

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

Case No. 212 of 2019

In the matter of :-

**Dr. Maria Aschhoff School of Nursing, St. Thomas Hospital and
Leprosy Centre, Chettupattu, Chettupattu Taluk, District
Tiruvannamalai, Tamil Nadu-606801**

..... **Petitioner**

V/s

**Principal Secretary, Higher Education Department, Govt. of
Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu**

..... **Respondent**

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

ORDER

DATED 02.06.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 05.04.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Dr. Maria Aschhoff School of Nursing, St. Thomas Hospital and Leprosy Centre, Chettupattu, Chettupattu Taluk, District Tiruvannamalai, Tamil Nadu-606801.
2. Learned counsel for the petitioner filed an affidavit of Sr. A. Maria Rathinam, President of St. Thomas Hospital and Leprosy Centre Society, Chettupattu 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/2018/0183232 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 26.12.2018 sent to the State Competent Authority i.e. Principal Secretary, Higher Education Department, Govt. of Tamil Nadu alongwith postal receipt and its tracking report, certified copy of Certificate of Registration of St. Thomas Hospital and Leprosy Centre Society, Chettupattu,

- certified copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association alongwith list of present members of the Society, notarized copy of Affiliation Order dated 09.06.2021 issued by the Joint Secretary, Indian Nursing Council (IND) to the unaided petitioner institution for the academic year 2021-22 for GNM Courses and resolution of the General Body of the Society in favour of Sr. A. Maria Rathinam, President of St. Thomas Hospital and Leprosy Centre Society, Chettupattu for obtaining MSC from this Commission
4. As per the information supplied by the unaided petitioner institution with regard to students strength, it is mentioned that out of the total 89 students, 28 students are from the Christian minority community, 1 student is from the Muslim minority community and 60 students are Hindus. It is relevant to mention here that out of total 10 teachers, 2 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 this 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 26.12.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 28.12.2018 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. Despite service of registered notice dated 24.05.2019, no reply has been received from 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. A. Maria Rathinam, President of St. Thomas Hospital and Leprosy Centre Society, Chettupattu.
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 St. Thomas Hospital and Leprosy Centre Society, Chettupattu 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. A. Maria Rathinam, President of St. Thomas Hospital and Leprosy Centre Society, Chettupattu.
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 Dr. Maria Aschhoff School of Nursing, St. Thomas Hospital and Leprosy Centre, Chettupattu, Chettupattu Taluk, District Tiruvannamalai, Tamil Nadu-606801 run by St. Thomas Hospital and Leprosy Centre Society, Chettupattu 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, Dr. Maria Aschhoff School of Nursing, St. Thomas Hospital and Leprosy Centre, Chettupattu, Chettupattu Taluk, District Tiruvannamalai, Tamil Nadu-606801, which is for GNM Courses, is declared as an unaided 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, updated Recognition / Affiliation Order issued to the unaided petitioner institution. If the petitioner institution failed to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.
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 **Thursday, 2nd Day of June, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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