

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

Case No. 214 of 2019

In the matter of :-

**St. Anne's Degree College for Women, # 23, Cambridge Road,
Halasuru, Bangalore, Karnataka-560008**

..... Petitioner

V/s

**Principal Secretary to Government, Education Department
(Higher Education), Government of Karnataka**

..... Respondent

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

ORDER

DATED 24.11.2021

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This application has been received on 11.04.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Anne's Degree College for Women, # 23, Cambridge Road, Halasuru, Bangalore, Karnataka-560008.
2. Learned counsel for the petitioner filed an affidavit of Rev. Sr. Angela Mercy, Secretary of The Society of the Sisters of St. Anne, Society No. 19, St. Thomas Convent, No. 2, Cambridge Road, Ulsoor, Bangalore, Karnataka 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 but application for grant of MSC filed by Rev. Sr. Margaret Julie, Secretary of the petitioner institution i.e. St. Anne's Degree College for Women, # 23, Cambridge Road, Halasuru, Bangalore, Karnataka-560008.
3. Learned counsel for the petitioner has filed copy of Unique ID No.: KA/2018/0214602 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 05.01.2019

sent to State Competent Authority i.e. Principal Secretary to Govt., Education Department (Higher Education), Government of Karnataka for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its tracking report, certified copy of Registration Certificate of The Society of the Sisters of St. Anne, Society No. 19, 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 for the year 2019-20, notarized copy of Affiliation Order no. BCU/Registrar/Affiliation/2019-20 dated 29.11.2018 issued by Registrar, Bengaluru Central University from the Academic Year 2019-20 to 2020-2023 (four years) for graduate and post graduate programmes to the unaided petitioner institution in Kannada language alongwith its English Translation.

4. As per the information supplied by the petitioner institution is that out of total 1095 students, 205 students are from the Christian minority community, 73 are from Muslim minority community and 813 are Hindus. Population of Christian minority community in the State of Karnataka as per the census of 2011 is only 1.87%. 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 05.01.2019, the petitioner institution has applied to the State Competent Authority which was delivered on 07.01.2019 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.

6. After service of registered notice dated 23.05.2019 and 28.02.2020, respondent has sent reply by post dated 03.07.2020 which was received in Commission's office on 19.08.2020 wherein it is stated that the proposal of the petitioner institution was found to lack complete information required as per the Govt. Notification No. ED 156 UPC 2013 dated 30.07.2014 and if the said proposal is resubmitted with the complete details, the same would be scrutinized.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Rev. Sr. Angela Mercy, Secretary of The Society of the Sisters of St. Anne, Society No. 19.
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 Society of the Sisters of St. Anne, Society No. 19 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 Rev. Sr. Angela Mercy, Secretary of The Society of the Sisters of St. Anne, Society No. 19.
9. The petitioner institution has fulfilled all the criteria for grant of MSC. The Competent Authority has failed to consider their application for grant of NOC. To obtain minority status certificate is a constitutional right of minority educational institution. The petitioner institution is established and administered by the members of the Christian minority community.

10. 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.
11. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Anne's Degree College for Women, # 23, Cambridge Road, Halasuru, Bangalore, Karnataka-560008 run by The Society of the Sisters of St. Anne, Society No. 19 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.
12. Consequently, St. Anne's Degree College for Women, # 23, Cambridge Road, Halasuru, Bangalore, Karnataka-560008 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 Rev. Sr. Margaret Julie, Secretary of the petitioner institution i.e. St. Anne's Degree College for Women, # 23, Cambridge Road, Halasuru, Bangalore, Karnataka-560008 for obtaining MSC from this Commission and also affidavit in support of the application for grant of MSC because affidavit was filed by the Rev. Sr. Angela Mercy, Secretary of The Society of the Sisters of St. Anne, Society No. 19.

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

Signed, pronounced and published on **Wednesday, 24th Day of November, 2021.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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