

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

Case No. 46 of 2019

In the matter of :-

Sanjoe Prathiksha Bhavan Special School for Mentally Handicapped, Thondimmal, Mukkom, District Kozhikode, Kerala-673602

..... 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 23.11.2021

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This application has been received on 01.03.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Sanjoe Prathiksha Bhavan Special School for Mentally Handicapped, Thondimmal, Mukkom, District Kozhikode, Kerala-673602.
2. Learned counsel for the petitioner filed an affidavit of Sr. Lysamma Mathew, D/o Mr. Mathew, Secretary of Sanjoe Prathiksha Bhavan Social Service Society 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/2017/0115007 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 09.11.2018 sent to the 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, Certified copy of Registration Certificate of Sanjoe Prathiksha Bhavan Social Service Society, 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, notarized copy of Recognition Order No. 288/08/2017 dated 22.11.2017 issued by Joint Director of Public Instruction (Academic), General Education Department, Govt. of Kerala to the unaided petitioner institution for the mentally challenged persons.

4. As per the information supplied by the petitioner institution with regard to student strength, it is mentioned that out of total 126 students, 58 students are from the Christian minority community, 33 are from the Muslim minority community and 35 are Hindus.
5. It is stated in the petition that on dated 09.11.2018, the petitioner institution had applied to the State Competent Authority which was received by the State Competent Authority on 12.11.2018 and the said application is still pending before the State Competent Authority. The State Competent Authority till now has not granted NOC in favour of the petitioner institution and also not rejected the said application and neither communicated the same to the petitioner. As per the provisions of Section 10 and 11(f) of National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004 and after 90 days from the submission of the application for grant of NOC the petitioner has filed this application for grant of MSC to this Commission straightway.
6. Despite service of registered notice dated 11.04.2019, the respondent has failed to appear before this Commission and also failed to reply the petition. Hence the case was proceeded ex-parte against 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 18.02.2021. After service of notice dated 19.02.2021, the physical inspection committee sent its report dated 28.10.2021 by post which was received in the

Commission's office on 02.11.2021 wherein the physical inspection committee has recommended to grant MSC by this Commission to the petitioner institution.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner, inspection report of the Committee and affidavit of Sr. Lysamma Mathew, Secretary of Sanjoe Prathiksha Bhavan Social Service Society.
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 Sanjoe Prathiksha Bhavan Social Service Society 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. Lysamma Mathew, Secretary of Sanjoe Prathiksha Bhavan Social Service Society.
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 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 Sanjoe Prathiksha Bhavan Special School for Mentally Handicapped, Thondimmal, Mukkom, District Kozhikode, Kerala-673602 run by Sanjoe Prathiksha Bhavan Social Service 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 Christian minority community.

11. Consequently, Sanjoe Prathiksha Bhavan Special School for Mentally Handicapped, Thondimmal, Mukkom, District Kozhikode, Kerala-673602 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 to authorize Sr. Lysamma Mathew, Secretary of Sanjoe Prathiksha Bhavan Social Service Society for obtaining MSC from this Commission
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, 23rd Day of November, 2021.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**