

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

**Case No. 87 of 2019**

**In the matter of :-**

**Nanjil Catholic School, Vazhuthalampallam, Palapallam, District  
Kanyakumari, Tamil Nadu-629159**

..... **Petitioner**

**V/s**

**Principal Secretary, School Education Department, Government  
of Tamil Nadu**

..... **Respondent**

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

**ORDER**

**DATED 16.12.2021**

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

1. This application 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 Nanjil Catholic School, Vazhuthalampallam, Palapallam, District Kanyakumari, Tamil Nadu-629159.
2. Learned counsel for the petitioner filed an affidavit of Most Rev. Jerome Dhas, S/o Mr. Varuvel, President of St. Joseph's Nanjil Farmers Association 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. : TN/2018/0195700 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 15.10.2018 sent to State Competent Authority i.e. Principal Secretary, School Education Department, Govt. of Tamil Nadu by the Principal of the petitioner institution for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its tracking report, certified copy of Registration Certificate of St. Joseph's Nanjil Farmers Association,

certified copy of Memorandum of Association alongwith founding members list, certified copy of Amended Memorandum of Association alongwith list of present members of the Society, certified copy of society Bye Laws, notarized copy of Recognition Order no. 75738/GI/S1/2017 dated 17.10.2017 issued by Director of School Education, Office of the Director of School Education, Chennai till 31.07.2020 for Class Pre-KG to 8<sup>th</sup> Std. to the unaided petitioner institution.

4. As per the information supplied by the petitioner institution is that out of total 1125 students, 963 students are from the Christian minority community, 4 students are from Muslim minority community and 158 students are Hindus. It is relevant to mention here is that out of total 95 teachers, 87 teachers are from Christian Minority community.
5. It transpires from the record that the MSC petition is filed by Most Rev. Jerome Dhas, President of the petitioner society and NOC application dated 15.10.2018 under Section 10 of the NCMEI Act, 2004 is filed by the Principal of the Nanjil Catholic School. After giving time vide order dated 11.11.2021 of this Commission for submitting clarification for filing NOC application as Principal of the school but they have not filed any clarification till date. In our considered opinion, Principal of the Nanjil Catholic School is not competent and authorized to file application for grant of NOC to the State Competent Authority. Principal is just paid servant of the institution.
6. It is also pertinent to mention here that petitioner has not filed any General Body resolution of the Society to authorize any person to file the application for grant of MSC from this Commission and also to file the application under section 10 of the NCMEI Act, 2004 for grant of NOC in favour of the petitioner institution. In order to streamline the process of filing application for grant of MSC, this Commission has settled the principles that same person should sign the declaration, affidavit and Vakalatnama and also the applicant for grant of NOC before the State Competent Authority, who can be the following :-  
Institution run by :

- (i) Individual – Owner
- (ii) Society – Chairman / President / Secretary
- (iii) Trust – Trustee / Authorized Signatory as per resolution

In the present case, Society has not authorized any person to file application for grant of NOC before the State Competent Authority and also petition for grant of MSC before this Commission. It transpires from the record that application for grant of MSC is filed by Most Rev. Jerome Dhas, President of the petitioner society but NOC application dated 15.10.2018 was filed by Principal of the Nanjil Catholic School of the petitioner institution and both are not authorized by the General Body of the Society i.e. St. Joseph's Nanjil Farmers Association.

7. It is stated in the petition that on dated 15.10.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 17.10.2018 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.
8. Despite service of registered notice dated 07.05.2019, none appeared on behalf of the respondent. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained from the Committee constituted by this Commission for issuance of MSC to the petitioner institution vide order dated 08.09.2021 and 11.11.2021 but despite notice by post and email on dated 10.09.2021 and reminder dated 12.11.2021, no reply /

response is received from the Committee constituted by this Commission.

9. As discussed above, the petitioner institution has failed to fulfill the criteria to grant MSC in favour of petitioner institution.
10. Consequently, the petition filed by the petitioner institution namely Nanjil Catholic School, Vazhuthalampallam, Palapallam, District Kanyakumari, Tamil Nadu-629159 is hereby dismissed.
11. However, it is made clear that petitioner is free to move fresh petition as per settled procedure of this Commission.

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

Signed, pronounced and published on **Thursday, 16<sup>th</sup> Day of December, 2021.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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