

**GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR MINORITY  
EDUCATIONAL INSTITUTIONS (NCMEI)**

**Case No. 93 of 2019**

**In the matter of :-**

**Sanjose English Medium School, Madakampoil, Peringome P.O.,  
Payyannur, District Kannur, Kerala-670354**

..... **Petitioner**

**V/s**

**Secretary, General Education Department, Government of Kerala**

..... **Respondent**

Present: Ms. Anju Joseph, Advocate for the petitioner  
None for the respondent

**ORDER**

**DATED 25.01.2022**

**Justice Narendra Kumar Jain, Chairman, NCMEI**

1. This petition has been received on 12.03.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Sanjose English Medium School, Madakampoil, Peringome P.O., Payyannur, District Kannur, Kerala-670354.
2. Learned counsel for the petitioner filed an affidavit of Sr. Elizabeth Geetha, President of Association of the Sisters of Charity Educational and Charitable Society of Kerala State in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Christian minority community.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : KL/2018/0197166 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 08.10.2018 sent to State Competent Authority i.e. Secretary, General Education Department, Government of Kerala for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its tracking report, certified copy of Certificate of Registration of Association of the Sisters of Charity Educational and Charitable Society of Kerala State, certified copy of Memorandum of Association alongwith list of founding members of the Society, certified copy of Amended Memorandum of Association alongwith list of present members of the Society, original School Functioning Certificate dated 01.08.2018 issued by Assistant Educational Officer, Payyanur, notarized copy of school

recognition order dated 22.01.2021 issued by the Under Secretary, General Education (F) Department, Govt. of Kerala w.e.f. the Academic Year 2019-20 for 1<sup>st</sup> to 8<sup>th</sup> Std. to the unaided petitioner institution, copy of board resolution issued by the General Body of the Society in favour of Sr. Geetha Chaneparambil, President of Association of the Sisters of Charity Educational and Charitable Society of Kerala State for obtaining MSC from this Commission and Affidavit of Sr. Geetha Chaneparambil, President of Association of the Sisters of Charity Educational and Charitable Society of Kerala State mentioning that Sr. Elizabeth Geetha and Sr. Geetha Chaneparambil are the same person.

4. As per the information supplied by the petitioner institution with regard to student strength, it is mentioned that out of the total 204 students, 79 students are from the Christian minority community, 33 students are from the Muslim minority community and 92 students are Hindus. It is relevant to mention here that out of total 9 teachers, 7 teachers are from Christian Minority community. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution.
5. It is stated in the petition that on dated 08.10.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 11.10.2018 and the said application is still pending before the State Competent Authority. The State Competent Authority has not granted NOC in favour of the petitioner institution till now and also not rejected the said application and not communicated the same to the petitioner. After 90 days from the receipt of the application for grant of NOC, the petitioner has filed this application for grant of MSC to this Commission straightway as per the provisions of Section 10 and 11(f) of National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004.
6. After service of registered notice dated 09.05.2019, 29.01.2020 and 24.08.2020, none appeared on behalf of the respondent. Hence the case is proceeded ex-parte against the respondent.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Sr. Elizabeth Geetha, President of Association of the Sisters of Charity Educational and Charitable Society of Kerala State.
8. The petitioner institution has 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 Christian minority community and is being administered by Association of the Sisters of Charity Educational and Charitable Society of Kerala State which is managed and run by the members of the Christian minority community. 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 Sr. Elizabeth Geetha, President of Association of the Sisters of Charity Educational and Charitable Society of Kerala State.
9. The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Christian minority community. In addition, the said facts also stands proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.
10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Sanjose English Medium School, Madakampoil, Peringome P.O., Payyannur, District Kannur, Kerala-670354 run by Association of the Sisters of Charity Educational and Charitable Society of Kerala State 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 Christian minority community.
11. Consequently, Sanjose English Medium School, Madakampoil, Peringome P.O., Payyannur, District Kannur, Kerala-670354 which is 1<sup>st</sup> to 8<sup>th</sup> Std., is 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 subject to the condition that the petitioner would file an affidavit or undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of

the Christian minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution and also file resolution of the General Body of the Society in favour of Sr. Geetha Chaneparambil, President of Association of the Sisters of Charity Educational and Charitable Society of Kerala State for obtaining MSC from this Commission alongwith signatures of majority members of the Society.

12. After compliance of the above order, a minority status certificate be issued accordingly.
13. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 25<sup>th</sup> Day of January, 2022.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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