

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

Case No. 09 of 2019

In the matter of :-

**Chavara English Medium School, Thamarassery, District
Kozhikode, Kerala-673573**

..... Petitioner

V/s

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

..... Respondent

**Present: Mr. Jose Abraham, Advocate for the petitioner
None for the respondent**

ORDER

DATED 06.10.2021

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This application has been received on 06.02.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Chavara English Medium School, Thamarassery, District Kozhikode, Kerala-673573 .
2. Learned counsel for the petitioner filed affidavit of Sr. Deena (Sr. Jaseentha Varghese), President of St. Mary's Educational and Charitable Trust, Thamarassery 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/2017/0162092 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 02.11.2018 submitted to State Competent Authority i.e. Secretary, General Education Department, Govt. of Kerala for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 10.04.2002/24.03.2003, notarized copy of Amended Trust Deed dated 23.11.2017, Recognition Order GO(Ms) No. 18/2021/GEDN dated 20.01.2021 for

class I to V w.e.f. the academic year 2019-20. Resolution dated 16.09.2021 passed by Board of Trustees Meeting of St. Mary's Educational and Charitable Trust held that Sr. Deena (Sr. Jaseentha Varghese), President to take necessary steps as required for obtaining MSC from NCMEI.

4. It is stated in the petition that on dated 02.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was delivered on 05.11.2018 to the State Competent Authority 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.
5. Despite service of registered notice, none appeared on behalf of the respondent. Hence the case is proceeded ex-parte against the respondent.
6. Pendency of the said application for such a disproportionately long period clearly indicates government's disinclination to grant NOC to the petitioner institution. Petitioner's rights to get MSC cannot be kept under suspended animation. In this view of the matter, it is a fit case for intervention by this Commission.
7. Having heard the Learned Counsel for the petitioner we have perused the documents, pleadings of the parties and affidavit of Sr. Deena (Sr. Jaseentha Varghese), President of St. Mary's Educational and Charitable Trust, Thamarassery.
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 the St. Mary's Educational

and Charitable Trust, Thamarassery 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. Deena (Sr. Jaseentha Varghese), President of St. Mary's Educational and Charitable Trust, Thamarassery.

9. The Amended Trust Deed and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily members of the Christian minority community. In addition, the said facts are 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 Chavara English Medium School, Thamarassery, District Kozhikode, Kerala-673573 run by St. Mary's Educational and Charitable Trust, Thamarassery 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, Chavara English Medium School, Thamarassery, District Kozhikode, Kerala-673573 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.

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 **Wednesday, 6th Day of October, 2021.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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