynampet, Chennai-18

Copy to  
The Law Department, Chennai-9  
The Higher Education Department, Chennai-9  
Hon'ble Chief Minister Office, Chennai-9.  
The Personal Assistant to  
Hon'ble Minister for School Education, Chennai-9.

//Forwarded By Order//

  
Section Officer.