



Annual Report 2019-20



**National Commission for Minority Educational Institutions
Government of India**



Annual Report 2019-2020



**National Commission for Minority Educational Institutions
Ministry of Human Resource Development
Government of India
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New Delhi-110001**

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CHAPTER 1 – INTRODUCTION

1.1 OVERVIEW

“Education is the single most important instrument for social and economic transformation. A well educated population, adequately equipped with knowledge and skill is not only essential to support economic growth, but is also a precondition for growth to be inclusive since it is the educated and skilled person who can stand to benefit most from the employment opportunities which growth will provide.” (Para 10.1 of ‘An approach to the Twelfth Five year Plan’). The Ministry of Human Resource Development (MHRD) is focussing on an inclusive agenda, with a vision of realizing India’s human resource potential to its fullest with equity and excellence. Government is committed to address the backwardness in education of all minorities.

Constitution of India has afforded protection to the minorities in the country. In pluralistic society rights of minorities and weaker sections need to be safeguarded. The idea of giving some special rights to the minorities is not to treat them as privileged section of the population but to give a sense of security to such communities. Special rights for minorities were designed not to create inequalities but to bring about equality by ensuring the preservation of the minority institutions and by guaranteeing autonomy in the matter of administration of these institutions. In India, the safeguards for minorities are provided in the constitution of India in the form of fundamental rights. The Constitution provides a very formal and water tight arrangement for safeguarding the interest of minorities.

Article 30: Right of minorities to establish and administer educational institutions.-

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. [(1A) In making any law providing for the compulsory acquisition of any property of any educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.]

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

The Central Government has notified six minority communities (MCs) viz. Muslims, Christians, Sikhs, Buddhists, Jains and Parsis.

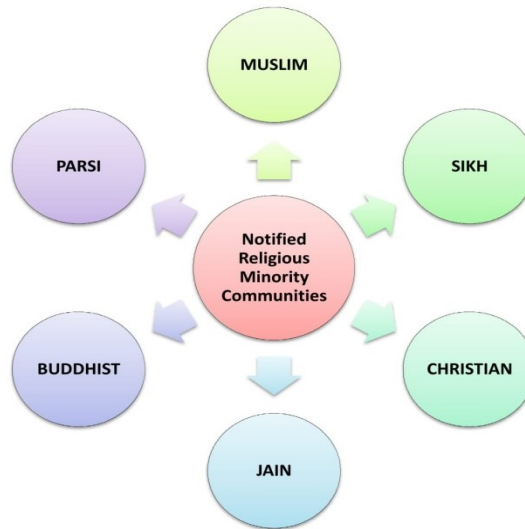


Fig. 1.1: Minority Communities notified by the Gol

As per 2011 Census, the number and percentage of communities including minority communities are:

- ❖ Hindus : 79.8% (966.3 million),
- ❖ Muslims : 14.23% (172.2 million)
- ❖ Christians : 2.30% (28.7 million).
- ❖ Sikh : 1.72% (20.8 million)
- ❖ Buddhists : 0.7% (8.5 million)
- ❖ Jains : 0.37% (4.48 million)
- ❖ Parsis : 57,264
- ❖ Others : 0.9% (10.9 million)

1.2 HISTORICAL BACKGROUND

Demand to establish a Commission for Minority Educational Institutions (MEIs) was raised in a series of meetings held by MHRD with educationists, eminent citizens and community leaders and other stakeholders associated with minority education. Similar demands were made by experts, in a meeting of the National Monitoring Committee for Minority Education held in August, 2004.

In view of the demands from various quarters of the minority community, the National Commission for Minority Educational Institutions Ordinance was promulgated in November, 2004. To replace the said Ordinance by an Act of Parliament, the National Commission for Minority Educational Institutions Bill 2004, was introduced in the Parliament in December, 2004. The NCMEI Act was notified in January 2005. The Department of Secondary and Higher Education, Ministry of HRD, Government of India, notified the National Commission for Minority Educational Institutions on 11th November 2004 and constituted the Commission on 16th November 2004, with its Headquarters situated in New Delhi.

1.3 ABOUT THE COMMISSION:

This Commission is a quasi-judicial body and has been endowed with the powers of a Civil Court. The Commission consists of a Chairperson and three members who are nominated by the Central Government. The Chairperson is a member of a minority community and has been a Judge of a High Court and the Members are from a minority community and persons of eminence, ability and integrity. Major roles of the Commission are (i) to decide all questions relating to the status of any institution as a Minority Educational Institutions and declare its status as such (ii) to advise the Central and State Governments on any question relating to the education of minorities that may be referred to it.

1.4 FUNCTIONS OF THE COMMISSION:

The functions of the Commission as per Section 11 of NCMEI Act, 2004 (2 of 2005) and as amended by The National Commission for Minority Educational Institutions (Amendment) Act, 2006 (18 of 2006) and The National Commission for Minority Educational Institutions (Amendment) Act, 2010 (20 of 2010) are given in the box below:

- (a) Advise the Central Government or any State Government on any question relating to the education of minorities that may be referred to it.
- (b) Enquire, *suo-motu*, or on a petition presented to it by any MEI, or any person on its behalf into complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice and any dispute relating to affiliation to a University and report its finding to the appropriate Government for its implementation.
- (c) Intervene in any proceeding involving any deprivation or violation of the educational rights of the minorities before a court with the leave of such court.
- (d) Review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation.
- (e) Specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities.
- (f) Decide all questions relating to the status of any institution as a MEI and declare its status as such.
- (g) Make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the MEI and
- (h) Do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission.

1.5 NCMEI (Amendment) Act, 2006:

For effective functioning of the Commission, recommendations were made to the Government to carry out amendments in the Act. The Government introduced the National Commission for Minority Educational Institutions (Amendment) Bill 2005 in the Parliament. However, in the wake of 93rd amendment of the constitution which added clause (5) in Article 15 which states that nothing shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30, it became

expedient to carry out the amendments in the NCMEI Act through an Ordinance. Accordingly an Ordinance was notified by the Government on 23rd January, 2006 which was replaced by the National Commission for Minority Educational Institutions (Amendment) Act, 2006 and notified on 29th March, 2006.

1.6 NCMEI (Amendment) Act 2010:

Besides others, the major change in the NCMEI Amendment Act, 2010 was amendment in Section 10(1) of the Act, which states that “Subject to the provisions contained in any other law for the time being in force, any person, who desires to establish a Minority Educational Institution may apply to the competent authority for the grant of No Objection Certificate for the said purpose.” To broad base Commission’s representation Section 3 (2) of the Act was amended by making provision for an additional Member in the Commission.

CHAPTER 2 – CONSTITUTION OF THE COMMISSION

2.1 COMPOSITION OF THE COMMISSION & OTHER STAFF

The Commission is headed by a Chairperson and there are three members who are nominated by the Central Government.

The Government issued notification on 26th November 2004 for the appointment of Justice M.S.A. Siddiqui as the first Chairperson of the Commission for a period of 5 years. His term as Chairman was extended for another five years in 2009. Dr. Mohinder Singh and Dr. Cyriac Thomas assumed charge as Members on 8th April 2010 and 12th April 2010 respectively for a term of five years. Shri Zafar Agha the 3rd Member assumed charge on 26/03/2012.

On 30/09/2014, Dr. Mohinder Singh, Member submitted resignation on personal grounds and in his place Dr. Naheed Abidi, (Padma Shri) was appointed as a Member for the remaining duration of the tenure i.e. upto 7/04/2015. Dr. Cyriac Thomas tenure came to an end on 11/04/2015.

Dr. Baltej Singh Mann joined on 4th December, 2015 and Dr. Naheed Abidi assumes charge for the 2nd term on 7th December, 2015.

Justice Narendra Kumar Jain assumed charge as Chairperson on 01/10/2018. Dr. Jaspal Singh joined on 15/06/2018, as a third Member of the Commission.

The Commission started functioning from Shastri Bhavan, New Delhi and shifted to Jeevan Tara Building, Patel Chowk, New Delhi in August 2005. In 2004, 22 posts were sanctioned Initially, for carrying out necessary administrative work and providing office support. In 2005 and 2006, additional one and 10 posts were sanctioned respectively. The Commission has a total strength of 33 including one post each of Secretary, Deputy Secretary, Sr. PPS, Under Secretary and Section Officer.

At present the post of Secretary, Deputy Secretary, Under Secretary and one MTS have been filled on deputation. Services of the supporting staff have been outsourced through EdCIL (an undertaking of Government of India, Ministry of Human Resource Department). During the year, 11 persons have been engaged through EdCIL.

2.2. POWERS OF THE COMMISSION:

The powers of the Commission as enshrined in Section 12 are:

- 1) If any dispute arises between a MEI and a University relating to its affiliation to such University, the decision of the Commission thereon shall be final.
- (2) The Commission shall, for the purposes of discharging its functions under this Act, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath,
 - (b) requiring the discovery and production of any document,
 - (c) receiving evidence on affidavits,
 - (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, (1 of 1872) requisitioning any public record or document or copy of such record or document from any office,
 - (e) issuing commissions for the examination of witnesses or documents, and
 - (f) any other matter which may be prescribed.
- (3) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860) and the Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

2.2.1. APPEAL AGAINST THE ORDERS OF THE COMPETENT AUTHORITY:

As enshrined in Section 12-A of the Commission:

- (1) Any person aggrieved by the order of refusal to grant NOC under sub-section (2) of section 10 by the Competent Authority for establishing a MEI, may prefer an appeal against such order to the Commission.
- (2) An appeal under sub-section (1) shall be filed within thirty days from the date of the order referred to in sub-section (1) communicated to the applicant.

Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) The Commission, after hearing the parties, shall pass an order as soon as may be practicable, and give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

(5) An order made by the Commission under sub-section (4) shall be executable by the Commission as a decree of a civil court and the provisions of the Code of Civil Procedure, 1908 (5 of 1908), so far as may be, shall apply as they apply in respect of a decree of a civil court.

2.2.2. POWER OF COMMISSION TO DECIDE ON THE MINORITY STATUS OF AN EDUCATIONAL INSTITUTION.

The powers to decide on the Minority Status of a MEI have been enshrined in Section 12 B of the Act. The powers are given as under:

(1) Without prejudice to the provisions contained in the National Commission for Minorities Act, 1992 (19 of 1992), where an authority established by the Central Government or any State Government, as the case may be, for grant of minority status to any educational institution rejects the application for the grant of such status, the aggrieved person may appeal against such order of the authority to the Commission.

(2) An appeal under sub-section (1) shall be preferred within thirty days from the date of the order communicated to the applicant: Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) On receipt of the appeal under sub-section (3), the Commission may, after giving the parties to the appeal an opportunity of being heard, decide on the minority status of

the educational institution and shall proceed to give such direction as it may deem fit and, all such directions shall be binding on the parties.

2.2.3: POWER TO CANCEL MINORITY STATUS:

Section-12C of the NCMEI Act 2004 deals with the Power to Cancel. The Commission may, after giving a reasonable opportunity of being heard to an MEI to which minority status has been granted by an authority or Commission, as the case maybe, cancel such status under the following circumstances, namely:

- (a) if the constitution, aims and objects of the educational institution, which has enabled it to obtain minority status has subsequently been amended in such a way that it no longer reflects the purpose or character of a MEI,
- (b) if, on verification of the records during the inspection or investigation, it is found that the MEI has failed to admit students belonging to the minority community in the institution as per rules and prescribed percentage governing admissions during any academic year.

2.2.4: POWER OF COMMISSION TO INVESTIGATE MATTERS RELATING TO DEPRIVATION OF EDUCATIONAL RIGHTS OF MINORITIES:

The power to investigate matters relating to deprivation of educational rights of minorities is covered under Section 12-D of the Act.

- (1) The Commission shall have the power to investigate into the complaints relating to deprivation of the educational rights of minorities.
- (2) The Commission may, for the purpose of conducting any investigation pertaining to a complaint under this Act, utilize the services of any officer of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.
- (3) For the purpose of investigation under sub-section (1), the officer whose services are utilized may, subject to the direction and control of the Commission,
 - (a) summon and enforce the attendance of any person and examine him;
 - (b) require the discovery and production of any document; and
 - (c) requisition any public record or copy thereof from any office.

(4) The officer whose services are utilized under sub-section (2) shall investigate into any matter entrusted to it by the Commission and submit a report thereon to it within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such further inquiry as it may think fit.

2.2.5. POWER OF COMMISSION TO CALL FOR INFORMATION:

The power is proviso in Section 12-E of the Act and stipulates that:

(1) The Commission, while enquiring into the complaints of violation or deprivation of educational rights of minorities shall call for information or report from the Central Government or any State Government or any other authority or organization subordinate thereto, within such time as may be specified by it:

Provided that:

(a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint;

(b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required, or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

(2) Where the inquiry establishes violation or deprivation of the educational rights of the minorities by a public servant, the Commission may recommend to the concerned Government or authority, the initiation of disciplinary proceedings or such other action against the concerned person or persons as may be deemed fit.

(3) The Commission shall send a copy of the inquiry report, together with its recommendations to the concerned Government or authority and the concerned Government authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken, or proposed to be taken thereon, to the Commission.

(4) The Commission shall publish its inquiry report and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

2.2.6 BAR OF JURISDICTION:

As enshrined in Section 12F, of the NCMEI Act 2004, no court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) shall entertain any suit, application or other proceedings in respect of any order made under this Chapter.

2.3. FINANCE, ACCOUNTS AND AUDIT:

2.3.1. GRANTS BY CENTRAL GOVERNMENT:

- (1) The Central Government shall, after due appropriation made by the Parliament by law, provide grants to the Commission such sum of money as the Government may think fit for being utilized for the purposes of this Act.
- (2) The Commission may spend the grant for performing the functions under this Act and such sum shall be treated as an expenditure payable from the grant referred to in sub-section (1).

2.3.2. ACCOUNTS AND AUDIT:

- (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such a form as may be prescribed by the Central Government.
- (2) The accounts of the Commission shall be audited by the CAG at such intervals as may be specified by them and any expenditure incurred in connection with such audit shall be payable by the Commission to the CAG.
- (3) The CAG and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the CAG generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

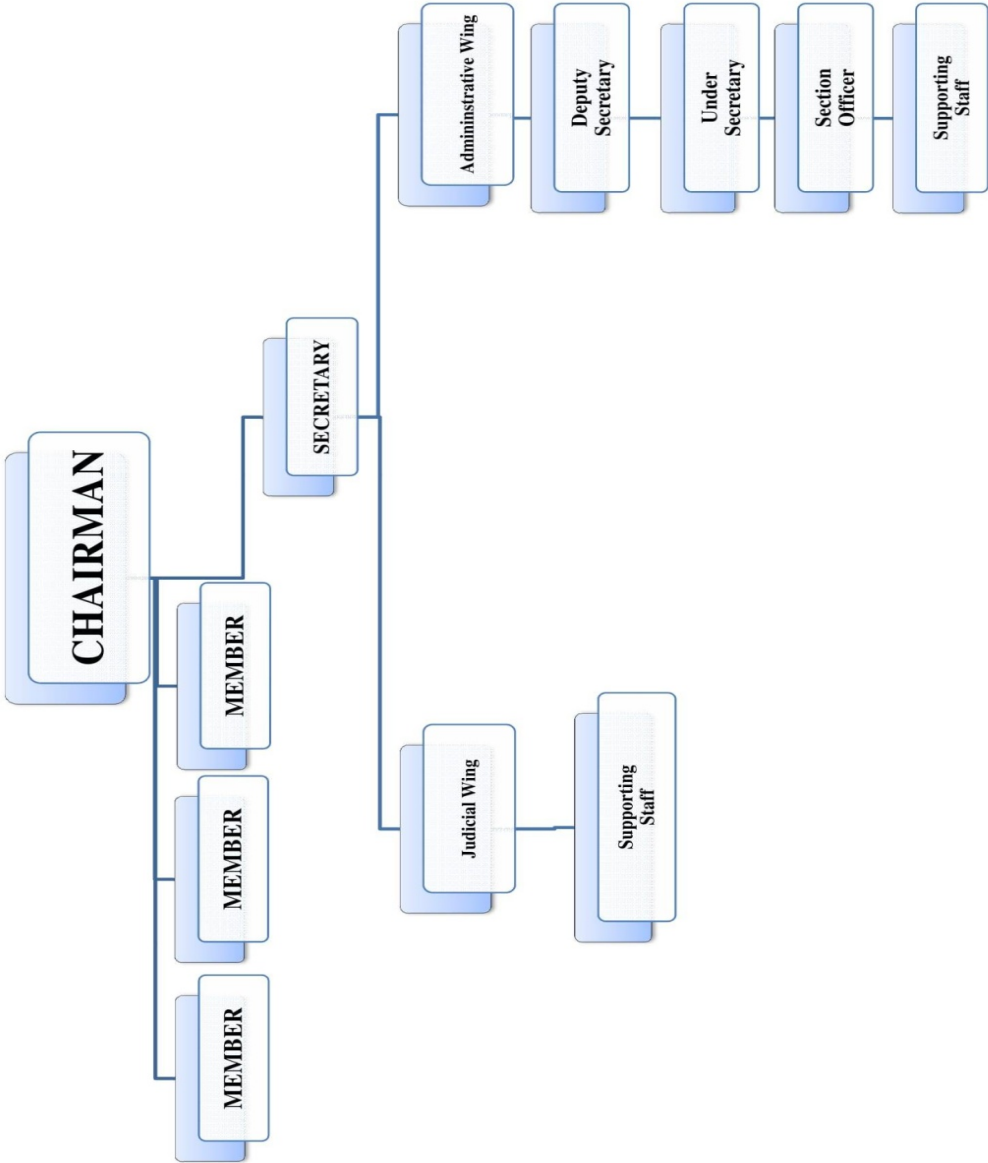
2.3.3. ANNUAL REPORT:

The Commission shall prepare annual report for each financial year with complete details of its activities undertaken during the previous financial year and forward a copy thereof to the Central Government.

2.3.4. ANNUAL REPORT AND AUDIT REPORT TO BE LAID BEFORE PARLIAMENT:

The Central Government shall cause the audit report and the annual report together with the memorandum of action taken on the advice tendered by the Commission under section 11 and the reasons for non-acceptance, if any, of any such advice, to be laid before each House of Parliament

ORGANIZATION CHART



CHAPTER 3: MEETINGS OF THE COMMISSION

In terms of Section 12(3) of the NCMEI Act, every proceeding before the Commission is deemed to be a judicial proceeding within the meaning of section 193 and section 228 and for the purpose of section 196 of the Indian Penal Code. The Commission is deemed to be a civil court for the purpose of Section 195 Chapter XXVI of the Code of Criminal Procedure, 1973. Being a quasi-judicial body, the Commission conducts formal court sittings on a day to day basis. The Commission has a formal court room for the purpose.

3.1 DUTIES OF THE COMMISSION

The Commission heard the legacy cases and registered fresh petitions as per the cause list and passed orders. The Commission lists requisite number of cases in each sitting in order to ensure expeditious disposal of the cases and also to minimize backlog. Notices to different parties including show cause notices to applicants are issued as per the direction of the Court. Adequate notice period is given to all parties. In case of fresh petitions, presence on the first hearing date is not necessary for the petitioner or respondent. Notices are issued requiring for their appearance on the second date of hearing.

In case where the petitioners plead for urgency, based on merits the Commission gives an early date. The Commission also takes into consideration the inconvenience expressed by the petitioners/parties to appear on a particular date and accordingly adjournments are granted to enable the petitioners/ parties to plead their cases effectively in consonance with the principle of natural justice. Commission has never insisted on engagement of a counsel to represent the petitioner i.e. any petitioner who wants to argue his/her case personally is at liberty to do so.

With a view to expedite disposal of cases no quorum has been fixed by the Commission for the court sittings. Even if only Chairman or one of the Member is present, court proceedings can be conducted and cases taken up for appropriate decision.

The Commission endeavours to provide a cost-free forum to the members of the minority communities for redressal of their grievances pertaining to the educational rights enshrined in the Constitution. Therefore, the Commission has not prescribed any court fee either for processing and deciding on all questions relating to the status of any institution as a Minority Educational Institutions and declare its status as such or deciding on appeal made by the MEI against the order of the State Governments/UT Administrations on being denied the MSC or NOC. Since a large number of petitioners are not conversant with the procedures of the court, the Commission has even accepted petitions which are not in conformity with the law of pleadings and provides appropriate directions to such petitioners.

3.2 THE SITTINGS AND HEARINGS OF THE COMMISSION:

The Court of the Commission decides for the cases Minority Status Certificates for fresh applications and also on appeals under Section 12A and 12B. The Court also decides on the cases of cancelation of MSCs under Section 12C. For the purpose the Court of the Commission has sittings and decides on the cases as per cause list issued by the office of the Commission. There are variable number of sittings and cases heard by the Commission since its inception.

The Commission has had maximum number of sittings in the year 2013-14 (178 sittings) and heard maximum number of cases in the year 2014-15 (5602 cases). The least number of sittings were in 2007-08 (73 sittings) and least number of cases were heard during that year (2916 cases).

3.3 THE NUMBER OF MSCs GRANTED BY THE COMMISSION SINCE ITS INCEPTION:

The Commission grants Minority Status Certificate (MSC) to the (Minority Educational Institutions) MEIs. The total number of MSCs granted in 15 years since its establishment is 13565. Year-wise different number of MSCs has been granted by the Court of the Commission. The details of year-wise MSCs granted is given in the table 3.1.

S. No.	Year	Number of MSCs granted
1.	2005-06	48
2.	2006-07	622
3.	2007-08	674
4.	2008-09	397
5.	2009-10	1039
6.	2010-11	1342
7.	2011-12	1854
8.	2012-13	1791
9.	2013-14	1674
10.	2014-15	1372
11.	2015-16	1022
12.	2016-17	1094
13.	2017-18	466
14.	2018-19	158
15.	2019-20	12
Total		13565

Table 3.1: Number of MSCs granted since 2005-06

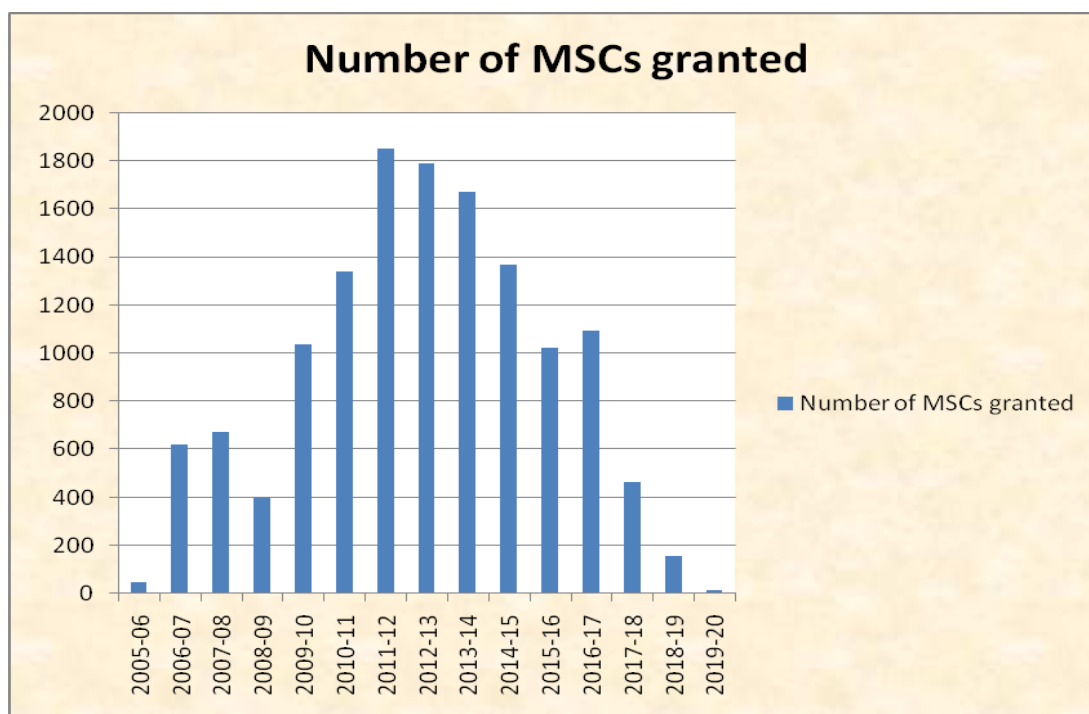


Fig. 3.1: Year-wise Number of MSCs granted by the Commission

The maximum number of MSCs granted was in the year 2011-12 (1854 MSCs) and the least number during 2019-20 (12 MSCs). Different States/UTs have been granted MSCs in different number. The details of State/UT-wise numbers of Minority Status Certificate granted since 2005 upto 31.03.2020 are given in the table 3.2.

S. No.	State	No. of MSCs granted since inception of the Commission till 31/03/2020
1.	Andaman & Nicobar Island	9
2.	Andhra Pradesh	436
3.	Arunachal Pradesh	24
4.	Assam	221
5.	Bihar	148
6.	Chandigarh	20
7.	Chhattisgarh	232
8.	Dadra & Nagar Haveli	4
9.	Daman & Diu	1
10.	Delhi	251
11.	Goa	165
12.	Gujarat	62
13.	Haryana	181
14.	Himachal Pradesh	27
15.	Jharkhand	106
16.	Karnataka	715
17.	Kerala	4686
18.	Madhya Pradesh	521
19.	Maharashtra	199
20.	Manipur	37
21.	Meghalaya	8
22.	Odisha	121
23.	Puduchery	26
24.	Punjab	125
25.	Rajasthan	104
26.	Sikkim	18
27.	Tamil Nadu	968
28.	Telangana	141
29.	Tripura	13
30.	Uttar Pradesh	3177
31.	Uttarakhand	122
32.	West Bengal	697
Total		13565

Table 3.2 State-wise number of MSCs granted since 2005-06

The data reveals that maximum number of MSCs have been granted to MEIs from the States of Kerala followed by Uttar Pradesh, Tamil Nadu, Karnataka, West Bengal and Madhya Pradesh. 80% of the total MSCs have been granted to MEIs from these States. No MSC has been issued to MEIs from the States/UTs namely Lakshadweep, Mizoram and Nagaland.

CHAPTER 4 – HIGHLIGHTS OF THE YEAR

The Commission completed 15 years in November, 2019. Every year the Commission functions as per the mandate and the same are reflected in its Annual Report every year. The highlights of the Commission's functioning during 2019-20 are:

4.1 COURT SITTINGS DURING 2019-20:

Date-wise court sittings and number of cases heard in the financial year 2019-20 are in the table given below:

S.No.	Date	No. of Cases Heard	Dismissed by default	Dismissed due to withdrawal	Dismissed	Disposed off	Notices Issued	Letters sent to the State Govt. and applicant institutions
1.	2-4-2019	43		43				
2.	3-4-2019	40		16			21	
3.	4-4-2019	37		8			15	
4.	9-4-2019	19	7	8		2		
5.	10-4-2019	9	1	2			5	
6.	11-4-2019	24	1	7			4	
7.	16-4-2019	30	1	11		1	4	
8.	18-4-2019	19		10			2	
9.	23-4-2019	17	7	6		4		
10.	24-4-2019	15	5	8			2	
11.	25-4-2019	20	4	9		1	5	
12.	30-4-2019	35	2	19				
	Total- April	308	28	147		8	58	
13.	1-5-2019	31		17	1	1	9	
14.	2-5-2019	37	2	30			3	
15.	3-5-2019	29	10	7	1		7	
16.	7-5-2019	39	7	11		1	8	
17.	8-5-2019	28	5	6			11	1
18.	9-5-2019	49		3			33	2
19.	14-5-2019	21					21	
20.	15-5-2019	41	2	9			21	
21.	16-5-2019	41	9	6			19	
22.	21-5-2019	41	7	3		1	19	2
23.	22-5-2019	39	4	10		1	19	
24.	23-5-2019	45	2	9			17	3
25.	28-5-2019	46	5	8			26	
26.	29-5-2019	44	7	7			21	

27.	30-5-2019	41	5	17			19	
	Total-May	572	65	143	2	4	253	8
28.	4-6-2019	43		1			39	2
	Total-June	43		1			39	2
29.	2-7-2019	22	7	8				
30.	3-7-2019	21	11	8				
31.	4-7-2019	50					50	
32.	9-7-2019	23	2	14			1	
33.	10-7-2019	23	9	9		4		
34.	11-7-2019	33	12	9		1	10	
35.	16-7-2019	26	4	11			5	
36.	17-7-2019	30	18	2			5	
37.	18-7-2019	29	5	14			4	4
38.	23-7-2019	85 (includes 67 batch)	12	13				
39.	24-7-2019	22	17	2		1		
40.	25-7-2019	27	13	7				
41.	30-7-2019	25	3	14				
42.	31-7-2019	26	1	22			1	2
	Total-July	419	114	133		6	75	6
43.	1-8-2019	26	7	15				
44.	6-8-2019	29	5	18			5	
45.	7-8-2019	29	4	18			2	3
46.	8-8-2019	33	4	10		1		5
47.	13-8-2019	26	2	18				5
48.	14-8-2019	26	3	11		2	2	2
49.	20-8-2019	92	1	80			5	
50.	21-8-2019	31	6	18			5	
51.	22-8-2019	35	1	17		12	5	12
52.	27-8-2019	28		15			13	
53.	28-8-2019	24	10	9			1	
54.	29-8-2019	27	5	13				
	Total-August	406	48	242		15	38	27
55.	3-9-2019	31	5	10	2		4	2
56.	4-9-2019	30	5	12			7	
57.	5-9-2019	21	3	13				
58.	11-9-2019	25	8	8			5	
59.	12-9-2019	25	5	11			5	
60.	17-9-2019	27	4	17			2	
61.	18-9-2019	35		32			1	
62.	19-9-2019	27	5	21			6	
63.	24-9-2019	34		15				
64.	25-9-2019	27	1	4		3	7	
65.	26-9-2019	61	3	40	1			
	Total-September	343	39	183	3	3	37	2
66.	1-10-2019	49	4	27			1	

67.	3-10-2019	23			2		3	2
68.	9-10-2019	26					8	2
69.	10-10-2019	28		1			3	8
70.	15-10-2019	29		2			7	
71.	16-10-2019	27		1				
72.	17-10-2019	23						8
73.	22-10-2019	18	2	8			2	
74.	23-10-2019	26						10
75.	24-10-2019	26	2	1			9	
76.	29-10-2019	21		2			5	1
77.	30-10-2019	21					4	1
78.	31-10-2019	21					5	
	Total-October	338	8	17	2		47	32
79.	05-11-2019	23					1	4
80.	06-11-2019	23			1		5	
81.	07-11-2019	20				1	7	
82.	13-11-2019	28					6	2
83.	14-11-2019	26					7	5
84.	19-11-2019	25		2			5	
85.	20-11-2019	30		2		1	9	1
86.	21-11-2019	30	2	1	7		9	1
87.	26-11-2019	27				1	13	1
88.	27-11-2019	27					12	3
89.	28-11-2019	27					13	2
	Total-November	286	2	5	8	3	87	19
90.	2-12-2019	30					22	2
91.	3-12-2019	27					13	2
92.	4-12-2019	25					14	1
93.	5-12-2019	30	1	6			9	2
94.	10-12-2019	29	3	2			7	
95.	11-12-2019	24		1			7	
96.	12-12-2019	21		6		1	9	
	Total-December	186	4	15		1	81	7
97.	7-1-2020	20	1	7				
98.	8-1-2020	20	1	8			5	
99.	9-1-2020	20		10		1	1	
100.	14-1-2020	30	1	18		2	3	1
101.	15-1-2020	21	1	3	1		4	
102.	16-1-2020	24	2	1	1		7	
103.	21-1-2020	20		2			10	
104.	22-1-2020	25		2			18	
105.	28-1-2020	20		2	1		15	1
106.	30-1-2020	21					9	1
	Total-January	221	6	53	2	3	72	3
107.	4-2-2020	23					12	8

108.	5-2-2020	23					14	3
109.	6-2-2020	22					4	1
110.	11-2-2020	20		1			6	1
111.	12-2-2020	20	1	1			6	
112.	13-2-2020	20		1			11	
113.	18-2-2020	20					7	
114.	19-2-2020	21					3	
115.	20-2-2020	20					8	1
116.	25-2-2020	20					6	2
117.	26-2-2020	21	1			1	12	
118.	27-2-2020	21		1			6	1
	Total-February	231	2	4		1	95	17
119.	3-3-2020	21				1	5	
120.	4-3-2020	21					10	3
121.	5-3-2020	21		1			5	1
122.	11-3-2020	20					5	
123.	12-3-2020	20	1	1			4	
124.	17-3-2020	21	1			1	2	
125.	18-3-2020	20					5	1
126.	19-3-2020	20					4	
	Total-March	164	2	2		2	40	5
	G. Total	3517	318	945	17	45	922	128

Table 4.1: Date-wise Court sittings and number of cases heard during 2019-20

The Commission had 126 sittings during 2019-20 as compared to 140 during 2018-19 and heard 3517 cases as compared to 3200 cases in the previous year. The maximum number of sittings were in the month of May, 2019 (15 sittings) and least number of sittings were in December, 2019 (7 sitting). The court observes summer vacation during the month of June, however, in June, 2019 the court held a special sitting.

Maximum numbers of cases were heard during the month of May, 2019 (572 cases) followed by July, 2019 (419 cases) and August (406 cases). The least number of cases were heard in June, 2019 (43 cases) followed by March, 2020 (164 cases). Month-wise cases heard by the Court are given in figure 4.1.

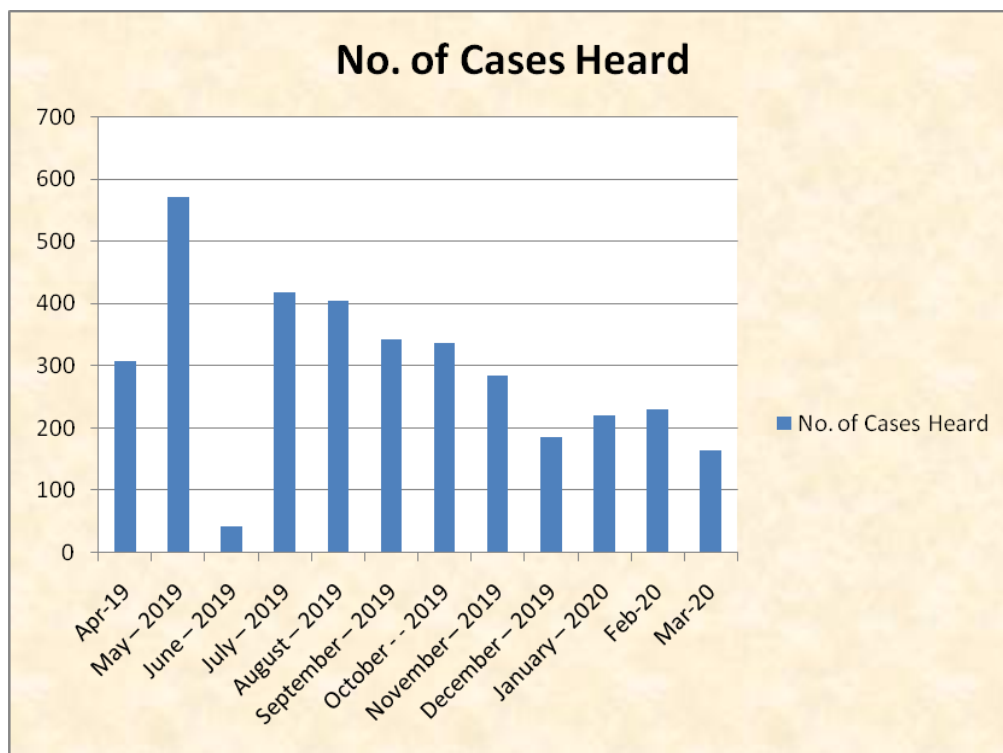


Figure 4.1: Month-wise Number of hearings of the court from April 2019 to March 2020

Of the 3517 cases heard during 2019-20, 318 were dismissed by default, 945 cases were dismissed as withdrawn, 17 cases were dismissed due to reasons such as cases being infructuous and 45 cases were disposed. In 945 cases notices were served to the respondents which include show cause notices to applicants. As ordered by the Commission, letters were sent to the State Governments and the applicants in 128 cases.

4.2 GRANT OF MINORITY STATUS CERTIFICATE:

As per the requirement of the Commission the MSC application form is revised from time to time. The latest revision was done on 1st November, 2019 and the same is at **Annexure-1**. This is also available on NCMEI website (www.ncmei@nic.in). For the ease of the applicants/ petitioners, checklist of mandatory documents required to be attached with the application form, is also available on the NCMEI website. The Institution seeking MSC can apply online on the Commission's website and send the signed and water marked copy of the approved application for consideration of the Commission. Further, if, the applicant institution whose NOC under Section 10 of the

NCMEI Act, 2004 has been rejected by the State Competent Authority, then the applicant can appeal against the orders of the Competent Authority under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal), Rules, 2006. The format of application is annexed at **Annexure-2**. The applicant institution can apply to the State Authority for grant of Minority Status. If the application is rejected by the State Authority then the applicant institution can appeal under Section 12B and as per National Commission for Minority Educational Institutions (Procedure for Appeal), Rules, 2006. The format of application is annexed at **Annexure-2**. The application for appeal under Section 12A and 12b are also available on NCMEI website (www.ncmei@nic.in). As per the provisions of the NCMEI Act, 2004 (amendment, 2006), the applicant institution before applying to the Commission for grant of MSC, is required to apply for 'No Objection Certificate' (NOC) to the Competent Authority (the list of Competent Authority is at **Annexure-3**).

The highlights of the MSCs granted by the Commission are given as under:

- ❖ Since inception, (13,553 + 12=13565) Minority Status Certificates (MSCs) have been issued till 31/03/2020. Total of 12 MSCs were issued during 2019-20 as compared to 158 MSCs during 2018-19. In addition duplicate MSCs have been issued in three cases and in one case the MSC was revised because of change in address of the MEI. Two duplicate MSCs were issued to the MEI from the State of Tamil Nadu and one from Kerala while the revised MSC was issued to the MEI from the State of Uttar Pradesh.
- ❖ State-wise number of MEIs which have been granted MSC during 2019-20 is detailed in table 4.2.

S. No.	Name of the State	Number of MSCs issued during 2019-20
1.	Delhi	2
2.	Haryana	1
3.	Kerala	1
4.	Madhya Pradesh	6
5.	Uttar Pradesh	2
Total		12

Table 4.2: State-wise number of MEIs granted during 2019-20

- ❖ 6 MSCs were issued MEI from the State of Madhya Pradesh followed by Delhi and Uttar Pradesh with 2 each.

❖ Community wise MSCs granted during the year 2019-20 are given in the table 4.3.

Christians	Muslims	Jains	Sikhs	Budhishts	Parsis
2	3	6	1	0	0

Table 4.3: Community-wise MSCs granted during 2019-20

4.3. VERIFICATION OF SOCIETIES/TRUSTS:

In order to bring transparency in the process of granting MSC, the Commission conducts random verification of the Society/Trust running a MEI. The issue relating to verification is taken up with the Chief Secretary/Administrator of the concerned State/UT who verifies the functioning of the Society/Trust and existence/working of the educational institution.

Further, pursuant to NITI Aayog instructions in 2016, all petitioners are required to furnish the unique-ID allocated by NITI Aayog through its NGO Darpan Portal. In the unique-ID document the name and address of the society/trust which run the MEI is provided and also the name of the society/trust office bearers. These details are cross verified from the details provided in the MSC application.

4.4. NEW POLICY INITIATIVES TOWARDS e-GOVERNANCE

e-Governance is easy, effective and economical governance. Initiatives taken during 2017-18 for proper implementation of the concept of e-Governance has been carried forward during 2019-20 also, with the objective of enhancing transparency, accuracy and efficiency in the functioning of the Commission. Some of the initiatives are:

- (i) **Dynamic NCMEI Website:** NCMEI has its own website which is user friendly and updated with current content. Procedure for filing MSC application, checklist of mandatory documents, details of the nodal officers and State Competent Authority etc. are all available in the website.
- (ii) Online search of cases through options such as State, year and community are also available on the website.

❖ Daily Cause List /[Court Orders / Judgments](#) are uploaded on to the NCMEI Website <http://ncmei.gov.in> on regular basis

❖ Details of [MSCs issued to the MEIs](#) along with Community are uploaded on website

(iii) **Implementation of e-Office:** In order to digitize the administrative work and track record, all new receipts are scanned and uploaded on e-office. Further, online RTI disposal and online public grievance redressal of CPGRAMS is also followed in the Commission.

(iv) **Public Finance Management System (PFMS):** Commission is on PFMS since 2017. This is a financial management platform which establishes an efficient fund flow system as well as a payment cum accounting network. This has brought in transparency in expenditure and provides real-time information on the availability of funds and funds utilization. This system is an important tool for improving governance.

(v) **Digitization of Records:** Keeping in view the Hon'ble Prime Minister's vision on Digital India, it was decided to digitize all the files, wherein MSCs have been granted. To ensure transparency all such records have been uploaded on the website for the general public.

4.5 DEVELOPMENT AND IMPLEMENTATION OF e-COURT MODULE:

The Commission has embarked upon digitization of the court procedures and proceedings through e-Court module which provides an efficient and time-bound citizen centric service delivery. It helps in enhancing judicial productivity both qualitatively and quantitatively and makes the justice delivery system affordable, accessible, cost effective, effective, transparent and speedy for the citizens.

M/s Akiko Sherman Infotech, an empanelled vendor of NICSI, was engaged by the Commission with the help of NIC for developing e-court programme which has been tried and tested with few real time cases/ petitions. The Commission has gone live and online applications/petitions are being accepted and processed for grant of MSCs. In order to start e-court, the Commission has put all the computers in the office on the LAN for which leased line has been taken from Power Grid and MTNL.

4.6 SWACHH BHARAT MISSION

With the aim to make India clean by 2nd October, 2020, Hon'ble Prime Minister desired that the Central Government Ministries and its attached offices should observe in a calendar year Swachhta Pakhwada. Swachchata Pakhwada was celebrated in the month of September, 2019. Various activities were undertaken in the Commission's premises which include removal of waste material from and around the office, arrangement of files in proper racks, weeding of old records etc. The swachchata pledge was administered by the Hon'ble Chairman to the staff members. A number of other initiatives have been taken for the cleanliness of the premises from time to time.



4.7. VIGILANCE OBSERVANCE WEEK:

Vigilance observance week from 28th October to 2nd November, 2019 was observed in the Commission and the Integrity Pledge was taken on 28th October, 2019. The theme was "Integrity – A way of life".

4.8 RASHTRIYA EKTA DIWAS PLEDGE:

The spirit of unification of the country was made possible by the vision and actions of late Sardar Vallabhbhai Patel. A pledge of Unity that every one of us will preserve the unity, integrity and security of the nation and contribute towards ensuring internal security of the country was administered by the Hon'ble Members Dr. Baltej Singh Mann, Dr. Jaspal Singh and Dr. Naheed Abidi, to the staff.



CHAPTER 5 – TOURS AND VISITS

Tours were undertaken by the Hon'ble Chairman and the Members, for the purpose of interacting with the stakeholders and members of the minority community and to understand the problems/ difficulties faced by them. It also gives an opportunity to the Commission to apprise the members of the minority community about their Constitutional rights as well as the role and responsibilities of NCMEI. The tours and visits also provides an opportunity to interact with the political and the State Government functionaries and also ascertain the progress made by the State Governments in ensuring the education of Minorities. The tours and visits have helped in sensitizing the officials of the State Governments about the rights of minorities enshrined in Article 30(1) of the Constitution of India.

5.1 Details of the Tours Undertaken and Meetings Attended during 2019-20, by Justice Narendra Kumar Jain, Hon'ble Chairman of the Commission

S. No.	Date	Place of Visit	Purpose of visit and relevant outcomes
1	17.04.2019	Attended Function at Jain Bhawan, Scheme No. 10, Alwar (Rajasthan) and annual function of Shri Mahavir Ji at Village Chandanpur, District Karauli, Rajasthan	During the tour, Hon'ble Chairman appraised the owners, trustees and managers of these Minority Institutions about their educational rights enshrined in Article 30 (1) of the Constitution of India and how NCMEI is protecting their rights. He also addressed them about the provisions of NCMEI Act, 2004. Management education is one of the most sought after career options and mushrooming institutions stand testimony to its popularity. Infrastructure and qualified faculty are prerequisite of a sound Management Institution. Hon'ble Chairman also informed managers of these minority institutions about various beneficial schemes launched by the Central Government for the minorities.
2	19.04.2019 to 22.4.2019	Attended meeting of TMU, Moradabad with representatives of al MEIs.	
3	07.06.2019 to 13.06.2019	Meeting with Shri Shanti Lal Mutha, Founder of Bhartiya Jain Sanghthan (BJS) and others at Pune, Maharashtra- regarding minority issues. Attended programmes as per theme Peace and Non-violence Summit (PANVS) and minority issues at Mahabaleshwar, Maharashtra. Attended programme at Bhattarak Ji Ki Nasia, Narayan ji Circle, Jaipur regarding minority institutions Attended meeting at Todarmal Smarak, Gandhi Nagar, Jaipur regarding minority institutions	
4	14.06.2019 to 01.07.2019	Attended Jain Minority Community Programmes at Tonk, Deoli, Jhalawar, Jhalrapatan in Rajasthan	
5	02.08.2019 to 04.08.2019	Attended introductory meeting of Samhara 2019 at Radisson Blu, Udaipur organized by JITO Administrative Training Foundation (JATF) at Udaipur, Rajasthan.	
6	05.09.2019 to 15.09.2019	Attended Jain minority programmes at Deoli, Bara Padampura, Mehendwas, Chandkheri, Gulgaon, Bijol, Rajasthan.	

7	04.10.2019 to 08.10.2019	Attended Jain Minority Programme at Amber Vilas, Jaipur, Rajasthan etc.	
8	20.10.2019	Attended Harmony Conference and inauguration of newly constructed class rooms of C.M.P. Inter College, Town Bachhraon, District Amroha, UP	
9	24.10.19 to 04.11.2019	Meeting with the Officers of District Minority Office and members of Minority Institutions at Circuit House, Bundi, Rajasthan Attended Minority community programmes at Sankhana, Rajasthan and at Jamitpura (Talera), District Bundi, Rajasthan and Chamtkarji, Sawai Madhopur, Rajasthan	
10	09.11.2019 to 10.11.2019	Attended 11 th All India Jain Advocates Conference – 2019 at Tijara, Rajasthan	
11	16.11.2019	Attended Jain minority programmes at Loharu, District Bhiwani, Haryana and also attended Jashne Khwaja Sabri organized by Chishtiya Saabri Khankah at Sahibababd, UP.	
12	14.12.2019 to 05.01.2020	Attended JITO Professional Forum (JPF) at Hyderabad organized by Jain International Trade Organization and also attended various Jain minority community meetings and programmes at Hyderabad in Telangana and Jaipur, Deoli, Sushner, Ujjain, Indore, Nemawar, Bijolia, Shivdaspura, Chawaleshwar in Rajasthan	
13	30.01.2020 to 03.02.2020	Attended Jain Minority community programme at Swastidham, Jahajpur, Rajasthan	
14.	09.02.2020	Attended Annual Function of M.J.P. Inter College, Mundha Pandey at Moradabad, Uttar Pradesh	
15	13.03.2020 to 16.03.2020	Attended programme of Jain Minority Community and visited minority educational institutions and also attended different minority community programmes and meetings at Devgarh Madaria, District Rajasmand, Rajasthan	

5.2. Details of the tours undertaken and official meetings attended by Hon'ble member dr. Baltej singh mann to various places during the year 2019-20.

S. No.	Date	Programme	Organizer	Reports
1.	11.09.2019	Attended Editorial Committee meeting constituted by the Ministry of Culture, Government of India, at Indira Gandhi National Centre for the Arts (IGNCA), New Delhi	Ministry of Culture	Guru Nanak Anniversary
2.	12.09.2019	Resource Person for the National Workshop on Significance of Guru Nanak Dev's thought in Modern Times, organized by Central University for Himachal Pradesh at ICSSR Bhawan, New Delhi.	Central University for Himachal Pradesh	Significance of Guru Nanak Dev's thought in Modern Times
3.	25.11.2019	Delivered lecture at Sikh Minority Educational Institution at Khalsa College, Patiala, Punjab		Topic: Minority Students Empowerment
4.	2.12.2019	Visited a Sikh Minority Educational Institution (S.G.T.B. College) at Anandpur Sahib		Lecture on Guru Nanak Sahib

5.	3.12.2019	Meeting with Sikh Minority Educational Institution at Guru Granth Sahib University, Fatehgarh Sahib, Punjab		Topic: Role of Youth in Development
6.	22.12.2019	Visited Minority Educational Institution at Mahabalipuram, Tamil Nadu		Topic: Role of Minorities in National Development
7.	23.12.2019	Visited Aurbindo Ashram, Puducherry		National Integration
8.	24.12.2019	Visited Central University of Puducherry, Puducherry		National Integration

5.3. Details of the tours undertaken and official meetings attended by Hon'ble Member Dr. Naheed Abidi to various places during the year 2019-20

S. No.	Name of Institute/Organization	Date of Tour	Venue	Report
1.	Minerva Institute of Management and Technology, Dehradun	June 7 th to 9 th , 2019	Dehradun	Attended a discussion on 'Rights of Minorities and its Empowerment' organised by Minerva Institute of Management & Technology. It was a three-day programme which included Inauguration & Presentations by Guests (7 th June), Discussion and Interaction of Members (8 th June) and the Valedictory Function (9 th June).
2.	IMEDA, New Delhi	12 th June, 2019	IIC, Lodi Estate, New Delhi	Attended the meeting on Minority Development Agendas for upcoming government policies. She as an expert provided meaningful contributions to the discussion.
3.	Director General, Indian Council for Cultural Relations (ICCR), New Delhi	25 th June, 2019	ICCR, Azad Bhawan, IP Estate, New Delhi	Met with the DG, ICCR in relation to the book written by her on Rahim and Mirza Ghalib.
4.	Department of Urdu, AMU, Aligarh & Jamia Urdu Aligarh	29 th June, 2019	Jamia Urdu Aligarh Auditorium, Aligarh	Attended the inaugural session as Chief Guest in the seminar titled 'Minority Education Institutions: Problems & Opportunities'.
5.	MAHM International School, Sahupuri Road, Parao, Chandauli, Uttar Pradesh	9 th to 11 th August, 2019	Chandauli	Attended cultural and minority awareness programmes in the school.
6.	Bal Bharti Public School, K-66/12, Nawab-Ki-Deori, Narharpura, Lohatia, Varanasi, Uttar Pradesh	13 th to 15 th August, 2019	Lohatia, Varanasi	Attended cultural and minority awareness programmes in the school.
7.	Islamic Society, Mirzapur, Uttar Pradesh	16 th to 18 th August, 2019	Mirzapur, Uttar Pradesh	Attended cultural and minority awareness programmes.
8.	Academics for Nation	11 th September, 2019	Deputy Chairman Hall, Constitutional Club, New Delhi	Attended seminar titled 'Bharat ke Samanvaywadi Parampara ke Nayak: Dara Shikoh' as an expert and thinker.
9.	CABE (Central Advisory Board of Education), MHRD, Govt. of India	21 st September, 2019	Hall No. 5, Vigyan Bhawan, New Delhi	Attended a special meeting of CABE organised mainly to discuss and finalise the National Education Policy.
10.	National Council for Promotion of Urdu Language (NCPUL), MHRD, New Delhi	9-10 th October, 2019	SCOPE Auditorium, Lodi Road, New Delhi	Attended a two-day national seminar on 'Mohammad Dara Shukoh: Life & Works' and presented a paper on the topic 'India's Composite Culture and Dara Shukoh'.
11.	Ghalib Institute, Aiwan-e-Ghalib Marg, New Delhi	2-3 rd November, 2019	Aiwan-e-Ghalib Marg, New Delhi	Attended a two-day national seminar and Literary sessions on 'Mirza Dabir: Period and Poetic World'.

12.	Women's Manifesto	23 rd November, 2019	Indian Social Institute, Lodi Road, New Delhi	Attended the 'Women Summit 2019'. The theme of the program was 'Women Empowerment & Higher Education'
13.	Ghalib Institute in collaboration with Persian Foundation of India, Bedil Foundation and Soroosh-e-Mowlana of Tehran	29-30 th November, 2019	Ghalib Institute, Aiwan-e-Ghalib Marg, New Delhi	Attended a two-day international seminar on 'Reception of Rumi in India' which was also attended by various national and international dignitaries.
14.	Muslim Rashtriya Manch	15 th December, 2019	New Delhi	Attended a program titled 'Jashn-e-Upladhyan' organised by Muslim Rashtriya Manch.
15.	Akhil Bhartiya Sarvdaliya Goraksha Mahabhiyan Samiti, Civil Lines, Delhi	21 st December, 2019	Shreenathji Hotel and Banquet Hall, Ghaziabad	Chief Guest in the programme on 'Mahila Suraksha va Sammaan'.
16.	Muslim Rashtriya Manch, Rampur, Uttar Pradesh	24 th December, 2019	Hotel Zenith, Rampur, UP	Attended the 'Foundation Day' of Muslim Rashtriya Manch.
17.	Ambassador of the Islamic Republic of Iran	10 th February, 2020	Embassy of The Islamic Republic of Iran, Barakhamba Road, New Delhi	Attended the programme titled '41 st Anniversary of the Islamic Revolution of Iran'.
18.	Maulana Azad National Skills Academy (MANAS), Ministry of Minority Affairs, Govt. of India	13 th February, 2020	India Gate Lawn, Rajpath, New Delhi	Attended the Inauguration ceremony of 'Hunar Haat' (A Mega Mission of Craft, Cuisine & Culture)
19.	Sahitya Akademi	14 th February, 2020	Sahitya Akademi Meeting Hall, Third Floor, Ravindra Bhwan, New Delhi	Attended a programme titled 'Mere Jharokhe Se' wherein discussions were held by famous Urdu critic and author Anis Ashfaq on the work of Naiyer Masud.
20.	Muslim Rashtriya Manch, Amroha, Uttar Pradesh	16 th February, 2020	Amroha	Attended a programme as Chief Guest on Mahila Sammelan' for women empowerment organised by Muslim Rashtriya Manch 'in collaboration with Shaheed Raja Hasan Khan Mewati Trust.
21.	Shah Wilayat Educational & Social Welfare Society & National Council for Promotion of Urdu Language (NCPUL)	13 th March, 2020	Manglour Town, Haridwar Distt., Uttarakhand	Chief Guest in the national seminar on 'Sufism & its Relevance Today'. The seminar was aimed to promote the forces of national integration and communal harmony among masses.
22.	Ghalib Institute, New Delhi	14 th March, 2020	Aiwan-e-Ghalib, New Delhi	Attended the inauguration ceremony of International Seminar on 'Negation and Affirmation in Ghalib's Poetry.

CHAPTER 6 – ANALYSIS OF THE PETITIONS AND COMPLAINTS RECEIVED DURING THE YEAR

The Commission registers cases as and when petitions/complaints are received. During the period 1st April, 2019 to 31st March, 2020, the Commission registered **1143** petitions which include 1076 petitions for grant of Minority Status Certificates, 29 appeal petitions and 38 miscellaneous petitions. As per the daily court orders, the Hon'ble court disposed **1325** petitions which include the cases dismissed as withdrawn and dismissed by default. The Court granted Minority Status Certificate to **12** Minority Educational Institutions.

The Commission registers cases on grounds of;

- non-issuance of No Objection Certificate (NOC) by the State Government
- delay in the issue of NOC, refusal or delay in the issue of minority status
- denial of permission to open new institutions by minorities
- refusal to permit additional courses in minority educational institutions
- non-grant of Minority Status Certificate by the State Authority
- application for grant of Minority Status Certificate

The Commission also considers cases with respect to the following issues affecting the interest of MEIs:

- denying permission to the minority educational institutions for creating additional posts of teachers even with increase in the number of students
- approval denied for appointment of teachers
- inequality in pay scales of minority school teachers vis-à-vis government school teachers,
- denial of teaching aids/other facilities like computer, library, laboratory, etc. to minority educational institutions at par with government institutions,
- non-availability of subjects books in Urdu for the students studying in Urdu school,
- non-appointment of Urdu knowing teachers; regarding pay parity of madarsah teachers with other minority school teachers; adequate pay to madarsah employees ; non-release of grants to madarsah,
- non-payment of retirement benefits to the teachers and non-teaching staff of the minority schools,

- refusal by an University to affiliate a MEI
- providing facilities under Sarva Shiksha Abhiyan to minority educational institutions especially in far flung and remote rural areas, etc.

During the year, office of the Commission also received petitions/applications on matters which were out of purview of the Commission. These petitions/applications were forwarded to the concerned authorities for appropriate action under due intimation to the concerned petitioners.

Some of the cases considered /decided during the year are elaborated below:

6.1 CASE NO. 425 of 2019

- Subject:** Application for seeking minority status certificate by IPS Academy, Indore, Madhya Pradesh-452012.
- Applicant:** IPS Academy, Knowledge Village, Rajendra Nagar, A.B. Road, Indore, Madhya Pradesh-452012.
- Respondent:** Secretary, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh, Mantralaya, Bhopal, Madhya Pradesh.

The application for seeking MSC was received in the office of the Commission on 23-5-2019. It was registered as case no. 425 of 2019. The case was heard in the court of the Commission on 11/7/2019, 28/11/2019, 6/2/2020 and 19/2/2020. The order was pronounced in 19/2/2020. Hon'ble Court of the Commission perused the record, documentary evidence, notarized copies of memorandum of association, rules and regulations, amended memorandum of association, amended rules and regulations, list of members of governing body, list of present members and registration certificate of the society. Learned counsel for the petitioner submitted that the applicant society Indore Education and Services Society which is a registered society, established and administered by the members of the Jain minority community is running the petitioner. Above society is established for the benefit of the Jain minority community, society is maintained and administered by the members of the Jain community. The petitioner institution had filed an application in prescribed format and has Unique ID No. MP/2017/0161675 of the society as given by the NITI Aayog Portal NGO Darpan. Notarized application dated 16.11.2018 for grant of No Objection Certificate (NOC) sent

by the petitioner to the Secretary, Backward Classes and Minority Welfare Department, Govt. of MP, Mantralaya, Bhopal, Madhya Pradesh and notarized copy of postal receipt, notarized copy of tracking report of the postal department were also submitted by the institution in the Court of the Commission. The application was pending with the State Competent Authority. After completion of 90 days from the receipt of the application for grant of NOC by the State Competent Authority, the petitioner has filed this application directly to this Commission as per the provisions of Section 10 of NCMEI Act, 2004.

The applicant institution also filed the notarized copy of recognition order for the Academic Year 2019-20 issued by the Registrar, Devi Ahilya Vishwavidyalaya, Indore to the petitioner's institution for Bachelor & Master Courses only. He is also stated in the petition that the institution is unaided and out of 3418 students 2000 students are of Jain minority community.

Despite service of registered notice, none appeared on behalf of the respondent. The Deputy Director, Backward Classes and Minority Welfare, State of MP sent a letter dated 11.11.2019 stating that the case of IPS Academy is pending before their office and they will accept the decision of NCMEI. Pendency of the said application for such a disproportionately long period clearly indicated the State Government's disinclination to grant NOC to the petitioner institution. Petitioner's right to get minority status certificate could not be kept under suspended animation. In this view, it was a fit case for intervention by this Commission. The petitioner institution had applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Jain community.

The Court of the Commission had held that IPS Academy, Knowledge Village, Rajendra Nagar, A.B. Road, Indore is run by Indore Education and Services Society and is being administered by the members of the Jain community and the school is wholly managed and run by the members of the Jain minority community. The aforesaid averments made in the petition found ample corroboration from the documentary evidence produced on behalf of the petitioner institution. The Amended MoA and all the documents produced by the learned counsel for the petitioner institution clearly reflected that the primarily beneficiaries of the petitioner institution are members of the Jain minority community.

Relying on the said un rebutted evidence produced on behalf of the petitioner, the Court of the Commission “*found and held that the IPS Academy, Knowledge Village, Rajendra Nagar, A.B. Road, Indore run by Indore Education and Services Society is eligible for grant of minority status on religious basis.* The evidence also proves that the said educational institution was established with the main objective of sub-serving the interests of the Jain Community. Consequently, IPS Academy, Knowledge Village, Rajendra Nagar, A.B. Road, Indore, Madhya Pradesh-452012 run by Indore Education and Services Society is declared as a minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of CASE NO. 425 OF 2019 Page 6 of 6 the National Commission for Minority Educational Institutions Act, 2004. A minority status certificate be issued accordingly. In view of the above, the present petition is disposed of accordingly.”

6.2 CASE NO. 426 of 2019

- Subject:** Application for seeking minority status certificate by IPS Academy, School of Architecture, Indore, Madhya Pradesh-452012.
- Applicant:** IPS Academy, School of Architecture, Hukmakhedi, Rajendra Nagar, A.B. Road, Indore, Madhya Pradesh-452012.
- Respondent:** Secretary, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh, Mantralaya, Bhopal, Madhya Pradesh

The application for seeking MSC was received in the office of the Commission on 23-5-2019 from IPS Academy, School of Architecture, Hukmakhedi, Rajendra Nagar, A.B. Road, Indore, Madhya Pradesh-452012. It was registered as case no. 426 of 2019. The case was heard in the court of the Commission on 11/7/2019, 28/11/2019, 6/2/2020 and 19/2/2020. The order was pronounced in 19/2/2020. Hon’ble Court of the Commission perused the record, documentary evidence, notarized copies of memorandum of association, rules and regulations, amended memorandum of association, amended rules and regulations, list of members of governing body, list of present members and registration certificate of the society. Learned counsel for the petitioner submitted that the applicant society Indore Education and Services Society which is a registered society, established and administered by the members of the Jain minority community is running the petitioner. Above society is established for the benefit of the Jain minority community, society is

maintained and administered by the members of the Jain community. The petitioner institution had filed an application in prescribed format and has Unique ID No. MP/2017/0161675 of the society as given by the NITI Aayog Portal NGO Darpan. Notarized application dated 16.11.2018 for grant of No Objection Certificate (NOC) sent by the petitioner to the Secretary, Backward Classes and Minority Welfare Department, Govt. of MP, Mantralaya, Bhopal, Madhya Pradesh and notarized copy of postal receipt, notarized copy of tracking report of the postal department were also submitted by the institution in the Court of the Commission. The application was pending with the State Competent Authority. After completion of 90 days from the receipt of the application for grant of NOC by the State Competent Authority, the petitioner has filed this application straightway to this Commission as per the provisions of Section 10 of NCMEI Act, 2004.

The applicant institution also filed the notarized copy of recognition order for the Academic Year 2019-20 issued by Member Secretary, All India Council of Technical Education, New Delhi to the petitioner's institution for Architecture and Planning under Graduates and Post-Graduates Courses only.

Despite service of registered notice, none appeared on behalf of the respondent. The Deputy Director, Backward Classes and Minority Welfare, State of MP sent a letter dated 11.11.2019 stating that the case of IPS Academy is pending before their office and they will accept the decision of NCMEI. Pendency of the said application for such a disproportionately long period clearly indicated the State Government's disinclination to grant NOC to the petitioner institution. Petitioner's right to get minority status certificate could not be kept under suspended animation. In this view, it was a fit case for intervention by this Commission. The petitioner institution had applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Jain community.

The Court of the Commission had held that IPS Academy, School of Architecture, Hukmakhedi, Rajendra Nagar, A.B. Road, Indore is run by Indore Education and Services Society is being administered by the members of the Jain community and school is wholly managed and run by the members of the Jain minority community. The aforesaid averments made in the petition found ample corroboration from the documentary evidence produced on behalf of the petitioner institution. The Amended MoA and all the documents produced by the learned counsel for the petitioner institution clearly reflected

that the primarily beneficiaries of the petitioner institution are members of the Jain minority community.

Relying on the said un rebutted evidence produced on behalf of the petitioner, the Court of the Commission “*found and held that the IPS Academy, School of Architecture, Hukmakhedi, Rajendra Nagar, A.B. Road, Indore Education and Services Society is eligible for grant of minority status on religious basis. The evidence also proves that the said educational institution was established with the main objective of sub-serving the interests of the Jain Community. Consequently, IPS Academy, School of Architecture, Hukmakhedi, Rajendra Nagar, A.B. Road, Indore, Madhya Pradesh-452012 run by Indore Education and Services Society is declared as a minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of CASE NO. 426 OF 2019 Page 6 of 6 the National Commission for Minority Educational Institutions Act, 2004. A minority status certificate be issued accordingly. In view of the above, the present petition is disposed of accordingly.*”

6.3 Case No. 329 of 2019

Subject: Application for seeking minority status certificate by Era University, Lucknow, Uttar Pradesh

Applicant: Era University, Sarfarazganj, Hardoi Road, Lucknow, Uttar Pradesh.

Respondent: Secretary, Department of Higher Education, Govt. of Uttar Pradesh, Lucknow, Uttar Pradesh / The Principal Secretary, Higher Education, Department of Education, Govt. of Uttar Pradesh, Badu Khandi, Secretariat, Lucknow, Uttar Pradesh.

The order was passed by Hon’ble Court of the Commission on 24.09.2019. The Era University, Sarfarazganj, Hardoi Road, Lucknow, Uttar Pradesh (hereinafter referred to as University) applied for grant of Minority Status Certificate (MSC) on the ground that the same has been founded / established by Era Educational Trust, 88, Victoria Street (Tulsi Das Marg), Lucknow, Uttar Pradesh 226003, constituted by members of the Muslim community and incorporated under the Era University, Lucknow, Uttar Pradesh Act 2016 (Uttar Pradesh Act No. 27 of 2016). It was also alleged by the petitioner that the University is being administered by the members of the Muslim community and especially meant for the benefit of the Muslim minority community boys and girls and as

such it was supposed to be entitled for declaration as minority educational institution within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions (NCMEI) Act, 2004.

The petitioner mentioned in the application the Trust's Unique ID No. UP/2018/0201315 is given by the Niti Aayog Portal NGO Darpan. The petitioner filed the Affidavit of Mr. Meesam Ali Khan, S/o Late Mr. Kazim Ali Khan, Trustee of Era Educational Trust in support of the averments made in the petition and also to prove that primarily the beneficiaries of the petitioner institution are members of the Muslim minority community. Petitioner also filed copy of application dated 19.12.2018, photocopy of post office receipt, reminder letter dated 08.04.2019, copy of registered Trust Deed dated 27.01.1995, copy of Uttar Pradesh Govt. Gazette notification dated 16.09.2016 for University Act, details of existing students and teachers/ faculties from the minority communities, office memorandum Government of Uttar Pradesh, Medical Education Department dated 28.11.2002 and Uttar Pradesh Government Letter No. 956/70-1-2016-20(1)/2014 dated 21.09.2016.

It was stated in the petition that on dated 19.12.2018, the Petitioner University has applied to the State Competent Authority for grant of No Objection Certificate (NOC) and the said application was pending before the State Competent Authority. After 90 days from the receipt of the application for grant of NOC by the office of State Competent Authority, the petitioner had filed this application straightway to this Commission as per the provisions of Section 10 of NCMEI Act, 2004.

After service of notice, Mr. Yajnadev Sharma appeared on behalf of the respondent and submitted orally that the application filed by the petitioner's University was under process. The State Competent Authority had also failed to reply the petition and on dated 18.09.2019 and nobody appeared on behalf of the respondent. Hence the case was proceeded *ex-parte* against the respondent. Pendency of the said application for such a disproportionately long period clearly indicates the State Government's disinclination to grant NOC to the petitioner institution. Petitioner's right to get minority status certificate could not be kept under suspended animation. As per the provisions of Section 10 of NCMEI Act where within a period of 90 days from the receipt of the application for grant of NOC, the State Competent Authority does not grant such certificate or application been rejected and the same was not communicated to the

person who had applied for the grant of such certificate, it shall be deemed that the Competent Authority has granted a NOC to the applicant. In this view, it was a fit case for intervention by this Commission.

The first main question which was to be considered was that, who has founded / established the University? The answer to this question lies in the provisions of the Era University, Lucknow, Uttar Pradesh Act, 2016. A bare reading of provisions of the Era University Act made it clear that University was founded / established by Era Educational Trust, Lucknow, Uttar Pradesh (hereinafter called as Trust) with the object for encouraging private sector to participate in the field of higher education and to open college to impart medical education and to provide financial assistance to the needy minority community students in particular and others in general. It was also mentioned in the Trust Deed that the character of the institution shall be a minority institution. Section 3(1) of the University Act lays down that “there shall be established at Lucknow in the State of Uttar Pradesh, by the Trust a University in the name of Era University, Lucknow, Uttar Pradesh”. Clause (t) of Section 2 of the University Act defines trust as under :- (t) “Trust” means the Era Educational Trust, established and administered by the members of Muslim Minority community, in the year 1995 for imparting education, having its office at 88, Victoria Street (Tulsi Das Marg), Lucknow a ‘not for profit’ Trust registered in the office of Sub Registrar-I, Lucknow under the Indian Trust Act, 1882. (Emphasis supplied). The petitioner produced copy of registered Trust Deed, Memorandum of Association of the Trust clearly established that all the trustees of the Era Educational Trust are from the Muslim minority community. The preamble of the University Act clearly declares that an Act to establish and incorporate a teaching university sponsored by Era Educational Trust duly established and administered by the members of the Muslim minority community. The provisions of the University Act interpreted keeping in view the background and context in which the Act was enacted and the purpose sought to be achieved by this enactment. It became clear that the University was founded by Era Educational Trust and incorporated under the Uttar Pradesh Act of 2016. The muslim community provided lands, buildings, colleges and endowments for the University and without these, the University as a body incorporate would be an unreal abstraction. The University Act clearly shows that the University is also being administered by the members of the Muslim community.

It is also pertinent to mention here that the letter of authority no. 956/70-1-2016-20(1)/2014 dated 21.09.2016 was issued by the Government of Uttar Pradesh communicating the orders of Hon'ble Governor of Uttar Pradesh to start functioning of the Era University, Lucknow, Uttar Pradesh with effect from the academic year 2016-17 which was established under Uttar Pradesh Government Era University, Lucknow, Uttar Pradesh Act 2016. Thus the State Government had clearly admitted that the University has been established and is being administered by the Muslim minority community. Even the Governor of Government of Uttar Pradesh had given permission to start functioning of the University. It is relevant to mention that from the language of Article 30(1) of the Constitution of India, it is clear that it enshrines a fundamental right of the minority educational institution to manage and administer their institutions which are completely in consonance with the secular nature of our constitution itself. Consequently, we find and hold that the Era University, Lucknow, Uttar Pradesh has been established and is being administered by the Muslim minority community.

The other issue which arises for consideration is "whether the beneficiaries of the petitioner institution are members of the Muslim minority community?" Needless to add here that an educational institution is established to sub-serve the purpose of its establishment whereas the minorities have the right to establish and administer educational institutions of their choice with the desire that their children should be brought up properly and be eligible for higher education and to go all over the world fully equipped with such intellectual attainments as it will make them fit for entering the public services, surely then there must be an implicit in such a fundamental right the corresponding duty to cater to the needs of children of their own community. The beneficiaries of such a fundamental right should be allowed to enjoy it in the fullest measure. Therefore, the educational institutions of their choice will necessarily cater to the needs of the minority community which had established the institution. Trust Deed of the Era Educational Trust clearly reflects that the beneficiaries of the trust are primarily members of the Muslim minority community and character of the institution shall be a minority institution. State Government has also issued a letter dated 28.11.2002 with the certain conditions the power to admit students is one of the important facet of the right to administer an educational institution. The main purpose of the reservation is to raise the standard of education of Muslims. In addition Government of Uttar Pradesh in his letter dated 28.11.2002 has univocally admitted that the beneficiaries of the University are

members of the Muslim minority community. Reservation of seats in any minority educational institution is an inevitable corollary of the fundamental right enshrined in Article 30(1) of the Constitution. It has been held by the Supreme Court in *The Ahmadabad St. Xavier's College Society Versus State of Gujarat*, AIR 1974 SC 1389 that the minorities are given the constitutional protection under Article 30(1) of the Constitution in order to preserve and strengthen the integrity and unity of the country. Thus Article 30(1) is an article of faith and the whole object of conferring the right on the minorities under this article is to ensure that there will be equality between the minority and majority. If the minority do not have such constitutional protection, then there will be denial of equality. For a progressive and enlightened democracy, it is necessary that all sections and classes of people are well equipped to shoulder the responsibility of a free nation. According to Sachar Committee's report Muslims are scratching bottom of the educational barrel of the country. It is, therefore, necessary to advance, to foster and promote the education of the Muslims at a quicker pace. It appears that the Era University has provided reservation for the Muslim minority community in order to achieve the said object. This is the true spirit of liberty, equality and fraternity through the memorandum of education. Thus the conspectus of the provisions of the act clearly indicates that the University is a minority educational institution within the meaning of Article 30(1) of the Constitution. Muslim minority community had striven for, the establishment of the University primarily for the benefit of its community and endowed with considerable property and money. Consequently, the court found and held that primarily the beneficiaries of the University are members of the Muslim minority. It was also thought relevant to mention that the State of Uttar Pradesh legislature had again reiterated its intention to treat / declare the University as a minority educational institution by passing the Era University, Lucknow, Uttar Pradesh Act, 2016.

For the aforesaid reasons, the court found and held that the Era University, Sarfarazganj, Hardoi Road, Lucknow, Uttar Pradesh is minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004. A minority status certificate was issued accordingly. In view of the above, the present petition was disposed of accordingly.

6.4 CASE NO. 1156 of 2018.

- Subject:** Application for seeking minority status certificate by Vardhaman Heights International School, Khachrod District, Ujjain, Madhya Pradesh-456224
- Applicant:** Vardhaman Heights International School, Barnagar Road, Chirola Fanta, Khachrod District, Ujjain, Madhya Pradesh-456224
- Respondent:** Secretary, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh, Mantralaya, Bhopal, Madhya Pradesh

The order was pronounced on 24/7/2019. Mr. Vaibhav Bupkya had filed an application for grant of minority status certificate to Vardhaman Heights International School, Barnagar Road, Chirola Fanta, Khachrod District, Ujjain, Madhya Pradesh-456224. The petitioner had also filed the Unique ID No. : MP/2018/0203923 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan. Learned Counsel for the petitioner filed the affidavit of Mr. Vaibhav Bupkya, President of the Shri Anu Sanskar Siksha Samiti in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Jain community. He had filed the certified copies of Certificate of Registration, Memorandum of Association, List of Founding Members and Rules and Regulations of the Shri Anu Sanskar Siksha Samiti. He had also filed the certified copies of amended Memorandum of Association, List of Present Members and Amended Rules and Regulations of the said society. Original application dated 03/10/2018 for grant of No Objection Certificate (NOC) sent by the petitioner to the Secretary, Backward Classes and Minority Welfare Department, Govt. of MP, Mantralaya, Bhopal, Madhya Pradesh. He had further filed the certified copy of Recognition Order No. CBSE/Aff/1030929/SL-01881-1718/2017/1267372 dated 03.06.2017 w.e.f. 01.04.2017 to 31.03.2020 issued by the Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, Delhi-110092 to the petitioner's institution.

It was stated in the petition that on 03/10/2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was delivered on the same day to the Competent Authority and the said application was pending with State Competent Authority till the applicant made application to the NCMEI. State Competent Authority. After 90 days from the receipt of the application for grant of NOC, the

petitioner had filed this application straightway to this Commission as per the provisions of Section 10 of NCMEI Act, 2004. Despite notice, the competent authority of the State Government of Madhya Pradesh has failed to apprise the commission about the status of the said application. The State Government had also failed to reply the petition. Nobody has appeared on behalf of the respondent. Hence, the case was proceeded *ex-parte* against the respondent Secretary, Backward Classes & Minority Welfare Department, Government of Madhya Pradesh. Pendency of the said application for such a disproportionately long period clearly indicates the State Government's disinclination to grant NOC to the petitioner institution. Petitioner's right to get minority status certificate cannot be kept under suspended animation. In this view, it was a fit case for intervention by this Commission.

The court had heard the learned counsel appearing for the petitioner institution and perused the record, documentary evidence and affidavit of Mr. Vaibhav Bupkya, President of the Shri Anu Sanskar Siksha Samiti. The petitioner institution had applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Jain community and is being administered by the applicant The Vardhaman Heights International School, Barnagar Road, Chirola Fanta, Khachrod District, Ujjain, Madhya Pradesh-456224 runs by Shri Anu Sanskar Siksha Samiti which is wholly managed and run by the members of the Jain community. Management of The Vardhaman Heights International School was in the hands of Jains. The aforesaid averments made in the petition find ample corroboration from the documentary evidence produced on behalf of the petitioner institution and the affidavit of Mr. Vaibhav Bupkya. The Amended Memorandum of Association of the said society clearly reflects that the beneficiaries of the petitioner institution are members of the Jain community. The said facts are also stands proved from the affidavit of Mr. Vaibhav Bupkya. The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflected that the beneficiaries of the petitioner institution are primarily members of the Jain community. In addition, the said facts are also stands proved from the documents and affidavit filed by the petitioner. There was no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.

Relying on the said unrebutted evidence produced on behalf of the petitioner, the court found and held that the Vardhaman Heights International School, Barnagar Road,

Chirola Fanta, Khachrod District, Ujjain, Madhya Pradesh-456224 run by Shri Anu Sanskar Siksha Samiti was eligible for grant of minority status on religious basis. The evidence also proved that the said educational institution was established with the main objective of sub-serving the interests of the Jain Community.

Consequently, the Vardhaman Heights International School, Barnagar Road, Chirola Fanta, Khachrod District, Ujjain, Madhya Pradesh-456224 was declared as a minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004. A minority status certificate was issued accordingly.

6.5 CASE NO. 32 of 2019.

Subject: Application for seeking duplicate minority status certificate by Vanasthali Public Primary School, A-461, 462, G.D. Colony, Mayur Vihar, Phase-III, Delhi

Applicant: Vanasthali Public Primary School, A-461, 462, G.D. Colony, Mayur Vihar, Phase-III, Delhi

Respondent: Assistant Director of Education (Act), Directorate of Education, Government of NCT of Delhi

The order was pronounced by Hon'ble Court of the Commission on 27/8/2019. It has been mentioned in the order that Vide this Commission's order dated 02.01.2014, minority status certificate was granted to Vanasthali Public Primary School, A-461, 462, G.D. Colony, Mayur Vihar, Phase-III, Delhi by this Commission in Case No. 2568 of 2013. The petitioner had filed an application stating that the original MSC issued to the petitioner had been irrecoverably lost and requested to issue duplicate MSC. The petitioner had also stated that a complaint was registered with the Station House Officer, Crime Branch, Delhi. He had also filed a copy of LR No. 720796/2019 dated 22/02/2019 stating that petitioner had lodged a complaint regarding loss of the said certificate.

The petitioner Mr. Rajiv Jain, Secretary of Vanasthali Jain Society, A-462, Gharoli Dairy Colony, Mayur Vihar Phase-III, Delhi had also filed an Affidavit that he is the

Secretary of the Society and the MSC issued to the above school on 02/01/2014 by this Commission had been lost and was not traceable. Information about the lost certificate had been given to the police also, so the duplicate certificate may kindly be issued. Despite notice to the Competent Authority of the State, none appeared on behalf of the Respondent.

Accordingly, a duplicate MSC was issued to the petitioner subject to the condition that the petitioner to file an affidavit that he will not misuse the MSC granted by this Commission and in the event of finding the original certificate, he would surrender the certificate before the Commission. Accordingly, this petition was disposed of.

6.6 CASE NO. 733 of 2017

- Subject: Petition for seeking minority status certificate by Infant Jesus Matriculation Higher Secondary School, Sanganur, Rathinapuri P.O., District Coimbatore, Tamil Nadu-641027
- Applicant: Infant Jesus Matriculation Higher Secondary School, Sanganur, Rathinapuri P.O., District Coimbatore, Tamil Nadu-641027
- Respondent: Principal Secretary, Higher Education Department, Government of Tamil Nadu

The order was passed on 22/8/2019. Dr. D. Selvanathan, Correspondent of the "Infant Jesus Matriculation Higher Secondary School" filed original petition on 05/12/2016 and amended petition on 12/03/2018 for grant of minority status certificate to Infant Jesus Matriculation Higher Secondary School, Sanganur, Rathinapuri P.O., District Coimbatore, Tamil Nadu-641027. Amended petition was filed by the petitioner in the Court on 12.03.2018, declaration part of the application was a Xerox copy, not in original.

The court heard the learned counsel appearing for the petitioner institution and perused the records. The petitioner had submitted that on dated 10/03/2016, the petitioner institution had applied to the Competent Authority of the State Government, Tamil Nadu for grant of minority status certificate and the said application is still pending. It is admitted by the petitioner that during the pendency of the said application this petition has been filed before the Commission in original jurisdiction for grant of religious minority status to the petitioner institution.

Despite notice, the respondent / state competent authority failed to reply the petition and apprise the Commission about the status of the applications filed by the petitioner. The petitioner institution had applied for grant of minority status certificate on the ground that the same has been established and being administered by “Marial Educational and Charitable Trust”. The said trust is a registered trust constituted by the trustees of the Christian community and trustees of the said trust are also from the Christian community. The said trust is meant for the benefit of the Christian minority community, especially for the benefit of the Christian community. Learned Counsel for the petitioner submitted that petitioner had applied to the State (Principal Secretary, School Education Department, Government of Tamil Nadu) on 10/03/2016 for grant of minority status certificate. Since there was no result from the State, the society / institution applied to the Commission for minority status certificate.

The court observed that the NCMEI Act, 2004 was amended twice in order to further broad base and expand the functions as well as the quasi judicial powers of the NCMEI. The sections relevant for just decision of this case is set out here in below:-

Section 2 : Definitions—

(ca) “Competent authority” means the authority appointed by the appropriate Government to grant no objection certificate for the establishment of any educational institution of their choice by the minorities;

SECTION 10 : RIGHTS OF A MINORITY EDUCATIONAL INSTITUTION

*10. Right to establish a Minority Educational Institution.— *(1) Subject to the provisions contained in any other law for the time being in force, any person, who desires to establish a Minority Educational Institution may apply to the competent authority for the grant of no objection certificate for the said purpose.*

(2) The Competent authority shall,—

(a) on perusal of documents, affidavits or other evidence, if any; and

(b) after giving an opportunity of being heard to the applicant, decide every application filed under sub-section (1) as expeditiously as possible and grant or reject the application, as the case may be:

Provided that where an application is rejected, the Competent authority shall communicate the same to the applicant.

(3) Where within a period of ninety days from the receipt of the application under sub-section (1) for the grant of no objection certificate,—

(a) the Competent authority does not grant such certificate; or

(b) where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate, it shall be deemed that the Competent authority has granted a no objection certificate to the applicant.

(4) The applicant shall, on the grant of a no objection certificate or where the Competent authority has deemed to have granted the no objection certificate, be entitled to commence and proceed with the establishment of a Minority Educational Institution in accordance with the rules and regulations, as the case may be, laid down by or under any law for the time being in force.

Explanation—For the purposes of this section,—

(a) “applicant” means any person who makes an application under subsection (1) for establishment of a Minority Educational Institution;

(b) “no objection certificate” means a certificate stating therein, that the Competent authority has no objection for the establishment of a Minority Educational Institution.

12-A. Appeal against orders of the Competent authority— *(1) Any person aggrieved by the order of refusal to grant no objection certificate under subsection (2) of section 10 by the Competent authority for establishing a Minority Educational Institution, may prefer an appeal against such order to the Commission.*

(2) An appeal under sub-section (1) shall be filed within thirty days from the date of the order referred to in sub-section (1) communicated to the applicant:

Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) The Commission, after hearing the parties, shall pass an order as soon as may be practicable, and give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

(5) An order made by the Commission under sub-section (4) shall be executable by the Commission as a decree of a civil court and the provisions of the Code of

Civil Procedure, 1908 (5 of 1908), so far as may be, shall apply as they apply in respect of a decree of a civil court.

12-B. Power of Commission to decide on the minority status of an educational institution.—(1) *Without prejudice to the provisions contained in the National Commission for Minorities Act, 1992 (19 of 1992), where an authority established by the Central Government or any State Government, as the case may be, for grant of minority status to any educational institution rejects the application for the grant of such status, the aggrieved person may appeal against such order of the authority to the Commission.*

(2) *An appeal under sub-section (1) shall be preferred within thirty days from the date of the order communicated to the applicant: Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.*

(3) *An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.*

(4) *On receipt of the appeal under sub-section (3), the Commission may, after giving the parties to the appeal an opportunity of being heard, decide on the minority status of the educational institution and shall proceed to give such direction as it may deem fit and, all such directions shall be binding on the parties.*

Explanation— For the purposes of this section and section 12C, “authority” means any authority or officer or commission which is established under any law for the time being in force or under any order of the appropriate Government, for the purpose of granting a certificate of minority status to an educational institution.

Therefore, as per the above provisions, a person who desires to establish minority educational institution is to apply to the Competent Authority of the State Government for a “No Objection Certificate” (NOC) for the said purpose under section 10 of the NCMEI Act, 2004. The Act of 2004 also conferred powers of appeal against orders of the Competent Authority to the NCMEI under Section 12(A), as well as over authorities that were established by the Central Government or State Government who rejected applications for the grant of minority status to an educational institution under section 12(B).

The Hon’ble Supreme Court in Civil Appeal No. 3945 of 2018 in the matter of Sisters of St. Joseph of Cluny V/s The State of West Bengal and Ors. (2018) 6 SCC 772 vide order dated 18.04.2018 has also held that :-

“ However, Section 10(1), which was introduced at the same time as Section 11(f) by the Amendment Act of 2006, carves out one facet of the aforesaid power contained in Section 11(f), namely the grant of a no objection certificate to a minority educational institution at its inception. Thus, any person

who desires to establish a minority educational institution after the Amendment Act of 2006 came into force, must apply only to the competent authority for the grant of a no objection certificate for the said purpose. It is a little difficult to subscribe to Shri Hedge's argument that the said powers are concurrent. Harmoniously read, all applications for the establishment of a minority educational institution after the Amendment Act of 2006 must go only to the competent authority set up under the statute. On the other hand, for the declaration of its status a minority educational institution at any stage post establishment, the NCMEI would have the power to decide the question and declare such institution's minority status."

Under Section 10 of the NCMEI Act, 2004 whosoever desires to establish a minority educational institution has to apply to the Competent Authority of the State Government for "No Objection Certificate". It transpires from the record that the petitioner institution has not applied before the Competent Authority of the State Government for grant of No Objection Certificate. From the provisions of 11(f) and 12(B) of the NCMEI Act, 2004 it is clear that the Commission has the power to decide all questions relating to the status of any institution as minority educational institution and declare its status as such. Moreover under section 12(B), where an authority established by the Central Government or any State Government has rejected the application for grant of minority status to any educational institution, the aggrieved person / institution may file appeal against such order of the authority to the Commission. As per the judgement of Hon'ble Supreme Court in the matter of Sisters of St. Joseph of Cluny V/s The State of West Bengal and Ors. (Supra), the Commission has both original as well as appellate jurisdiction.

The court further held that after considering the facts and circumstances of this case and in view of observations, it was an admitted fact that the petitioner institution had applied to the Competent Authority of the State Government of Tamil Nadu for grant of minority status certificate and the said application was pending with the State Government. So in the interest of justice, the court was of the considered opinion, without going on the merits of this case, that this was just, proper and fit case to send the matter back to the Competent Authority of the State Government of Tamil Nadu with the request to decide the application of the petitioner for grant of minority status on merits, expeditiously.

The petitioners as well as office of the Commission are directed to produce/send certified copy of the order to the State Competent Authority immediately for compliance of the order. The petition was disposed in accordance with this order.

6.7 CASE NO. 814 of 2017.

Subject: Application for seeking minority status certificate by St. Dominic's Girls Hr. Sec. School, Nirmala Nagar, Perambalur District, Tamil Nadu-621212

Applicant: St. Dominic's Girls Hr. Sec. School, Nirmala Nagar, Perambalur District, Tamil Nadu-621212.

Respondent: Principal Secretary, Higher Education Department, Government of Tamil Nadu.

The order was pronounced on 22/08/2019. Sr. G. Mary Emerentia, Correspondent of the "St. Dominic's Girls Higher Secondary School" filed original petition on 14/12/2016 and amended petition on 05/01/2018 for grant of minority status certificate to St. Dominic's Girls Hr. Sec. School, Nirmala Nagar, Perambalur District, Tamil Nadu-621212. The Hon'ble Court heard the learned counsel appearing for the petitioner institution and perused the records. The petitioner on dated 10/03/2016, had applied to the Competent Authority of the State Government, Tamil Nadu for grant of minority status certificate and the said application was pending the State Competent Authority. It is admitted fact by the petitioner that during the pendency of the said application this petition had been filed before the Commission in original jurisdiction for grant of religious minority status to the petitioner institution.

The respondent in this case, had submitted reply that above institution has directly sent the application for the grant of minority status certificate to Government instead of submitting through the concerned Departmental Officers. The school should submit the proposal for the grant of Minority Status to Government through proper channel. However the report had been called and on receipt of the proposals through proper channel necessary action would be taken by the Department and prayed for dismissal of the petition.

The petitioner institution had applied for grant of minority status certificate on the ground that the same has been established and being administered by “Franciscan Sisters of St. Joseph”. The said society is a registered society constituted by the members of the Christian community and members of the said society are also from the Christian community. The said Society is meant for the benefit of the Christian minority community, especially for the benefit of the Christian girls. Learned Counsel for the petitioner submitted that petitioner had applied to the State (Principal Secretary, School Education Department, Government of Tamil Nadu) on 10/03/2016 for grant of minority status certificate. Since there was no result from the State, the society / institution applied to the Commission for minority status certificate.

The NCMEI Act, 2004 was amended twice in order to further broad base and expand the functions as well as the quasi judicial powers of the NCMEI. For the just decision of this case Section 2, Section 10, Section 12 A and 12 B of the Act is relevant.

A person who desires to establish minority educational institution has to apply to the Competent Authority of the State Government for a “No Objection Certificate” (NOC) for the said purpose under section 10 of the NCMEI Act, 2004. The Act of 2004 also conferred powers of appeal against orders of the Competent Authority to the NCMEI under Section 12(A), as well as over authorities that were established by the Central Government or State Government who rejected applications for the grant of minority status to an educational institution under section 12(B).

Therefore as per the above provisions, a person who desires to establish minority educational institution has to apply to the Competent Authority of the State Government for a “No Objection Certificate” (NOC) for the said purpose under section 10 of the NCMEI Act, 2004. The Act of 2004 also conferred powers of appeal against orders of the Competent Authority to the NCMEI under Section 12(A), as well as over authorities that were established by the Central Government or State Government who rejected applications for the grant of minority status to an educational institution under section 12(B).

The Hon'ble Supreme Court in Civil Appeal No. 3945 of 2018 in the matter of Sisters of St. Joseph of Cluny V/s The State of West Bengal and Ors. (2018) 6 SCC 772 vide order dated 18.04.2018 has also held that:-

“ However, Section 10(1), which was introduced at the same time as Section 11(f) by the Amendment Act of 2006, carves out one facet of the aforesaid power contained in Section 11(f), namely the grant of a no objection certificate to a minority educational institution at its inception. Thus, any person who desires to establish a minority educational institution after the Amendment Act of 2006 came into force, must apply only to the competent authority for the grant of a no objection certificate for the said purpose. It is a little difficult to subscribe to Shri Hedge’s argument that the said powers are concurrent. Harmoniously read, all applications for the establishment of a minority educational institution after the Amendment Act of 2006 must go only to the competent authority set up under the statute. On the other hand, for the declaration of its status a minority educational institution at any stage post establishment, the NCMEI would have the power to decide the question and declare such institution’s minority status.”

Under Section 10 of the NCMEI Act, 2004 whosoever desires to establish a minority educational institution has to apply to the Competent Authority of the State Government for “No Objection Certificate”. It transpires from the record that the petitioner institution has not applied before the Competent Authority of the State Government for grant of No Objection Certificate. From the provisions of 11(f) and 12(B) of the NCMEI Act, 2004 it is clear that the Commission has the power to decide all questions relating to the status of any institution as minority educational institution and declare its status as such. Moreover under section 12(B), where an authority established by the Central Government or any State Government has rejected the application for grant of minority status to any educational institution, the aggrieved person / institution may file appeal against such order of the authority to the Commission. As per the judgement of Hon’ble Supreme Court in the matter of Sisters of St. Joseph of Cluny V/s The State of West Bengal and Ors. (Supra), this commission has both original as well as appellate jurisdiction.

The court further held that after considering the facts and circumstances of this case and in view of observations, it was an admitted fact that the petitioner institution had applied to the Competent Authority of the State Government of Tamil Nadu for grant of minority status certificate and the said application was pending with the State Government. So in the interest of justice, the court was of the considered opinion, without going on the merits of this case, that this was just, proper and fit case to send the matter back to the Competent Authority of the State

Government of Tamil Nadu with the request to decide the application of the petitioner for grant of minority status on merits, expeditiously.

The petitioners as well as the office of the Commission are directed to produce/send certified copy of the order of this Commission to the Competent Authority immediately for compliance of this order. The petition was disposed of in accordance with this order.

CHAPTER 7: CASES REGARDING DEPRIVATION OF RIGHTS OF MINORITY EDUCATIONAL INSTITUTIONS AND AFFILIATION TO UNIVERSITIES

Under Article 30 (1) of the Constitution, religious or linguistic minority has a right to establish and administer educational institutions of its choice. The right however is subject to the regulatory powers of the State to maintain and facilitate excellence in educational standards. In T.M.A. Pai Foundation vs. State of Karnataka (2002) 8 SCC 481 case, the 11-judge bench of the Supreme Court, explained the rights of minorities to establish and administer an educational institution of their choice unhampered by rules and regulations that unnecessarily impinge upon their autonomy. The right to establish and administer broadly comprises of the following rights:-

- ❖ to admit students;
- ❖ to fix a reasonable fee structure;
- ❖ to constitute a governing body;
- ❖ to appoint staff (teaching and non teaching); and
- ❖ to take action if there is dereliction of duty on the part of any of the employees.

It was held that the minority institutions could not be allowed to fall below the standards of excellence expected of educational institutions or under guise of the exclusive right of management, allowed to decline to follow general pattern. The Court stated that while the management must be left to minority, they may be compelled to keep in step with others. The right to administer, not being absolute, there could be regulatory measures for ensuring educational standards and maintaining excellence thereof, and it is more so in the matter of admissions to professional institutions.

The following cases were considered/decided by the Commission during the year:

7.1 CASE NO. Misc 1of 2019

- Subject:** Complaint against Maharashtra University of Health Sciences for not Issuing DBS Pass Degree and Internship Certificate to Mr. Najmabadi Sina Mohammad Hadi.
- Complainant:** M. A. Rangoonwla College of Dental Sciences & Research Centre, Pune, through its Principal, Dr. Ramdeep Dugal 2390-B, K.B. Hidayatullah Road, Azam Campus, Camp, Pune.
- Respondent:** The Admission Regulating Authority through its Secretary, New Excellesor Building Fort, Mumbai, Maharashtra

The case was received in the office of the Commission on 11/2/2019. It was registered as Misc. 1 of 2019. The case was heard in the Hon'ble court of the Commission on 19/2/2019, 13/3/2019, 23/4/2019 and 1/5/2019. The order was pronounced on 1/5/2019. None was present either from petitioner side or from respondent side on the day of pronouncement of the order. Order dictated separately and pronounced, which reads as under:

Hon'ble Court of Commission heard the petition and perused the file and written arguments submitted by the petitioner. By this petition, the petitioner sought direction to the respondent No. 2, i.e. the Registrar, Maharashtra University of Health Sciences, Dindoti Road, Mahsrul, Nashik (Maharashtra) to issue one year internship completion certificate as well as BDS Pass University Degree Certificate to Shri Najmabadi Sina Mohammad Hadi. The petitioner no. 1 through its Principal alleged that the Institution is a minority educational institution covered under Article 30(1) of the Constitution of India. This Commission vide order dated 28.03.2016 in Case No. 305 of 2016 had directed the respondent University to declare result of Shri Najmabadi Sina Mohammad Hadi who was admitted in petitioner's college as foreign student. Above order of this Commission was passed on the basis of the Government of India's approval to the admission of this student in Petitioner No. 1 College. Accordingly, Respondent No. 2 University had allowed the said student to appear for the BDS examination. Shri Najmabadi Sina Mohammad Hadi appeared in the examination and completed 4 years BDS course including final examination. The student (Shri Najmabadi Sina Mohammad Hadi) also

completed his internship of one year. Accordingly, Respondent No. 2 University had issued final year passing certificate and mark sheet. However, for want of final order from this Commission the internship completion certificate as well as BDS degree Certificate was not issued by the Respondent No. 2 University.

The petitioner had filed BDS Passing Certificate of University, Attempt Certificate, College recognition certificate, details of internship programme done in MARDC College, Provisional Internship Completion Certificate and Letter to registrar MUHS Nashik, to issue Internship completion certificate in support of the averments made in the petition.

Despite notice, none entered appearance on behalf of the respondent as a result whereof the case was proceeded *ex-parte* against them. The respondent did not contest the proceedings. This clearly indicated that the respondent had no case against the petitioner. The verification of the petition and the documents filed by the petitioner clearly proves the contents of the petition. Vide order dated 28.03.2016 of this commission in Case no. 305 of 2016 Dr. Ramandeep Dugal, Principal, M.A. Rangoonwala College of Dental Sciences Research Centre, Pune and Ors. V/s Secretary, The Pravesh Niyantaran Samiti, Maharashtra and Ors., this Commission had observed that the name of Shri Najmabadi Sina Mohammad Hadi was cleared by the Government of India, Ministry of Health and Family Welfare vide Memo dated 12.05.2014. So there was absolutely no jurisdiction for the respondent University for withholding examination result of the said student. Consequently, this Commission had directed the respondent University to declare the result of this student.

The court observed and ordered that "In above circumstances, the action of respondent no. 2 University is not sustainable in the eyes of law. So there is no jurisdiction for the respondent University to withhold the certificate of degree and one year internship completion certificate. Having regards to the facts and circumstances of the case, we have no option but to hold and find that action of the respondent University in withholding the degree certificate as well as one year internship completion certificate of Shri Najmabadi Sina Mohammad Hadi without just and proper grounds is violation of the educational rights of the minority guaranteed under Article 30(1) of the Constitution of India.

Consequently, we direct the respondent University to issue degree certificate as well as one year internship completion certificate with immediate effect to the student Shri Najmabadi Sina Mohammad Hadi. Hence, the petition was disposed of accordingly.

CHAPTER 8 – REFERENCES FROM CENTRAL GOVERNMENT AND STATE GOVERNMENTS AND COMMISSION’S RECOMMENDATIONS

As per Section 11 (a) of the Act, the Commission shall advise the Central Government or any State Government on any question relating to the education of minorities that may be referred to it.

8.1. Meeting with competent Authorities/Authorities of the States/UTs:

Two meetings with the Governments/UTs competent authorities appointed under section 10 of NCMEI and as per the provisions contained National Commission Minorities Act 1992 (19 of 1992) , were



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conducted. 38 representatives from 22 States/UTs were present in the meeting held on 23/8/2019 and 10 representatives from 7 states were present on 18/11/2019.



29 States/UTs have appointed Competent Authority to grant No Objection Certificate. Assam, Bihar, Maharashtra, Manipur, Dadra & Nagar Haveli, Delhi, J&K and Ladakh have not appointed. In 33 States/UTs, the petitioner institutions can apply directly to the State/UT for grant of MSC. The State Governments/UT

Administrations which have not appointed Competent authority as per the Act, have been requested to appoint Competent authority. A list of the State Competent authority is in **Annexure-3**.

CHAPTER-9: RECOMMENDATIONS FOR THE INTEGRATED DEVELOPMENT OF EDUCATION OF THE MINORITIES

The functions of the Commission as enumerated in Section 11 of NCMEI Act are reproduced below :-

- “(d) review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation;
- (e) specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities;
- (f) decide all questions relating to the status of any institution as a Minority Educational Institution and declare its status as such;
- (g) make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the Minority Educational Institutions; and
- (h) do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission.”

9.1 On 25/11/2019 the Commission held a meeting under the Chairmanship of Hon’ble Chairman NCMEI with the representatives of minority educational institutions. The agenda of the meeting was to address issues regarding violation of educational rights of the Minority Educational Institutions and apprise them of their educational rights and constitutional safeguards as enshrined in the Constitution of India. The meeting was first of its kind wherein direct interaction was made with the MEIs. Representatives from 34 Minority Educational Institutions across the country attended the meeting. The meeting served the platform to sensitize the MEIs on the following:

- Article 30(1) of the Constitution, which provides religious / linguistic minorities to establish and administer educational institutions of their choice.
- Right to Education (RTE) Act- Hon’ble Supreme Court’s judgement



in the matter of Pramati Educational & Cultural Trust (R) & Others Versus Union of India & Ors., in which it was held that proposition of law establishes that RTE Act 2009 is not applicable to Minority Schools, aided or unaided.



community etc.

- MEIs rights namely reservation not applicable in admission, autonomy in choosing its governing body, appointment of teaching & non teaching staff, admitting students of their own choice including students from non-minority community and also students from their own

- Judgments of the Hon'ble Supreme Court on the applicability of minorities' rights.
- State's in the interest of discipline and academic excellence, to regulate the affairs
- Functions and Powers of Commission.

9.2. CASE NO. 478 of 2019

Subject: Petition for Cancellation of MSC

Petitioner: 1. Saudath C.H. Aged 52 Years W/o Hameed P.K., Panickerkunnan House, Thrikkalangode, Working as Assistant Teacher, A.L.P. School, Pazhedam, Manjeri, Malappuram-676101

2. Rashida K. Aged 52 Years W/o Abdul Jabbar, Mannissery House, Amayoor P.O., Manjeri, Working as Assistant Teacher A.L.P. School, Pazhedam, Manjeri, Malappuram-676101

3. Swapna K.G. W/o Mohandas, Working as Assistant Teacher A.L.P. School, Pazhedam, Manjeri, Malappuram-676101.

Respondent: 1. Smt. N. Sidrathul Munthaha Residing at Nerrulppan, All-Hilal Manzil, P.O., Pathappariyam, Manjeri, Malappuram District – 676123 Working as Arabic Teacher, A.L.P. School, Pazhedam

2. Sri C.H. Abdul Rashid Residing at Cholasseri House, V.I.P. Colony, Malappuram Down Hill, Malappuram District - 676519.

The order was pronounced on 6/11/2019. Despite service of notice, none appeared on behalf of the applicants / petitioners. Hon'ble High Court of Kerala at Ernakulam in Civil Writ Petition No. 20400 of 2019 passed the following order dated 25.07.2019:

“The petitioners who are teachers of ALP School, Pazhedam are aggrieved by certificate issued by the National Commission for Minority Educational Institutions. The petitioners have submitted application, requesting for cancellation of the said certificate. It is stated that even after reminder was sent, no action is taken. Therefore, the Writ Petition is disposed of directing the National Commission for Minority Educational Institutions to consider application submitted by the petitioners, after affording an opportunity of hearing to the petitioners as well as respondents and any parties likely to be affected within a period of three months from the date of receipt of a copy of the judgement.”

As per the direction of Hon'ble High Court of Kerala, an application filed by the petitioners with the application dated 10/08/2019 which was registered as case no. 478 of 2019 under section 12(c) of the National Commission for Minority Educational Institutions (NCMEI) Act, 2004. As per the direction of Hon'ble High Court of Kerala, notices were issued to the petitioners mentioned above and respondents. On dated 17/09/2019 the Advocate appeared on behalf of the respondents and prayed time to file reply. Commission received a letter by post from the petitioners in which it was requested that the case may be heard and decided on merits on the basis of submissions/pleadings in their complaint dated 11/01/2019 submitted alongwith supporting documents and prayed for cancellation of minority status certificate issued in favour of A.L.P. School, Pazhedam. Thereafter on dated 10/10/2019 respondents filed detailed reply and documents which were taken on record and case was fixed for final arguments.

The petitioners in their application dated 11.01.2019 stated that MSC issued in favour of the A.L.P. School, Pazhedam was obtained by misleading this Commission. It is evident from the records that the application for grant of minority status certificate was returned to the Manager of A.L.P. School, Pazhedam on dated 18/04/2013 by the State Authority of Kerala Government for retransmission the same through proper channel. Unfortunately, the said direction was ignored by this Commission, resulting which many irregularities were committed in granting minority status certificate. Mrs. Sidrathul

Munthaha had never become a Manager of A.L.P. School, Pazhedam. Order dated 03/12/2012 and 07/03/2014 of Government authorities of Kerala State exempting her from Rule 8(2) of the Kerala Education Rules 1959 (hereinafter referred to as Rules 1959) and to approve her appointment as Manager of A.L.P. School, Pazhedam. Those orders were not implemented so far. Hon'ble High Court of Kerala by WP(C) No. 8393 of 2014 had stayed the operation of above orders as detailed below;

“On 28/03/2014 the Hon. High Court stayed implementing of the above orders for 2 weeks. On 09/04/2014 stay was vacated by the Hon. High Court on 25/04/2014 status quo as on that date was ordered by the Division Bench upto 31.05.2014 (During this period no transfer of management was occurred). On 30/05/2014 status quo extended for further 2 weeks. On 10/06/2014 status quo extended for further one week. On 12/06/2014 status quo extended for further one month. On 04/07/2014 finally status quo extended until further orders. Thereafter above writ petition came for hearing on 30/05/2014. Hon'ble High Court has issued a detailed interim order directing Mr. T.P. Abdul Salam erstwhile Manager to continue as Manager until further orders. The said order continued till the final disposal of WP(C) No. 8393 of 2014 dated 07/02/2018. In above writ petition on dated 07/02/2018, Mrs. Sidrathul Munthaha had withdrawn her candidature for the post of Manager of A.L.P. School, Pazhedam and writ petition was disposed of. So from the facts of the case Mrs. Sidrathul Munthaha had never become the Manager of A.L.P. School, Pazhedam.

So the application of Mrs. Sidrathul Munthaha as Manager of the A.L.P. School, Pazhedam is against the spirit of the Hon'ble High Court orders. Therefore they request to revoke the said minority status certificate. Petitioners have further submitted that application for minority status certificate was submitted as Manager, A.L.P. School, Pazhedam on 27.03.2013 without disclosing the name of the Manager but the signature thereof is not of Mrs. Sidrathul Munthaha or anybody concerned with this school. A declaration is seen to be signed by Mrs. Sidrathul Munthaha on 10/01/2014. The orders of DPI was issued only on 07/03/2014. So Mrs. Sidrathul Munthaha, Arabic Teacher signed as Manager even before she was appointed as Manager.

It was also mentioned in the application that the said A.L.P. School, Pazhedam was not functioning as minority institution, and Mrs. Sidrathul Munthaha had submitted

the minority status certificate before Hon'ble High Court of Kerala for claiming manager ship to her nominee overlooking the provisions laid down in Kerala Education Act and Rules. Petitioners had also submitted that there is a dispute for appointment of Headmistress in the A.L.P. School, Pazhedam and Mrs. Sidrathul Munthaha misused the minority status of the school only for her personal gain. Therefore, petitioners had prayed to revoke / cancellation of the minority status certificate granted in favour of the A.L.P. School, Pazhedam.

In support of the complaint petitioners had filed a copy of Writ Petition No. 20400 of 2019, copy of judgment of Writ Petition No. 20400 of 2019. Petitioners had also filed copy of application for grant of minority status certificate filed before the Commission, orders of writ petition no. 8393 of 2014. Government Orders, final order dated 07/02/2018 passed by the High Court of Kerala in writ petition no. 8393 of 2014. Order dated 03/04/2018 passed in writ petition no. 11137 of 2018. Order dated 25/10/2018 passed by the Hon'ble High Court of Kerala in writ petition no. 34850 of 2018. Copy of minority status certificate issued by this Commission. Copy of order dated 22/11/2018 passed in writ petition no. 37933 of 2018.

On the other hand, respondents have filed detailed reply with affidavits and denied all the averments of the petition filed by the complainants. Respondents have submitted that petition filed by the complainants is not maintainable as per provisions of Section 12(c) of the NCMEI Act, 2004. The only contention of the petitioners is that the respondent no. 1 was not a Manager at the time of obtaining minority status certificate from this Commission and was obtained by misleading this Commission. Institution has been established by Mr. T.P. Muhammed Haji in the year 1981 who belongs to Muslim minority community and an aided institution duly recognized by the Kerala State. Founder of the institution Mr. T.P. Muhammed Haji, expired on 29/10/1996. Thereafter all the legal heirs of Late Mr. T.P. Muhammed Haji unanimously nominated Mr. T.P. Abdul Salam as the Manager of the above institution and the above action was duly approved by the competent authority vide letter dated 27/01/2005.

Legal heirs of Late Mr. Muhammed Haji decided to sale the ownership and management of the institution and transferred to one Mr. A. Abdul Salam S/o Mr. Aranjikkal Mammad by registered sale deed dated 11/04/2012. Mr. Abdul Salam submitted an application before the Director of Public Instruction, Trivendrum, Kerala on

dated 15/06/2012 for prior permission to transfer the management involving change of ownership. Above office vide its order dated 17/09/2012 granted permission for transfer of management as per rule 5(a) of Rules 1959. Subsequently, to that the Assistant Educational Officer, Manjeri, District Malappuram ought to have been passed an order for approving the managership of Mr. Abdul Salam, but he denied to give approval because of the reason that the institution had not been scheduled in the sale deed executed between the legal heirs of Mr. T.P. Muhammed Haji and Mr. Abdul Salam. Respondents have submitted that as per rule 3(2) of Rule, 1959 it is specifically declared that "in case of aided institution under individual management the individual proprietor may be the Manager" and Mr. T.P. Abdul Salam continued as the Manager of the above institution as per order dated 17/09/2012 of DPI.

In the meanwhile Mr. T.P. Abdul Salam had decided to sale the ownership and management of the A.L.P. School, Pazhedam. Thereafter, respondent no. 1, who was a junior Arabic teacher in the institution, informed Mr. Abdul Salam about her desire to taking up the ownership and managership of the institution with an aim to administer and run the institution in a better manner. Even though respondent no. 1 was ready and willing to taking up the ownership and managership of the institution from Mr. Abdul Salam but she could not take up because of the bar as per rule 8(2) of Rules 1959 as Respondent no. 1 was an employee of the institution . The Respondent no. 1 submitted a representation to Director, General Education Department seeking exemption for respondent no. 1 to take up the managership of the institution. After considering the representation, Director, General Education Department granted No Objection to the respondent no. 1 for taking up the managership of institution. Mr. Abdul Salam transferred his ownership over the institution to respondent no. 1 vide registered sale deed dated 08/10/2012. On dated 03/12/2012 the Under Secretary, General Education Department, Government of Kerala issued Government Order in favour of the respondent no. 1 and exempted from Rule 8(2) of the Rules, 1959 on a condition that the appointment of respondent no. 1 as the manager of the institution would not adversely affect her duty as a teacher. Thereafter, respondent no. 1 could be the manager of the institution as per rule 3(2) of Rules, 1959.

On dated 27/03/2013, respondent no. 1 made an application to the Competent Authority of the Kerala State for grant of minority status to the institution but instead of considering the application for grant of minority status to the institution they returned the

same to respondent no. 1 vide letter dated 18/04/2013 for resubmission through proper channel. Then the respondent no. 1 availed the remedy as per NCMEI Act, 2004 by filing application for grant of minority status on dated 10/01/2014. During the pendency of above petition, some disputes have arisen between the teachers of the institution and respondent no. 1 regarding appointment of Headmistress. Mrs. Claramma O.A. and others have filed writ petition no. 8393 of 2014 before the Hon'ble High Court of Kerala seeking quashing of Govt. order dated 03/12/2012 and 07/03/2014 passed by the Government Authorities for allowing the managership of respondent no. 1.

Initially Court stayed the said orders on 28/03/2014 and the stay was vacated vide order dated 09/04/2014. Thereafter Court passed a status quo order dated 30/05/2014 directing Mr. T.P. Abdul Salam who is not a party to the proceeding, to continue as the Manager of the institution as temporary measure. Mr. T.P. Abdul Salam after knowing the fact submitted affidavit before the Assistant Education Officer, Manjeri stating that he has already transferred all his rights to Mr. A. Abdul Salam vide sale deed in the year 2012 and subsequently Mr. A. Abdul Salam transferred his ownership and managership in favour of the respondent no. 1 on dated 08/10/2012 and Mr. T.P. Abdul Salam is no more concerned with any of the affairs of A.L.P. School, Pazhedam. Respondents have further submitted that on dated 09/04/2014 when the Hon'ble High Court vacated the stay order, the order dated 03/12/2012 and 07/03/2014 passed by the Government authorities of Kerala again came into force. Even if there is a stay of above orders instead of status quo legally it cannot restrain respondent no. 1 from the managership of the institution as per rule 3(2) of Rules, 1959. This legal position had already been appreciated by the Hon'ble High Court of Kerala while disposing of the writ petition no. 8393 of 2014, finally on dated 07/02/2018 wherein it affirmed that presently respondent no. 1 is the owner/ manager of institution and therefore respondent no. 1 has right to nominate eligible person to be manager of the institution. The contention of the petitioners is wrong and untenable and it is clear that the respondent no. 1 was the manager of the institution during the period when minority status certificate was granted in favour of the institution. Respondents have further submitted that since the petitioners in writ petition no. 20400 of 2019 challenging the managership of respondent no. 1, the respondent no. 1 decided to nominate and appoint respondent no. 2 as the manager of the institution. On dated 28/03/2017 respondent no. 1 moved an application IA no. 2677/17 in writ petition no. 8393 of 2014 seeking permission to approach Assistant

Education Officer, Manjeri for approval of proposed change of manager. The Hon'ble High Court had permitted respondent no. 1 to make application and directed the Assistant Education Officer, Manjeri to consider the above application. Hon'ble High Court had permitted Respondent No. 1 to nominate eligible person as the manager of the institution. Accordingly respondent no. 1 had nominated respondent no. 2 as manager of the institution. Managership of respondent no. 2 had already been sanctioned by the Assistant Education Officer, Manjeri vide its order dated 08/08/2019. Respondents have prayed for dismissal of present complaint / petition for cancellation of minority status certificate granted in favour of the A.L.P. School, Pazhedam.

In support of their contention respondents filed true copy of the letter issued by AEO Mallapuram dated 27/01/2005 with its true English translation, true copy of letter dated 17/09/2012 issued by DPI, Trivendrum, Kerala, true copy of registered sale deed dated 08/10/2012 alongwith its true English translation, true copy of judgement dated 10/11/2010 passed by Hon'ble High Court of Kerala and WP(C) No. 28888 of 2010(I), true copy of Government order dated 03/12/2012 issued by Under Secretary, General Education Department, Govt. of Kerala alongwith its true English translation, true copy of application dated 03/12/2012 submitted by Mr. Abdul Salam before AEO Manjeri and copy of letter dated 03/12/2012 submitted by respondent no. 1 before DPI Trivendrum, true copy of judgment dated 11.09.2013 passed by the Hon'ble High Court Kerala in WP (C) No. 20585 of 2013, true copy of application dated 10/01/2014 filed by Respondent No. 1 before this Commission, true copy of order dated 07/03/2014 issued by DPI, Trivendrum, true copy of Minority Status Certificate dated 22/09/2014, true copy of order dated 30/5/2014 passed by Hon'ble High Court of Kerala in WP(C) No. 8393 of 2014, true copy of affidavit submitted by Mr. T.P. Abdul Salam before AEO, Manjeri alongwith its true English translation, true copy of application dated 01/10/2016 submitted by respondent no. 1 before the AEO, Manjeri, true copy of order dated 28/03/2017 passed by Hon'ble High Court of Kerala in WP(C) No. 8393 of 2014, true copy of application dated 14/06/2017 submitted by respondent no. 1 before AEO Manjeri, true copy of judgement dated 09/08/2017 passed by Hon'ble High Court of Kerala in WP(C) No. 26480 of 2017, true copy of judgement dated 07/02/2018 passed by the Hon'ble High Court of Kerala in WP(C) No. 8393 of 2014, true copy of order dated 20/03/2018 issued by DPI, Trivendrum, Kerala alongwith its English translation, true copy of order dated 25/10/2018 passed by the High Court of Kerala in WP(C) No. 34850/2018(E), true copy

of judgment dated 08/04/2019 passed by the Hon'ble High Court of Kerala in WA No. 1030/2019, true copy of order dated 08/08/2019 issued by AEO, Manjeri.

The Hon'ble Court of the Commission heard the arguments and submissions made by the learned counsel for the non applicant/ respondents and also perused the written memorandum of arguments filed by the learned counsel for the respondent no.1 & 2, perused the pleadings of the parties, documents filed by both the parties, considered the application dated 11/01/2019 for cancellation of the minority status certificate granted in favour of A.L.P. School, Pazhedam run by Mrs. Sidrathul Munthaha, orders and judgements of the court and Kerala State Authorities placed before the court and taking the totality of facts and circumstances into consideration for making the decision.

It is an admitted fact that the A.L.P. School, Pazhedam originally belong to, Late Mr. T.P. Muhammed Haji and after his death his son Mr. T.P. Abdul Salam become the Manager of the School. A portion of school property was purchased by Mr. A. Abdul Salam S/o Mr. Aranjikkal Mammad. Later from the said Mr. A. Abdul Salam, Respondent No. 1 Mrs. Sidrathul Munthaha purchased the above school building and some portion of land. Respondent No. 1 Mrs. Sidrathul Munthaha is an Arabic Teacher in the above said A.L.P. School, Pazhedam. As per the Rules 1959, she cannot be the Manager of the said school, she obtained special order of exemption from the Kerala Government. The Director of Public Instruction issued orders directing the Assistant Education Officer, Manjeri to issue formal orders permitting Respondent No. 1 Mrs. Sidrathul Munthaha to be the Manager of A.L.P. School, Pazhedam. The above said order of Director of Public Instruction, Kerala was challenged by Mrs. Claramma O.A., Rashida, Saudath C.H. and Swapna K.G., Teachers of the above school by filing Writ Petition (C) 8393 of 2014 before the Hon'ble Kerala High Court. Initially the Hon'ble High Court had passed stay on the said orders vide order dated 28/03/2014, subsequently, the order was vacated as per the order dated 09/04/2014. Thereafter, Hon'ble High Court had passed status quo order dated 13/05/2014 directing Mr. T.P. Abdul Salam to continue as the Manager of the above institution. Thereafter on dated 07/02/2018 the Writ Petition (C) No. 8393 of 2014 was finally disposed of by the Hon'ble High Court of Kerala which is reproduced here below :-

“The petitioners, who are teachers of an aided school, had challenged Exhibits P1 and P13 orders by which the 6th respondent, who is a teacher of the school, had been

appointed as Manager of the School. The Court had by interim orders interdicted the 6th respondents from functioning as the Manager. Further orders had also been rendered directing that the erstwhile Manager of the school would continue as manager as a temporary measure. Heard learned counsel for the petitioners learned Government Pleader and the learned counsel appearing for the 6th respondent. It is submitted that the 6th respondent is the present owner of the school. The educational authority in respect of the school had submitted an application for change of management. It is submitted that the 6th respondent had nominated an eligible person to be the Manager of the school and the said application has been considered by the authorities. But no orders have been passed thereon. In the above view of the matter, it is submitted by learned counsel for the 6th respondent that the educational authorities may be directed to pass orders on the request for change of management in accordance with the law. It is further submitted that since the 6th respondent has withdrawn his claim for being appointed and approved as Manager, the challenge against Exhibits P1 and P13 orders has become the infructuous. After hearing the learned counsel appearing for the parties, I am of the opinion that the appointment of appropriate person as Manager has to be considered in accordance with law. In the above view of the matter, there will be a direction to the educational authorities to consider the request made by the petitioner for change of personnel of Manager in accordance with law and to pass orders thereon within two months from the date of receipt of a copy of this judgement. Till such time, the arrangement ordered by this court shall continue.”

After considering the judgment dated 06/11/2017 of Writ Petition No. 35377 of 2017, judgement dated 07.02.2018 of writ petition no. 8393 of 2014, writ revision petition submitted by Respondent No. 1 dated 02/11/2017 and the application submitted by Headmistress Mrs. Claramma O.A. and Others, Additional Director General Education (Academic) passed order dated 20/03/2018 that the management of A.L.P. School, Pazhedam is temporarily taken over by Sub District Education Officer, Manjeri. Against the above order dated 20/03/2018 of Additional Director General Education (Academic), respondents have filed writ petition (C) No. 34850 of 2018 before the Hon'ble High Court of Kerala and Hon'ble Court has pleased to pass the following orders dated 25/10/2018 :-

“The second petitioner is permitted to act as the Manager. Therefore, Exhibit P9 is stayed to the extent appointing Assistant Educational Officer as the Manager.”

After above order of Hon'ble High Court of Kerala, Assistant Educational Officer, Manjeri has passed order dated 08/08/2019 which is as under :-

“Sri Abdul Rasheed C.H. was appointed as Manager of ALPS, Pazhedam by Smt. Sidrathul Munthaha. This appointment was rejected by Educational authorities for the reason that Smt. Sidrathul Munthaha is not an approved manager. Later Hon'ble High Court as per the reference cited permitted Sri Abdul Rasheed to act as manager of the school. No order were issued based on the judgement because there was no specific direction to approve him as manager. Moreover no proposals were submitted based on the judgement. Now as per the reference 2nd cited the undersigned has been directed to comply with annexure 1 judgements. In these circumstances Sri Abdul Rasheed C.H. is permitted to act as manager of ALPS Pazhedam from 25.10.2018. The judgement is thus complied with.”

As would be evident from the perusal of the aforesaid judgements and orders of Hon'ble High Court of Kerala and Officer of the Kerala State Government that Mr. C.H. Abdul Rashid (respondent no. 2) was appointed as Manager of A.L.P. School, Pazhedam by the registered owner of the school Pazhedam by Mrs. Sidrathul Munthaha (Respondent No. 1) and Mr. C.H. Abdul Rashid (Respondent No. 2) is permitted to act as Manager of the above School. The issue which arises for consideration in the matter is that the respondent no. 1 was not the authorized person for obtaining minority status certificate from this Commission and was obtained by misleading the Commission. In writ petition no. 20400 of 2019 before the Hon'ble High of Kerala, the main allegation of the petitioners is that the said transfer of ownership of the institution by Mr. Abdul Salam in favour of the respondent no. 1 is in violation of section 6 (1) of Kerala Education Act, 1958. It is an admitted fact that Mr. A. Abdul Salam S/o Mr. Aranjikkal Mammad transferred his ownership over the institution to the respondent no. 1 vide registered sale deed dated 08/10/2012. As per the rule 3(2) of Rules 1959, in the case of aided institution under individual management the individual proprietor may be the Manager and therefore as per the order dated 17/09/2012 of DPI, Mr. Abdul Salam has continued as Manager of the institution. Director General Education Department has granted his No Objection to the respondent no. 1 for taking up the managership of the institution and legally anybody can transfer the ownership of his property.

The Judgement of the Karnataka High Court in T.M.A. Pai Foundation sheds some light on the issue herein above. The observation is as under :-

“On a careful consideration of the rival submissions, I am unable to agree with the judgement of the Supreme Court in the case of Azeez Bhasha [AIR 1968 SC 662] is an authority for the proposition that even if a linguistic or religious minority takes over the ownership and right of administration of an institution already established by someone else, it would not be entitled to the right guaranteed under Article 30(1) of the Constitution. I am of the opinion that the expression ‘established’ in Article 30 includes not only the founding of an institution but also securing the ownership of an already founded institution, which means re-establishment of the institution under the new management and owner. In order to appreciate this point, the following illustration would be helpful. The Karnataka University was established under the Karnataka University Act, 1926, the Mysore University was established under the Mysore University Act, 1956 and the Bangalore University was established by the Bangalore University Act, 1964. When all these Universities were continuing to exist, the Karnataka State Universities Act, 1976 came into force Section 3(l) of that Act reads – XXXXX It may be seen from the wording of the provision the Section speaks of establishment of the three Universities which had already been established. The fact that the three Universities had already been established under the 1976 Act. Therefore, the expression ‘establishment’ means and includes re-establishment or taking over of both ownership and control of an institution. The interpretation of Article 30(1) by the Supreme Court to the effect that the expression ‘establish’ and administer should be read conjunctively means that both the ownership and right of administration must be in the hands of the minority, and that if one of them is absent, the right guaranteed under Article 30(1) cannot be invoked. In other words, a minority having only ownership or only right of administration without ownership would not be entitled to the protection of Article 30. The Kerala High Court, after considering the relevant paragraph of the judgement of the Supreme Court in Azeez Basha’s case [AIR 1968 SC 662], held that the expression ‘establishment’ includes the taking over of ownership and control of an institution already existing. I am in respectful agreement with the view taken by the Kerala High Court. Therefore, if a linguistic or religious minority desirous of establishing an educational institution, instead of starting a new educational institution, if it were to secure both absolute ownership and management of an already existing institution, either by purchase or gift or by declaration

of the property as a Trust for the benefit of the minority, it is entitled to the right guaranteed under Article 30 in respect of such institution. In all such cases, the test to be applied is, whether both the ownership and the right of administration of the institution concerned is really with the minority concerned? If the answer is yes, the right guaranteed under Article 30 extends.” (emphasis is mine)

The judgement of Kerala High Court in Rt. Rev. Dr. Aldo Maria Patroni, S.J. and Anr. Vs. The Assistant Educational Officer and Ors., AIR 1974 Ker 197 has not only been considered but also affirmed. Crucially, in above case as well as the Kerala High Court extended the protection of Article 30 of the Constitution to petitioners even though the school qua which the right was invoked was not constructed by them. The observation made by the Court in this behalf is as under:-

“... In all these cases it was held that in order to claim protection under Article 30 it should be proved that the school is established by minority community. The fact that a college is founded by a minority community was held to be not sufficient to claim protection under Article 30 in AIR 1968 SC 662. In the above Aligarh University case it was held that the words “established and administered” in Article 30(1) must be read conjunctively and so read it clearly shows that the minority will have the right to administer educational institutions of their choice provided they have established them, but not otherwise. Though some of the educational institutions now administered by Aligarh University were originally founded by Muslims or societies registered under the Societies Registration Act, as they were transferred to and vested in the University established by an Act of Parliament thereafter it was held to be a University not established by the minority but established by the State under the Act of Parliament. The conversion of the nucleus college namely the M.A.O. College into a University was however not by Muslim minority. It took place by virtue of an Act of Central Legislature. From that it was held that it is the Central Legislature that established the said University. This decision really supports the petitioners in countering the argument of the respondents that the school was originally established by the Basel German Mission. I have tried to show that there is no evidence in support of it. Even assuming that to be correct, what we have to see is whether the school is established by the Roman Catholics minority. For establishment it is not necessary that the school must be constructed by the community. Even if a school previously run by some other organization is taken over or transferred to. The Church and the Church reorganises and

manages the school to cater to and in conformity with the ideals of the Roman Catholics it can be safely concluded that the school has been established by the Roman Catholics”.

It would be evident from perusal of above judgements that the view taken by the above both the High Courts that the expression ‘established’ used in Article 30 of the Constitution of India (and therefore by logical corollary in Section 2(g) of the NCMEI Act, 2004) would take within its ambit the change, in the ownership of an institution via takeover or other permissible means even by the minority community from a non-minority community. Looking to the overall circumstances of the present case, in our opinion respondent no. 1 has not misled this Commission in obtaining the minority status certificate in favour of the A.L.P. School, Pazhedam. For the sake of arguments if respondent no. 1 is not the Manager of the A.L.P. School, Pazhedam even then admittedly she is the owner of the A.L.P. School, Pazhedam as per the registered sale deed dated 08/10/2012. This position has been accepted by the Honble High Court of Kerala and State Government authorities also by their judgements and orders. This Commission has not granted the minority status certificate in favour of any person. Commission has granted minority status certificate in favour of A.L.P. School, Pazhedam. As per the procedure of this Commission President, Secretary, Chairman, Trustee of the Trust, Member of the Society, Principal, Manager of any institution or any person duly authorized can apply for grant of minority status certificate to the institution. This Commission granted minority status certificate in favour of the educational institution and not in favour of any trust / society or individual person. The issue regarding Section 6(1) of the Kerala Education Act, 1958 is concerned. This issue was already been settled by the Hon’ble High Court of Kerala in the matter of the *The Manager Vs. Director of Public Instruction*” vide writ petition no. 28888 of 2010 (I) dated 10.11.2010 wherein the Hon’ble High Court has held that transfer of a running school together with its management and properties does not come under section 6 of Kerala Education Act. Therefore, previous permission in writing as required under section 6 is not necessary for making the transfer. The position of law has also been well settled by the Hon’ble Supreme Court of India in the judgement reported in AIR 1970 SC 79 *State of Kerala V/s Mother Provincial* that any society or trust consisting the members of minority community or even a single member of a minority community may establish an educational institution.

In the present case the institution A.L.P. School, Pazhedam is established and being administered and run by the Muslim minority community. We have perused the provisions of Section 12(c) of the NCMEI Act, 2004 and it is also pertinent to mention here that the petitioners have not raised any of these circumstances in their complaint dated 11.01.2019 which is mentioned in Section 12(c) of the NCMEI Act, 2004. In our considered opinion, in the facts and circumstances of the present case, judgements and orders passed by the Hon'ble High Court of Kerala and authorities of Government of Kerala in various petitions and in this matter, no case for cancellation of minority status certificate granted in favour of the A.L.P. School, Pazhedam, has been made out and the petition filed by the petitioners deserve to be dismissed.

9.3. CASE NO. 2433 of 2013

Subject: Application for Grant-in-Aid under IDMI Scheme

Petitioner: Mr. T.K. Ateequr Rahman, Manager & Correspondent ,
Madrasa-E-Azam Aided Primary School, Fort, Vaniyambadi,
District, Vellore, Tamil Nadu

Respondent: Principal Secretary, School Education Department, Government
of Tamil Nadu.

The order was pronounced on 15/5/2019. None appeared on behalf of the parties, petitioner as well as respondents even in second round. On last occasions dated 18.07.2017, 14.12.2017 and 03.08.2018, none were present on behalf of both the parties.

This petition was received from Mr. T.K. Ateequr Rahman, Manager & Correspondent, Madrasa-E-Azam Aided Primary School, Fort, Vaniyambadi, District, Vellore, Tamil Nadu.

By this petition, petitioner submitted that Government of India is offering assistance under Infrastructure Development of Minority Institutions (IDMI) to all the States. In this connection, they had submitted proposals to the State of Tamil Nadu for the said assistance. Those proposals were scrutinized and after due verification those proposals were forwarded by Principal Secretary, Government of Tamil Nadu to the Secretary to Govt. of India, Department of Higher Education, MHRD, New Delhi. At the central level the Ministry of Human Resource Development (MHRD) returned the proposal to the State Government with a request to place those proposals before the

State Grant-in-Aid Committee headed by Secretary (Education) of the State. State raised many objections. So the petitioner prayed to this Commission for favour and in this regard preferably call the official to explain their stand before the Commission.

Petitioner has submitted a copy of the letter dated 22/07/2010, wherein the Principal Secretary to Government of Tamil Nadu, School Education Department had written to the Secretary to Govt. of India, Department of Higher Education, MHRD that they are forwarding the duly recommended Infrastructure Development of Minority Institutions (IDMI) proposals, received from various institutions, for sanction of financial assistance.

Thereafter, Under Secretary to the Govt. of India has written a letter dated 10/08/2010 to the petitioner that as per the scheme document, all proposals received from the Minority Educational Institutions are required to be placed before the State Grant-in-Aid Committee headed by Secretary (Education) of the State. It is only after due approval of the State Grant-in-Aid Committee that the proposal in the prescribed format can be submitted to the Ministry of Human Resource Development for consideration by the Central Grant-in-Aid Committee. Thereafter, State Grant-in-Aid Committee had not forwarded the proposal to the MHRD and this case is lying pending before NCMEI.

In the facts and circumstances of the case, the Commission has waited sufficiently. Since nobody had appeared to make any submission, the Commission has been forced to dismiss the petition. Hence, the petition is dismissed in default.

9.4. CASE NO. 627 of 2017

Subject: Application for Seeking Minority Status Certificate by Amritshree College of Excellence, Timrni, District Harda, MP - Checked

Petitioner: Amritshree College of Excellence, Near Janpad Office, Harda Road, Timrni, District Harda, MP

Respondent: Commissioner Backward Classes & Minority Welfare Department, Government of Madhya Pradesh, Bhopal, MP

The order was pronounced in February, 2020. In the order the court observed that the petitioner institution had applied to the State Competent Authority for grant of minority status certificate and the said application was pending till the date of pronouncing this order. So in the interest of justice, the court was of the considered

opinion, without going on the merits of the case, that this is just, proper and fit case to send the matter back to the State Competent Authority with a copy of both the applications dated 30/06/2015 with the request to decide on the application of the petitioner for grant of minority status on merits after considering all the documents produced by the petitioner expeditiously. Petitioner was directed to produce certified copy of the order of this Commission before the State Competent Authority for compliance of this order. In this view the present petition was disposed of in accordance with this order.

9.5. CASE NOS. 268, 270, 299, 301, 302 and 303—of 2018

Subject: Application for Seeking Minority Status Certificate.

1) Case No.268 of 2018

Petitioner: Holy Cross Industrial School, Ponmalai, District Tiruchirapalli, Tamil Nadu.

Respondent: Principal Secretary, Higher Education Department, Government of Tamil Nadu

2) Case No.270 of 2018

Petitioner: Little Flower High School, Palani, District Dindigul, Tamil Nadu.

Respondent: Principal Secretary, School Education Department, Government of Tamil Nadu

3) Case No.299 of 2018

Petitioner: Holy Cross Matric Hr. Sec. School, Oddanchatram, District Dindigul, Tamil Nadu.

Respondent: Principal Secretary, Higher Education Department, Government of Tamil Nadu

4) Case No.301 of 2018

Petitioner: Holy Cross Matriculation Higher Secondary School, Sathuvachari, District Vellore, Tamil Nadu.

Respondent: Principal Secretary, School Education Department, Government of Tamil Nadu

5) Case No.302 of 2018

Petitioner: Holy Cross Girls Higher Secondary School, Ponmalai, District Tiruchirapalli, Tamil Nadu-620004

Respondent: Principal Secretary, School Education Department, Government of Tamil Nadu

6) Case No.303 of 2018

Petitioner: St. Teresa's Primary School, Pudukottai District, Tamil Nadu-621316

Respondent: Principal Secretary, School Education Department, Government of Tamil Nadu

The order was pronounced on 22/8/2019. After considering the facts and circumstances of these cases, the court of the Commission passed the order that it is an admitted fact that the petitioner institutions had applied to the State Competent Authority for grant of minority status certificate and the said applications were pending with the State Authority till the date of order. So in the interest of justice, the court was of the considered opinion, without going on the merits of the cases, that this was just, proper and fit case to send the matter back to the State Competent Authority with the request to take decision on the applications of the petitioners for grant of minority status on merit, expeditiously. The petitioners as well as office of the Commission were directed to produce / send certified copy of the order of this Commission before the State Competent Authority immediately for compliance of this order.

In view of the above, the present batch of 6 petitions were disposed of in accordance with this order.

9.6. CASE NO. 715, 719, 720 and 727 of 2017

Subject: Application for Seeking Minority Status Certificate

1) Case No.715 of 2017

Petitioner: R.C.M. High School, Nehru Nagar, Wlajabad, District Kancheepuram, Tamil Nadu-631605

Respondent: Principal Secretary, Higher Education Department, Government of Tamil Nadu

2) Case No.719 of 2017

Petitioner: St. Joseph's Primary School, Jolarpet, District, Vallore, Tamil Nadu.

Respondent: Principal Secretary, Higher Education Department, Government of Tamil Nadu

3) Case No.720 of 2017

Petitioner: St. Joseph's Industrial School, George Town, Chennai, Tamil Nadu.

Respondent: Principal Secretary, Higher Education Department, Government of Tamil Nadu

4) Case No.727 of 2017

Petitioner: St. Joseph's High School, Pulicat, District Thiruvallur, Tamil Nadu.

Respondent: Principal Secretary, School Education Department, Government of Tamil Nadu

The order was pronounced on 22/8/2019. After considering the facts and circumstances of these cases, the court of the Commission passed the order that it is an admitted fact that the petitioner institutions had applied to the State Competent Authority for grant of minority status certificate and the said applications were pending with the State Authority till the date of order. So in the interest of justice, the court was of the considered opinion, without going into the merits of cases, that this was just proper and fit case to send the matter back to the State Competent Authority with the request to decide the applications of the petitioners for grant of minority status on merit, expeditiously. The petitioners as well as office of the Commission were directed to produce / send certified copy of the order of this Commission before the State Competent Authority immediately for compliance of this order.

In view of the above, the present batch of 4 petitions was disposed of in accordance with this order.

9.7. CASE NO. 733 of 2017

Subject: Application for Seeking Minority Status Certificate.

Petitioner: Infant Jesus Matriculation Higher Secondary School, Rathinapuri P.O., District Coimbatore, Tamil Nadu.

Respondent: Principal Secretary, Higher Education Department, Government of Tamil Nadu

The order was pronounced on 22/8/2019. After considering the facts and circumstances of the case, the court of the Commission passed the order that it is an admitted fact that the petitioner institutions had applied to the State Competent Authority for grant of minority status certificate and the said applications were pending with the State Authority till the date of order. So in the interest of justice, the court was of the considered opinion, without going into the merits of the case, that this was just, proper and fit case to send the matter back to the State Competent Authority with the request to

decide the application of the petitioner for grant of minority status on merits, expeditiously. The petitioner as well as office of the Commission were directed to produce / send certified copy of the order of this Commission before the State Competent Authority immediately for compliance of this order.

In view of the above, the present petition was disposed of in accordance with this order.

9.8. CASE NO. 814 of 2017

Subject: Application for Seeking Minority Status Certificate

Petitioner: St. Dominic's Girls Hr. Sec. School, Perambalur District, Tamil Nadu

Respondent: Principal Secretary, Higher Education Department, Government of Tamil Nadu

The order was pronounced on 22/8/2019. After considering the facts and circumstances of the case, the court of the Commission passed the order that it is an admitted fact that the petitioner institutions had applied to the State Competent Authority for grant of minority status certificate and the said application was pending with the State Authority till the date of order. So in the interest of justice, the court was of the considered opinion, without going into the merit of the case, that this was just, proper and fit case to send the matter back to the State Competent Authority with the request to decide the application of the petitioner for grant of minority status on merit, expeditiously. The petitioner as well as office of the Commission were directed to produce / send certified copy of the order of this Commission before the State Competent Authority immediately for compliance of this order.

In view of the above, the present petition was disposed of in accordance with this order.

**CHAPTER 10- INSTANCES OF VIOLATION AND DEPRIVATION OF
EDUCATIONAL RIGHTS OF THE MINORITIES**

10.1 Article 30 (1) of the Constitution gives religious or linguistic minorities right to establish and administer educational institutions of their choice. National Commission for Minority Educational Institutions has jurisdiction over the issues concerning religious minority communities which have been notified by the Central Government. At present, six minority communities have been notified by the Central Government viz. Muslim, Christian, Sikh, Budhisht, Jains and Parsis.

10.2. Applicability of Right to Education Act in Minority Schools

The Constitutional bench of Supreme Court in Pramati Educational & Cultural Trust® & Others versus Union of India & Ors (in Writ Petition (C) No. 416 of 2012 reported in “2014 AIR SCW 2859” and “(2014) 8 SCC 1”, held that the 2009 Act i.e. (the Right of Children to Free and Compulsory Education Act, 2009) in so far as it applies to minority schools, aided or unaided, covered under clause (1) of Article 30 of the Constitution is ultra vires the Constitution.

The aforesaid propositions of law established that RTE Act, 2009 is not applicable to Minority Schools, aided or unaided.

The Ministry of Human Resource Development in August, 2014 clarified after obtaining the opinion of Department of Legal Affairs that “The regulatory provisions like prohibition of holding back and corporal punishment which do not affect the substance of the guaranteed rights to administer educational institutions as provided under Article 30 (1) are applicable to the minority institutions also. In view of the above, the regulatory provisions as provided in the RTE Act appear to be applicable to minority institutions in terms of Articles 29 and 30 of the Constitution of India.”

10.3 A few such cases of violation of educational rights of minority have been received in the Commission which are under consideration. One of the case decided by the Court of the Commission is given as under:

CASE NO. Misc 760 of 2015.

Subject: Complaint against Manager, Corporate Educational Agency and taking appropriate action against him for misrepresentation, for being denied promotion.

Complainant: P.M. Marykutty, H.S.A. (retired), Mount Tabore High School, Pathanapuram, Kerala

Respondent: 1. Secretary, Education Department, Government Secretariat, Thiruvananthapuram, Kerala .

2. The Manager, Corporate Educational Agency, SOST, Mount Tabor, Pathanapuram, Pathanamthitta Dist., Kerala

The order was pronounced on 7/5/2019. The Hon'ble Court of the Commission heard the learned counsel for the petitioner and perused record. The petitioner P.M. Marykutty, H.S.A. (retired), Mount Tabore High School, Pathanapuram, Kerala filed this petition against the respondents. Petitioner has prayed to take appropriate action against respondent no. 2 for being granted minority status when that status was not conferred by the statutory body. Brief facts of this petition are following: -

1. The present petition was forwarded to the commission by the National Commission for Minorities vide letter no. F.No.-C/KL/105/4/2015 dated 07/05/2015. After registering the petition, the Commission gave two opportunities to the petitioner dated 15/10/2015 and 18/05/2016. There was no appearance on behalf of the petitioner and hence the same was dismissed in default. Then the petitioner made a request for restoration on 21/10/2016 and the Commission allowed the same and held five hearings.

After the notice of this petition, the respondent appeared on 27/4/2017, 23/8/2017 and 10/1/2018. On 23/8/2017 and 10/1/2018 the respondent prayed for time to file reply but failed and then absented from the proceedings. On 23/4/2019 the case was reserved for orders.

2. By this petition, the petitioner sought appropriate action against respondent no. 2 for misrepresenting itself to respondent no.1 regarding having minority status while denying promotion to the petitioner.
3. Petitioner stated that she was appointed in respondent institution w.e.f. 3/6/1965 as graduate teacher. The said school had not been included in the list of minority institution by the authorities concerned till the year 2004. Out of the total 4 schools under the management of the respondent institution, total 4 vacancies of the HSAs arose as on 01/04/1993. The seniority of the HSAs under the said management who aspired for promotion as Headmistress, as on 01/04/1993 is as follows:

a). V.G. Marykutty b). Aleyamma Philip c) P M Marykutty d) K
C Mariamma e) E.R. Aleyamma

4. The petitioner alleged that the respondent no. 2 did not follow the above seniority list while giving promotions as HAS. Aggrieved for overlooking the petitioner's seniority, the petitioner approached the District Education Officer, Kottarakara. The DEO passed an order dated 24/09/1993, rejecting petitioner's claim on the basis of Order No. ET1/55921/93 dated 05/06/1993 and Order No. ET1/95486/93, dated 15/11/1993 of the Director Public instruction, Thiruvananthapuram. Then the petitioner preferred an Appeal before the Director Public Instructions, Thiruvananthapuram. The DPI had passed order no. ET5/12765/94/Dis., dated 06/03/1996 upholding the decision of the DEO.
5. Thereafter the petitioner challenged the order no. ET5/12765/94/Dis., dated 06.03.1996 of DPI before the 1st respondent by filing a revision petition. The 1st respondent allowed the said Revision Petition by passing order G.O. (Rt.) 417/96/Edn. dated 20/12/1996.
6. The petitioner also approached the Hon'ble High Court of Kerala by filing O.P. No. 2082 of 1996 challenging the said promotions overlooking the petitioner's seniority. The judgment dated 12 July 2005 reads as under: -

"The issue raised in this original petition pertains to the alleged claim of the petitioner for the appointment to the post of Headmistress in preference to respondents 5 & 6. Learned Counsel appearing for the management submits that petitioner and respondent 5 & 6 had retired from service. It was also submitted that being a minority institution, the management is entitled to appoint a person of their choice to the post of Headmistress. There is a dispute on this aspect as far as the petitioner is concerned. Be that as it may, during the pendency of the original petition, the director of Public Instruction passed the order."

The petitioner submitted her grievances in Ext. P12 before the Government. In case no orders have been passed, there will be a direction to the first respondent to consider the application with notice to the petitioner, the management and the affected parties. Appropriate orders thereon, in accordance with law, shall be passed within four months from the date of receipt of a copy of this judgment. The original petition was disposed of as above."

(emphasis supplied)"

7. In the light of the aforesaid judgment of Hon'ble High Court of Kerala, the respondent no. 1 ordered to promote the petitioner by issuing an order no. G.O.(Rt.)No.1061/06/G1.Edn., dated 09/03/2006. At this stage, the respondent no. 2 appealed to respondent no.1 challenging the above said order stating that the school was a minority school and the management is entitled to appoint a Headmistress of their choice in the light of State of Kerala GO/(Rt) No.1390/84/G.Edn., dated 03/05/84 declaring the respondent institution as minority institution under article 30(1) of the constitution. Accordingly, respondent no.1 cancelled the earlier order G.O. (Rt.). 4173/96GE, dated 02/12/1996 by issuing revised order G.O.(Rt.)No.5100/99/GE, dated 18/11/1999. The petitioner alleged that above stated order no. GO/(Rt) No. 1390/84/G.Edn., dated 03/05/84 relating to minority status has been obtained by respondent no. 2 by misrepresenting the facts.
8. After perusing the facts and circumstances of the present petition, the court of the Commission was of the view that two main issues were raised by the petitioner. One relates to the promotion of the petitioner and second was the disputed minority status of the respondent petition. So far as the first issue of promotion was concerned, the Commission has no jurisdiction to deal with it. To address the second issue, the Commission had verified its record. The respondent institution was declared as a minority institution on 25/04/2012 in Case No. 459 of 2012. Even respondent no. 2 averred before the Hon'ble High Court to have minority status from the state of Kerala under Article 30(1) of the Constitution.
9. For the foregoing reasons, court of Commission found and held that the present petition was not maintainable. However, liberty was granted to the petitioner to approach appropriate forum for the said relief. The petition was disposed off accordingly.

CHAPTER 11 – RIGHT TO INFORMATION

The right to know is the “sine qua non” of a democracy. The Constitution of India has enshrined the- principles of democracy, especially by guaranteeing to its citizens Fundamental Rights which inter-alia include the people’s right to know everything done by the public functionaries. This right is implicit in Article 19(1)(a) and Article 21 of the Constitution of India.

To promote transparency and accountability in the functioning of the Commission, all the obligatory information under Section 4(i) of the – Right to Information (RTI) Act, 2005 is made available in the Commission’s website www.ncmei.gov.in. Details such as statistics of the cases/ court judgments/ cause list/daily orders are uploaded and updated regularly.

The Commission also has a dedicated helpline to provide information and reply to the query of the petitioners/ applicants.

The Commission being a quasi judicial organisation interacts with a number of petitioners, advocates and other stakeholders. The number of RTI applications received in the Commission is increasing every year.

Shri Jaypraksh, Under Secretary is the Public Information Officer and Shri Manoj Kumar Kejrewal, Secretary is the First Appellate Authority.

During 2019-20, the Commission received a total number of 70 RTI applications including 60 online and 10 offline. All the applications were disposed of within the prescribed time limit.

CHAPTER 12 – CONCLUSION

12.1 Article 30 - Right of minorities to establish and administer educational institutions

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice Section 2(f) of the NCMEI Act, for the purpose of the Act, means a community notified by the Central Government.

The Central Government has notified 6 communities, namely Muslims, Christians, Sikhs, Buddhists, Jains and Zorastrians (Parsees). Linguistic minorities do not fall within the ambit of the NCMEI Act.

12.2 As per Section 2 (ca) of National Commission for Minority Educational Institutions (NCMEI) Act 2004,

“Competent authority” means the authority appointed by the appropriate government to grant ‘No objection certificate’ for the establishment of any educational institution of their choice by the minorities.”

For the purpose of Section 10 of the NCMEI Act:

- ❖ all State Governments are required to appoint a “competent authority” to grant “No objection certificate” for the establishment of any educational institution and for the purpose of Section 12 (B), of the NCMEI Act, 2004
- ❖ State Governments are required to appoint an “authority” for the grant of “Minority status certificate” to any education institution.

12.3 Primarily the responsibility for giving recognition to educational institutions and grant of minority status certificate lies with the State Government. However, many State Governments have no mechanism to consider the request for grant of minority status certificate and as a result the petitioner institutions are approaching the Commission for grant of minority status certificate.

The Commission has been regularly impressing upon the State Authorities to appoint Competent Authority and decide on the application for grant of minority status certificate/No Objection Certificate. The petitioner institutions from Tamil Nadu, Madhya Pradesh and Kerala who had applied to the State Authorities as well as to the Commission for grant of MSC, such applicants have been directed to approach the State Authorities.

12.4 Some State Government authorities grant minority status certificate only for a temporary period. It has been held by the Madras High Court in T.K.V.T.S.S. Medical Educational & Charitable Trust vs. State of Tamil Nadu, AIR 2002 Madras 42 that minority status cannot be conferred on a minority educational institution for a particular period to be renewed periodically like a driving license. It is not open for the State Government to review its earlier order conferring minority status on a minority educational institution unless it is shown that the institution concerned has suppressed any material fact while seeking minority status or there is fundamental change of circumstances warranting cancellation of the earlier order. Reference may, in this connection, be made to the following observations of their lordships: - In conclusion, we hold that if any entity is once declared as minority entitling to the rights envisaged under Article 30(1) of the Constitution of India, unless there is fundamental change of circumstances or suppression of facts the Government has no power to take away that cherished constitutional right which is a fundamental right and that too, by an ordinary letter without being preceded by a fair hearing in conformity with the principles of natural justice.

12.5 It has come to the knowledge of the Commission that the rules and regulations framed by many regulatory authorities do not conform to the provisions of Article 30 (1). The laws made by the State governments for regulation of educational institution, applies to the minority educational institutions also. If any such law or regulation interferes with the overall administrative control by the management over the staff or dilute in any other manner the right to establish and administer educational institution, such law or regulations to that extent, will not be applicable to the minority educational institutions.

The Commission has recommended to the States that the rules and regulations framed by the concerned authorities are in consonance with the laws/ judgements of the Hon'ble

Supreme Court under Article 30. Reference in this connection is made to the decision of the Supreme Court in *Bramho Samaj vs State of West Bengal* (2004) 6 SSC 224.

12.6. From the deliberations and interactions with the functionaries of the State government and Minority educational institutions, the Commission feels that the State Government functionaries need to familiarize with the NCMEI Act and sensitized on Article 30 (1).

12.7. In order to streamline and bring transparency in grant of Minority Status Certificate, the Commission has revised the MSC application form w.e.f. November 2019, wherein detailed information about the functionaries and the Institution is sought. Further, in certain cases, the Commission also calls for physical inspection report from the Committee headed by the District Magistrate/Collector of the district where the petitioner institution is situated.

NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS
Ministry of Human Resource Development
(Govt. of India)

APPLICATION FORM FOR MINORITY STATUS CERTIFICATE
APPLICABLE (w.e.f. 01st NOV 2019)

1. (a) Institution run by:- (Tick the appropriate)

- Individual
- Trust
- Society

Institutions administered by a Trust/Society are required to furnish the unique ID provided by NGO Darpan (portal [Url: http://ngo.india.gov.in](http://ngo.india.gov.in)). The details given in the form should match with the corresponding details of NGO Darpan. (Not applicable for the institution run by an individual).

(b) Name and address of the institution.

(c) The year of its establishment.

(d) Name along with the complete postal address of the Trust/Society (The address should match with the corresponding details provided by the Trust / Society on the NGO Darpan).

(e) Details of the Individual/President or Secretary of the Trust/ Society

- Name
- Postal address (with PIN Code)
- Contact Number
- e-mail ID

(f) Name and addresses of the founding Members/ Mutwallis/ Trustees and their religion.

(g) Names and Addresses of the present Trustees/ Mutwallis/ Members of the Governing Body and their religion.

2. Whether the applicant institution has been established and administered by Religious minority. Proof of religion to be attached (Tick the appropriate)

Muslim	Christian	Sikh	Jain	Buddhist	Parsee
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3. Whether the applicant institution has applied to authority established by the Central Govt. Or State Govt. as per the provision contained in the National Commission for Minorities Act, 1992 (19 of 1992) for grant of Minority Status Certificate? If so, furnish the status of the application. (Tick the appropriate)

- Whether Minority Status Certificate application is pending before the State Authority.

- Minority Status Certificate application has been rejected (If yes, then the applicant has to apply under Section 12B of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006).
- Minority Status Certificate already granted

4. Whether applied to the State Competent Authority for grant of No Objection Certificate under Section-10 of National Commission for Minority Educational Institutions Act, 2004 . If yes, provide the following information: (Copy of the NOC application is also required to be attached)

- a. Date of application
- b. Acknowledgement / Proof of Service
- c. Status of the application: (Tick the appropriate)
 - (i) Application pending

Whether reminder(s) have been sent to the competent authority, if yes, provide the dates. (Copy of the reminder(s) and replies received, if any, in this regard is also required to be attached)
 - (ii) NOC granted by State Government
 - (iii) Application rejected (If yes, then the applicant has to apply under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006).

5. Whether the applicant institution has ever applied to the NCMEI for grant of Minority Status Certificate? If so, furnish reference number. (Copy of the final order of the Commission is required to be attached)

5 (i) Whether the minority status of the applicant institution has been withdrawn/ cancelled by legal authority at any time? If yes, provide the details.

5 (ii) Whether the name of the institution or its ownership has changed since its inception and if so the details thereof.

5 (iii) Whether any judicial forum including Hon'ble Supreme Court or Hon'ble High Court has been approached for grant of minority status? If so, furnish details and give present status.

6. Details pertaining to the Institution

Level of Education: - (Tick the appropriate)

- Madarsa
- Primary
- Secondary
- Higher Secondary
- Higher Education
 - General Degree
 - Technical includes professional/any other (Specify the stream)

(a) Numbers of existing teachers/ faculties and students from minority communities for last three academic years, where applicable

	Number of teachers/faculties and students in academic year -							TOTAL
	Muslim	Christian	Sikh	Jain	Buddhist	Parsee	Hindu	A+B+C+
	(A)	(B)	(C)	(D)	(E)	(F)	+ Other (G)	$\frac{D+E}{F+G}$
Teachers/ Faculties								
Students								

7. (i) Whether the Trust/ Society of the applicant institution is registered under the Indian Registration Act/Societies Registration Act.

7 (ii) Trust/ Society are required to attach:

- Copy of registration certificate
- Copy of MOA / Trust Deed
- Copy of amended MOA / Trust Deed (if any)

7 (iii) Individual is required to attach

- Identity proof
- Residence proof
- ITR for last three years(if applicable)
- Documentary evidence (title or possession) of the institution

8 Details of affiliation either to the Central/ State Board or any Govt. Recognized Board or University or UGC (Copy of affiliation to be attached)

- Date of affiliation
- Valid Upto

9. Details of Recognition by the Regularity Body (Applicable for technical & professional Institute)

- Name of the Regularity Body
- Recognition Valid Upto

10. Whether the institution has ever been de-recognised by the respective affiliating / regulatory body?

11. Whether the institution is aided / un-aided.

DECLARATION

I _____ Chairman/President/Secretary on behalf of the _____ Trust/Society, hereby declare that particulars furnished above are true to the best of my knowledge and belief, and that, if any detail is found on verification/ inspection to be false, the Commission shall cancel the minority status certificate awarded to the institution. The decision of the Commission in this regard shall be final.

Place
Secretary
Date
Institution)

Chairman/ President /

(for and on behalf of the

- Please note**
1. **Five Sets** of duly filed application form alongwith the requisite document are required to be submitted.
 2. The Commission does not entertain application for linguistic minority.
 3. Applicant institution whose No Objection Certificate application under section 10 of the NCMEI Act 2004 has been rejected by the State Competent Authority, then the applicant has to apply under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006
 4. Applicant institution whose Minority Status Certificate application under section 12 B of the NCMEI Act 2004 has been rejected by an Authority, is required to apply as per appeal procedure as mentioned in rule 4 of procedure for filing the appeal, 2006.
 5. On filing the petition, the petitioner is required to attach duly stamped envelope for sending communication by registered A.D, to the respondents and petitioner.

FORM NO.1

[See rule 4 of procedure for filing the appeal, 2006]

**MEMORANDUM OF APPEAL UNDER SECTION 12A(1) AND 12B(1) OF THE
NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS ACT,
2004**

For use of Commission's office

Date of filing

Date of receipt by post

Registration No.....

Signature
Secretary

IN THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

..... Appellant

..... Respondent (s)

Details of appeals:

- 1 (a) Name and address of the Institution
- 1 (b) Name and address of the President/Secretary of the Trust/Society
2. Whether the appellant institution's claim is based on religious or linguistic minority?
3. Whether the appellant institution has been established or administered by :-
 - (a) Religious minority, or
 - (b) Linguistic minority
4. Particulars of the respondent(s) including address for service of notice
5. Particulars of the order under appeal:-
 - (i) Order Number
 - (ii) Date of the order
 - (iii) Name of the authority, whose order has been challenged in the appeal.

6. *Limitation.* – The appellant further declares that the appeal is within the limitation prescribed under the Act.

7. *Facts of the case and orders passed by the competent authority* - The facts of the case are given below:

(Give herein a concise statement of facts and grounds of appeal against the order passed by the competent authority.)

8. *Matter not pending with any other Commission, etc.* - The appellant further declares that the matter regarding which this appeal has been made is not pending before any commission of law or any other authority or any other Tribunal.

9. *Relief sought.* - In view of the facts mentioned in paragraph eight above, the appellant prays for the following reliefs; (specify below the reliefs sought by the appellant).

10. *Details of indeed.* – An index in duplicate containing the details of the documents to be relied upon is enclosed.

11. List of enclosures:

VERIFICATION

I, (name in full in block letters) son / daughter / wife of Shri Do hereby verify that the contents of paras 1 to 11 are true to personal knowledge and belief and that I have not suppressed any material facts.

Signature of the Appellant

Date

Place

DETAILS OF COMPETENT AUTHORITY

S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
1	Andhra Pradesh	Sri K. Ram Gopal Secretary to Government Government of Andhra Pradesh Minorities Welfare Department, 3 rd Floor, A.P. Secretariat, Velagapudi, Amaravati T : 0863-2443139 Prisecey_mw@ap.gov.in	Principal Secretary to Govt. (Ex-officio) Minorities Welfare Department A.P. Secretariat, Hyderabad (Andhra Pradesh) T : 040-2345 9290 prisecey_mw@ap.gov.in jsmwdeptap@gmail.com
2	Arunachal Pradesh	Niharika Rai, Secretary Education to Govt.of Arunachal Pradesh Education Department Civil Secretariat, Arunachal, Itanagar. M: 8130733007 commissionerwcdandsjeta@yahoo.com	Shri Pagli Sora Deputy Secretary (Education) Govt. of Arunachal Pradesh Civil Secretariat, Education Branch, Block No. 1, 3 rd Floor, PO Itanagar-791 111 dysecyedn@gmail.com
3	Assam		<i>Joint Secretary Education Department (Higher), Assam Secretariat, Block C, Secretariat Complex, Dispur, Guwahati-6 Assam higherrednassam@gmail.com</i>
4	Bihar		<i>Secretary Human Resource Development Department, Government of Bihar, Secretariat, Patna, Bihar</i>
5	Chhattisgarh	Shri D.D. Singh Commissioner ST&SC Development Department Indrawati Bhawan, Nava Raipur Atal Nagar T:0771-2262558 M:9977473000 ctdcg@nic.ni	
6	Goa	Shri Parimal Rai Secretary (Home) Director of education Directorate of Education, Porvorim – Goa. T: 0832-2416033, 0832-2416139 M: 9423314847 dir-educ.goa@nic F: 0832-2416136	Shri Dharmendra Sharma Secretary (Home) Secretariat, Porvorim – Goa T : 0832-2419401 F : 0832-2415201 CS-go@nic.in
7	Gujarat	Dr. M.I Joshi Director Primary Education Dr. Jivraj Mehta Bhawan, Floor 12/1, Gandhinagar, Gujarat T: 079-23253980 M: 9978405031 Dep.guj@gmail.com B.C. Solanki Deputy Director	Commissioner of Schools, Block No. 9-1, Dr. Jivraj Mehta Bhawan, Gandhinagar, Gujarat-382010 T : 079-23253463 dosgujarat@gmail.com Commissioner of Technical Education 2 nd Floor, Block No. 2, Dr. Jivraj Mehta Bhawan,

		<p>Directors of Schools Old Sachivalaya Block 9/1 Gandhinagar, Gujarat T: 079-23253463 M: 9909971081 jointdirectors@gmail.com</p> <p>Shri Nagarajan Director of Higher Education Office of the Commissionerate of Higher Education, 2nd floor, block no. 12, Dr. Jivraj Mehta Bhavan, Gandhinagar-382010, Gujarat T: 079-23254000 F: 079-23252240 Commi-highedu@gujarat.gov.in</p> <p>Shri G.T. Pandya Commissioner of Technical Education Office of the Commissioner of Technical Education Block No. 2, 6th Floor Karmyogi Bhavan, Sector-10A, Gandhinagar-382 010 T : 079-2325 3546 F : 079-2325 3539 dteguj@yahoo.co.in / dte@gujarat.gov.in</p>	<p>Gandhinagar-382 010 T : 079-2325 3546 F : 079-2325 3539 dteguj@yahoo.co.in</p>
8	Haryana	<p>Mr. Anil Arora Directorate of Health Department for Medical Institutions Room no. 529, 5th Floor Haryana New Secretariat , Sector-17, Chandigarh T:0172-2706481</p> <p>Mr. Anil Kumar. Additional Chief Secretary Govt. of Haryana Higher Education Department for General Colleges & Technical Education Department for Technical Institutions Room no. 403, 4th Floor Haryana New Secretariat, Sector-17, Chandigarh T: 0172-2714001</p> <p>Sri Mahvir Singh Principal Secretary School Education Department for Schools/Primary Schools Room no. 37, 7th Floor Haryana Civil Secretariat, Sector-1, Chandigarh-160001 T:0172-2711754</p>	<p><i>Finance Commissioner & Principal Secretary Education Department, Government of Haryana, Civil Secretariat, Chandigarh, Haryana – 160 001</i></p> <p>edusecondaryhry@gmail.com</p>
9	Himachal Pradesh	<p>Dr.Amarjeet Kumar Sharma Director Directorate of Higher Education Shimla – 1, Himachal Pradesh T : 0177-2656621 F : 0177-2811247 Dhe-sml-hp@gov.in</p>	<p>Sh. Brij Lal Vinta Director Directorate of Higher Education Shimla – 1, Himachal Pradesh T : 0177-2656621 F : 0177-2811247 Dir.edu@rediffmail.com</p>

10	Jharkhand	<p>Jata Shankar Choudhary, Director Secondary Education Under school education & literacy department 3rd floor, MDI Building, S.E & L. Department Behind project bhawan, Post-Dhurwa, Dist-Ranchi-834004 T: 0651-2400973 M: 9431379632 jatashankarc@gmail.com</p> <p>Shri Aditya Kumar Anand, Director, Primary Education Department of School Education & Literacy Government of Jharkhand MDI Building, S.E & L. Department Behind project bhawan, Post-Dhurwa, Dist-Ranchi-834004</p>	<p>Shri Manish Ranjan Director, Secondary Education Directorate of Secondary Education School Education & Literacy Department, Jharkhand, Ranchi T : 0651-2400973 dirsecednjhk@rediffmail.com</p>
11	Karnataka	<p>Shri. Mahendar Jain Additional Chief Secretary to Government, Education Department (Higher Education) Govt. of Karnataka Sixth Floor, Multi-storeyed Building, Bengaluru-560001 T:080-22252437 F:080-22253756 Prshigh-edu@karnataka.gov.in</p>	<p>Sri Jawaid Akhtar Principal Secretary to Govt. Education Department (Higher Education) Govt. of Karnataka Sixth Floor, Multi Storeyed Building, Bengaluru, Karnataka-560001 T :080-22252437 F : 080-22253756 prshigh-edu@karnataka.gov.in</p>
12	Kerala	<p>Director Directorate of Minority welfare Government of Kerala, 4th floor, Vikas Bhavan, Thiruvananthapuram, 695033 T : 0471-2300523</p>	<p>Secretary General Education Department, Government of Kerala, Room no. 302, 3rd floor, Annex II Government Secretariat T:0471-2518551, 2320434 M:9995508800 secy.gedu@kerala.gov.in</p>
13	Madhya Pradesh	<p>Mr. Ramesh S. Thete Secretary, Room No. 339, Backward Classes and Minority Welfare Department, Govt. of MP, Mantralaya, Bhopal, Madhya Pradesh T : 0755-2550957 F : 0755-2555553 secobc2017@gmail.com bcbpl@nic.in</p>	<p>Mr. Ramesh S. Thete Secretary, Room No. 339, Backward Classes and Minority Welfare Department, Govt. of MP, Mantralaya, Bhopal, Madhya Pradesh T : 0755-2550957 F : 0755-2555553 secobc2017@gmail.com bcbpl@nic.in</p>
14	Maharashtra		<p>Shri Sandesh C. Tadv Joint Secretary Minorities Development Department Room No. 715, Mantralaya (Annexe), Mumbai-32 T : 022-22830031 F : 022-22830626 sandesh.tadvi@nic.in</p>
15	Manipur		<p>Shri Letkhogin Haokip Additional Chief Secretary (Minority Affairs/OBC&SC) Government of Manipur. Room No. 198 Secretariat South Block, Imphal West, Manipur-795001 T: 0385-2451183</p>

16	Meghalaya	Shri W.R. Lyngdoh, Secretary, Education Department Govt. of Meghalaya Additional Secretariat Meghalaya: Shillong-793001 dwahlang@yahoo.com	Shri W.R. Lyngdoh, Secretary, Education Department Govt. of Meghalaya Additional Secretariat Meghalaya: Shillong-793001 dwahlang@yahoo.com
17	Mizoram	Pi Esther Lal Ruatkimi Commissioner & Secretary to the Govt. of Mizoram Mission Veng, Aizawl T:0389-2322532 F:0389-2336648 secretarysedmiz@gmail.com	Pi Esther Lal Ruatkimi Commissioner & Secretary to the Govt. of Mizoram School Education Department Mizoram Secretariat Building, NCC Mizoram Secretariat Complex, Khatla, Aizawl, Mizoram-796001 T : 0389-2336661 Sed.mizoramgov@gmail.com
18	Nagaland	Shri Wonthungo Tsopoe Addl. Director (HOD), School Education, Nagaland Directorate of School Education, Nagaland, Kohima – 797001 T : 0370-2260110 (R) F : 0370-2260041 wonthungo@gmail.com	Shri Wonthungo Tsopoe Addl. Director (HOD), School Education, Nagaland Directorate of School Education, Nagaland, Kohima – 797001 T : 0370-2260110 (R) F : 0370-2260041 wonthungo@gmail.com
19	Orissa	Sri Biranchi Narayan Mohanty Director, Elementary Education 5 th Floor, HOD Building, Unit-V, Bhubaneswar-01, Khordha, Odisha T: 0674-2395642 M:9439165791 dee.oris@gmail.co Sri Bibhu Prasad Sarangi Director, Secondary Education 6 th Floor, HOD Building, Unit-V, Bhubaneswar, Khordha, Odisha T:0674-2393531 M:9861470628 dseorissaedn@yahoo.com	<i>Principal Secretary</i> <i>School & Mass Education</i> <i>Department, Government of Orissa,</i> <i>Secretariat, Bhubaneshwar,</i> <i>Orissa – 751 001</i> secysme@gmail.com secysme.od@nic.in
20	Punjab	Department of Higher Education Sh. Santosh Kumar Sandhu, IAS Additional Chief Secretary Higher Education and Languages Punjab Punjab Civil Secretariat-II, Sector-9A, Chandigarh T : 0172-2741237 pshe@punjab.gov.in Department of Secondary Education Branch Sh. Sukhjeet Pal Singh Director of Public Instruction (S.E) Punjab Block E, Vidya Bhawan, 4 th Floor Complex Punjab School Education Board, Sector 62, S.A.S Nagar T: 0172-2214393 M: 98551-10783 Email-ID: dpise_punjab@yahoo.co.in F: 0172-2213057	<i>Secretary</i> <i>Higher Education</i> <i>Department, Room No.</i> <i>510, 5th Floor, Mini</i> <i>Sectt., Sector 9,</i> <i>Chandigarh</i> secy.se@punjab.gov.in Department of Medical Education and Research Sh. Satish Chandra Additional Chief Secretary Room no. 510, 5 th Floor, Punjab Civil Secretariat-II, Sector-9, Chandigarh T: 0172-2743136 M: 98150-74500 E-mail ID: Secy.mer@punjab.gov.in
21	Rajasthan	Smt. Aparna Arora Principal Secretary Govt. of Rajasthan	Smt. Sreya Guha Principal Secretary Govt. of Rajasthan

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22	Sikkim	<p>Shri G.P. Upadhyaya Additional Chief Secretary Government of Sikkim (Secretary-in-charge of HRDD) Human Resource Development Department T:03592-203050 gpupadhyaya@gmail.com</p>	<p>Shri G.P. Upadhyaya Additional Chief Secretary Government of Sikkim (Secretary-in-charge of HRDD) Human Resource Development Department Govt. of Sikkim, Gangtok gpupadhyaya@gmail.com</p>
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35	Laddakh		
36	Lakshadweep	S. Asker Ali. Director of Education Department of Education, Kavaratti, UT of Lakshadweep T: 04896262241 M:9188655501 askerupsc@gmail.com	
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