

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Fatima English Medium School, Fatima Nagar, Miyapadavu P.O.,
Manjeswar (Via), Kasargod District, Kerala**

V/s.

**The Secretary, General Education Department, Government of
Kerala, Thiruvananthapuram, Kerala – 695001**

Case No. 267 of 2019

09.09.2021

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

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

Inspection Committee has sent inspection report by post, which was
received in the Commission's Office on dated 22.03.2021, is taken on record.

Office is directed to supply copy of above report to the learned
counsel for the petitioner.

It transpires from the petition that out of total 223 students only 66
students are from Christian Minority Community.

It also transpire from the record that Rev. Fr. Anil Joel D' Souza,
Correspondent, The Catholic Board of Education has filed application for
grant of MSC and application dated 13.11.2018 for grant of NOC filed before
the State Competent Authority also by Correspondent of petitioner institution.

Learned Counsel for the petitioner is directed to file general body
resolution of society to obtain Minority Status Certificate from this
Commission.

List on 17.11.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**John Memorial High School (JMHS), Sasthamcotta, Poruvazhi
P.O., Kollam District, Kerala**

V/s.

**The Secretary, General Education Department, Government of
Kerala, Thiruvananthapuram, Kerala – 695001**

Case No. 275 of 2019

09.09.2021

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

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

Despite service of regd. notice, none appeared on behalf of the
respondent, even in the second round.

It transpires from the record that this application for grant of MSC was
filed by Smt. Lellamma Oomman, Manager, John Memorial High School.

Smt. Lellamma Oomman, Manager, John Memorial High School has
also filed unsigned list of founding and present members.

In founding members list Shri K.J. Oomman is shown as founding
member and Manager of the petitioner Institution whereas in another list
name of Smt. Lellamma Oomman is shown as present member, but
petitioner has not filed any document regarding Ownership of petitioner
Institute.

Learned counsel for the petitioner is directed to file documents related
to the ownership of the petitioner Institute as Individual Management.

In the interest of justice and due to Covid-19 pandemic, learned
counsel for the petitioner is directed to submit an envelope with postal
charges for sending regd. notice again to the respondent.

After compliance of the above order by the learned counsel for the
petitioner, Office is directed to issue notice to the respondent.

List on 17.11.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Paul's English Medium High School, Old Court Road, Pattambi,
Palakkad District, Kerala - 679303**

V/s.

**The Secretary, General Education Department, Government of
Kerala, Thiruvananthapuram, Kerala - 695001.**

Case No. 293 of 2019

09.09.2021

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

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

In compliance of the earlier Order dated 2.10.2020, we have not
received any report from the inspection committee

Office is directed to send again reminder letter to the inspection
committee.

Learned Counsel for the petitioner is directed to file general body
resolution of Trust to obtain Minority Status Certificate from this Commission.

It transpires from the petition that out of total 1546 students only 37
students are from Christian Minority Community.

It is also transpire from the record that petitioner, has not filed any
Recognition/ Affiliation Certificate of the State/Central Board of Secondary
Education (CBSE).

List on 17.11.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

St. Joseph's English Medium High School, Emani, Duggirala (M), Guntur District, Andhra Pradesh

V/s.

- 1. The Principal Secretary (Ex. Officio), Minorities Welfare Department, Andhra Pradesh Secretariat, Hyderabad, Andhra Pradesh - 522503.**
- 2. Secretary to Government, Government of Andhra Pradesh Minorities Welfare Department, 3 rd Floor, A.P. Secretariat, Velagapudi, Amaravati**

Case No. 318 of 2019

09.09.2021

Present: Ms. Anju Joseph, Advocate for the petitioner.

None for the respondent.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Respondent has sent by post Counter Affidavit before the Commission's Office on dated 07.12.2020, which is taken on record.

Office is directed to supply a copy of the Counter Affidavit to the learned counsel for the petitioner.

It transpires from the petition that out of total 533 students, 383 students are from Christian Minority Community.

Learned Counsel for the petitioner is directed to file general body resolution of Society to obtain Minority Status Certificate from this Commission.

It also transpire from the record that Sr. Mini Varghese, Secretary, Little Flower Welfare Society has filed application for grant of MSC and application dated 16.01.2019 for grant of NOC filed before the wrong State Competent Authority by Headmistress of petitioner institution.

It also transpire from the record that petitioner applied for grant of NOC before the wrong State Competent Authority i.e. Principal Secretary (Ex. Officio), Minorities Welfare Department, Andhra Pradesh Secretariat, Hyderabad, Andhra Pradesh – 522503 instead of Secretary to Government, Government of Andhra Pradesh Minorities Welfare Department, 3 rd Floor, A.P. Secretariat, Velagapudi, Amaravati.

We have issued notice to the Principal Secretary (Ex. Officio), Minorities Welfare Department, Andhra Pradesh Secretariat, Hyderabad, Andhra Pradesh – 522503, which is wrong Competent Authority.

Learned counsel for the petitioner is directed to submit an envelope and postal charges for sending regd. notice again to the respondent no. 2.

After compliance of the above order by the learned counsel for the petitioner, Office is directed to issue notice to the respondent no. 2.

List on 17.11.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Mary's School, Nr. Osho Ashram, Porbander Road, Upleta,
Rajkot Dt., Gujarat.**

V/s.

**Commissioner of Schools, Block No. 9-1, Dr. Jivraj Mehta
Bhawan, Gandhinagar, Gujarat – 382 010.**

Case No. 608 of 2019

09.09.2021

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

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

Learned counsel for the petitioner again prayed for time to comply
with the Commission's earlier Order 18.03.2021.

It transpires from the petition that out of total 630 students only 02
students are from Christian Minority Community.

It also transpire from the record that Sr. Siby CMC, President, Carmel
Education Trust Porbander, has filed application for grant of MSC and
application dated 01.12.2018 for grant of NOC filed before the State
Competent Authority by Sr. Josmy and her designation is not mentioned in
the said letter.

Learned Counsel for the petitioner is directed to file general body
resolution of Trust to obtain Minority Status Certificate from this Commission.

List on 09.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Mary's Co-Ed School, Jamani Road, Itarsi, Hoshangabad Dt.,
Madhya Pradesh.**

Vs.

**Secretary, Backward Classes and Minority Welfare Deptt.,
Government of Madhya Pradesh, Mantralaya, Bhopal, Madhya
Pradesh.**

Misc Case No. 24 of 2019

09.09.2021

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

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

Learned Counsel for the petitioner seeks leave to withdraw the case.

Leave and liberty is granted.

The case is disposed of as withdrawn.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Madarsa Jaan Mohammad Islamiya Inter College Shiksha Samiti, Village - Daulatpurwa Khirabha, Post - Ummedjot, District - Gonda, Uttar Pradesh - 271123.

Vs.

Additional Chief Secretary, Govt. of U.P. Higher Education & Secondary Education, Bahukhandi Secretariat, Lucknow, UP.

Case No. 68 of 2020

09.09.2021

Present: None.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

In compliance of the Commission's earlier Order dated 03.03.2021, regd. notice was issued to the petitioner for dated 20.05.2021, but due to lockdown in the country, the Commission was closed on the said date.

Despite service of regd. notice, none appeared on behalf of the petitioner, even in the second round.

In the interest of justice, Office is directed to send show cause notice again to the petitioner, as to why this petition be not dismissed at this stage by email/ inform telephonically.

List on 09.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

M. Moin Higher Secondary School, Run By: Moinuddin Educational Welfare Society, Village - Mishrauli, Post - Dandopur, Tehseel - Padrauna, Janpd - Kushinagar, Uttar Pradesh.

Vs.

Additional Chief Secretary, Govt. of U.P. Higher Education & Secondary Education, Bahukhandi Secretariat, Lucknow, UP

Case No. 74 of 2020

09.09.2021

Present: Mr. Zulfeqar Ali Siddique for the petitioner.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Mr. Zulfeqar Ali Siddique appeared on behalf of the petitioner and seeks leave to withdraw the petition with liberty to file a fresh petition for the same relief.

Leave and liberty is granted.

The petition is disposed of as withdrawn.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Joseph's Anglo-Indian Girls Nursery School, Melapudhur,
Tiruchirapalli District, Tamil Nadu - 620001**

V/s.

**Principal Secretary, School Education Department, Government of
Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai,
Tamil Nadu – 600009**

Case No. 250 of 2020

09.09.2021

Present: Ms. Anju Joseph, Advocate for the petitioner.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

Learned Counsel for the petitioner seeks leave to withdraw the
petition with liberty to file a fresh petition for the same relief.

Leave and liberty is granted.

The petition is disposed of as withdrawn.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Michael's Teacher Training Institute for Women, George
Joseph Road, Palani, Dindigul District, Tamil Nadu - 624601**

V/s.

**Principal Secretary, Higher Education Department, Government of
Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai,
Tamil Nadu - 600009**

Case No. 251 of 2020

09.09.2021

Present: Ms. Anju Joseph, Advocate for the petitioner.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

Learned Counsel for the petitioner seeks leave to withdraw the
petition with liberty to file a fresh petition for the same relief.

Leave and liberty is granted.

The petition is disposed of as withdrawn.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**R.C. Middle School, Butterworth Road, Tiruchirapalli District,
Tamil Nadu - 620002**

V/s.

**Principal Secretary, School Education Department, Government of
Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai,
Tamil Nadu – 600009**

Case No. 252 of 2020

09.09.2021

Present: Ms. Anju Joseph, Advocate for the petitioner.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

Learned Counsel for the petitioner seeks leave to withdraw the
petition with liberty to file a fresh petition for the same relief.

Leave and liberty is granted.

The petition is disposed of as withdrawn.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Holy Cross Nest (Special School for Mentally Retarded),
Melapudur, Tiruchirapalli District, Tamil Nadu - 620001**

V/s.

**Principal Secretry, School Education Department, Government of
Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai,
Tamil Nadu – 600009**

Case No. 253 of 2020

09.09.2021

Present: Ms. Anju Joseph, Advocate for the petitioner.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

Learned Counsel for the petitioner seeks leave to withdraw the
petition with liberty to file a fresh petition for the same relief.

Leave and liberty is granted.

The petition is disposed of as withdrawn.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Teresa's Girls High School, Viralimalai, Pudukottai District,
Tamil Nadu - 621316**

V/s.

**Principal Secretary, School Education, Department, Government
of Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai,
Tamil Nadu - 600009**

Case No. 254 of 2020

09.09.2021

Present: Ms. Anju Joseph, Advocate for the petitioner.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

Learned Counsel for the petitioner seeks leave to withdraw the
petition with liberty to file a fresh petition for the same relief.

Leave and liberty is granted.

The petition is disposed of as withdrawn.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Antony's Nursery & Primary School, Mambalasalai,
Tiruchirapalli District, Tamil Nadu - 620005**

V/s.

**Principal Secretary, School Education Department, Government of
Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai,
Tamil Nadu - 600009**

Case No. 255 of 2020

09.09.2021

Present: Ms. Anju Joseph, Advocate for the petitioner.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is
taken up today, as per the general notice of this Commission.

Learned Counsel for the petitioner seeks leave to withdraw the
petition with liberty to file a fresh petition for the same relief.

Leave and liberty is granted.

The petition is disposed of as withdrawn.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Arsh Education Service Trust, Village - Rajapur, Post - Mahraj
Nagar (Biswan), District - Sitapur, Uttar Pradesh - 261201**

V/s.

**Additional Chief Secretary, Department of Higher Education,
Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow,
Uttar Pradesh - 226001**

Case No. 347 of 2020

09.09.2021

Present: None.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Despite notices by post and two emails, none appeared on behalf of the petitioner, even in the second round.

It transpires from the record that the petitioner has not applied to the State Competent Authority for grant of NOC.

The Hon'ble Supreme Court in Civil Appeal No. 3945 of 2018 in case of Sisters of St. Joseph of Cluny vs. The State of West Bengal and Ors. vide order dated 18.04.2018, has held that any person who desires to establish minority educational institution after the amendment Act of 2006 came into force, must apply only to the competent authority for grant of No Objection Certificate for the said purpose.

All applications for the establishment of a minority educational institution after the amendment Act of 2006 must go to the competent authority set up under the statute.

Since nobody has appeared to make any submission. The Commission has waited sufficiently. The Commission has been forced to dismiss the petition.

Hence, the petition is dismissed in default.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Mr. Naresh Sharma, Bushehar House No. - 4, Ram Bazar, Shimla - 171001.

Vs.

- 1. St. Thomas School, Shimla, Himachal Pradesh.**
- 2. Director Directorate of Higher Education Shimla – 1, Himachal Pradesh**

Misc. case 03 of 2020

09.09.2021

Present: None.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

None appeared on behalf of the petitioner, even in the second round.

In the interest of justice, Office is directed to issue notice to the State Competent Authority also and implead as respondent no.2 in this Case.

Mr. Naresh Sharma, applicant sent a letter dated 04.05.2021 by post, wherein he has stated that matter has been fixed for 20.05.2021 but due to lockdown, he was unable to attend the hearing, which is received in the Commission's Office on dated 21.05.2021, is taken on record.

In the interest of justice, Office is directed to inform the petitioner on his email/ mobile for next date of hearing.

List on 09.12.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Nagsen Education Society, through its Secretary, Bezonbagh,
Kamptee Road, Bridge No. 10, Nagpur, Maharashtra.**

Vs.

**Joint Secretary, Minorities Development Department, Room No.
715, Mantralaya (Annexe), Mumbai - 400032.**

Misc Case No. 07 of 2020

09.09.2021

Present: None.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

None appeared on behalf of the petitioner, even in the second round.

In the interest of justice, Office is directed to send notice by email to the petitioner for next date of hearing.

List on 09.12.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

St. Ann's English Medium School, Krosur, Guntur District, Andhra Pradesh.

Vs.

Secretary to Government, Government of Andhra Pradesh, Minorities Welfare Department, 3rd Floor, Andhra Pradesh Secretariat, Velagapudi, Amaravati, Andhra Pradesh - 522503.

Misc. Case No. 01 of 2021

09.09.2021

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

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel
Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

In compliance of the earlier Order dated 14.01.2021, notices were issued to the respondent by regd. post as well as by email address, none appeared on behalf of the respondent, even in the second round.

Hence, we proceeded as ex-parte against the respondent.

Heard, learned counsel for the petitioner.

Reserved for Orders.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Basilian Public School, Paliekara, Thiruvalla P.O.,
Pathanamthitta District, Kerala.**

V/s

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

CASE NO. 21 of 2019

09.09.2021

Present: Ms. Anju Joseph, Advocate for petitioner.

None for the Respondent.

“In view of the above facts and observations, it is an admitted fact that the petitioner institution had applied to competent authority of the State of Kerala for grant of NOC under Section 10 of NCMEI Act, 2004 and the said application was not decided in accordance with the provisions of NCMEI Act, 2004 and verdict of the Hon’ble Apex Court by the State competent authority and passed the impugned order 13.3.2019. So in the interest of justice, we are of the considered opinion, without going on the merits of the case, it is just proper and fit case to send the matter back to the state competent authority to decide the application of the petitioner institution for grant of NOC under Section 10 of the NCMEI Act, 2004 on merits after considering all the documents produced by the petitioner institution at the earliest, expeditiously.”

Office is directed to send copy of this order to the State Competent Authority and in the interest of justice, in addition the petitioner institution is also directed to produce certified copy of this order before the State Competent Authority immediately for compliance of this order.

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

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Case No. 391 of 2019

- (1) **MJMAMLP School, Pallimukku P.O., Pannippara, Malapuram, Kerala- 676 541.**

Case No. 392 of 2019

- (2) **Kadampuzha A.U.P. School (Aided), Kadampuzha P.O., Malappuram District, Kerala- 676 553.**

Case No. 393 of 2019

- (3) **A.U.P. School Mundakkal (Aided), P.O. Mundakkal, Edavannappara, Malappuram District, Kerala- 676 553.**

Case No. 394 of 2019

- (4) **Amina Engineering Institute Private ITI, Kalpakanchery P.O., Malappuram, Kerala- 676 551.**

V/s

The Secretary, General Education Department, Government of Kerala.

09.09.2021

Present: None

Order dictated separately and pronounced, which reads as under:

"In view of the above facts and observations, it is an admitted fact that the petitioner institutions had applied to competent authority of the State of Kerala for grant of NOC under Section 10 of NCMEI Act, 2004 and the said applications were not decided in accordance with the provisions of NCMEI Act, 2004 and verdict of the Hon'ble Apex Court by the State competent authority and passed the impugned orders dated 22.3.2019, 19.2.2019 and 27.3.2019. So, in the interest of justice, we are of the considered opinion, without going on the merits of the case, it is just proper and fit case to send the matter back to the state competent authority to decide the applications of the petitioner institutions for grant of NOC under Section 10 of the NCMEI Act, 2004 on merits after considering all the documents produced by the petitioner institutions at the earliest, expeditiously.

Office is directed to send copy of this order to the State Competent Authority and in the interest of justice, in addition the petitioner institutions are also directed to produce certified copy of this order before the State Competent Authority immediately for compliance of this order.

Let copy of the order be kept in the record of Case No. 392 of 2019, 393 of 2019 and 394 of 2019.

In view of above, the present petitions are disposed of in accordance with this order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Case No. 391 of 2019

(1) MJMMLP School, Pallimukku P.O., Pannippara, Malapuram, Kerala- 676 541.

Case No. 392 of 2019

(2) Kadampuzha A.U.P. School (Aided), Kadampuzha P.O., Malappuram District, Kerala- 676 553.

Case No. 393 of 2019

(3) A.U.P. School Mundakkal (Aided), P.O. Mundakkal, Edavannappara, Malappuram District, Kerala- 676 553.

Case No. 394 of 2019

(4) Amina Engineering Institute Private ITI, Kalpakanchery P.O., Malappuram, Kerala- 676 551.

V/s

The Secretary, General Education Department, Government of Kerala.

09.09.2021

Present: None

Order dictated separately and pronounced, which reads as under:

"In view of the above facts and observations, it is an admitted fact that the petitioner institutions had applied to competent authority of the State of Kerala for grant of NOC under Section 10 of NCMEI Act, 2004 and the said applications were not decided in accordance with the provisions of NCMEI Act, 2004 and verdict of the Hon'ble Apex Court by the State competent authority and passed the impugned orders dated 22.3.2019, 19.2.2019 and 27.3.2019. So in the interest of justice, we are of the considered opinion, without going on the merits of the case, it is just proper and fit case to send the matter back to the state competent authority to decide the applications of the petitioner institutions for grant of NOC under Section 10 of the NCMEI Act, 2004 on merits after considering all the documents produced by the petitioner institutions at the earliest, expeditiously.

Office is directed to send copy of this order to the State Competent Authority and in the interest of justice, in addition the petitioner institutions are also directed to produce certified copy of this order before the State Competent Authority immediately for compliance of this order.

Let copy of the order be kept in the record of Case No. 392 of 2019, 393 of 2019 and 394 of 2019.

In view of above, the present petitions are disposed of in accordance with this order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Case No. 391 of 2019

- (1) MJMAML P School, Pallimukku P.O., Pannippara, Malapuram, Kerala- 676 541.

Case No. 392 of 2019

- (2) Kadampuzha A.U.P. School (Aided), Kadampuzha P.O., Malappuram District, Kerala- 676 553.

Case No. 393 of 2019

- (3) A.U.P. School Mundakkal (Aided), P.O. Mundakkal, Edavannappara, Malappuram District, Kerala- 676 553.

Case No. 394 of 2019

- (4) Amina Engineering Institute Private ITI, Kalpakanchery P.O., Malappuram, Kerala- 676 551.

V/s

The Secretary, General Education Department, Government of Kerala.

09.09.2021

Present: None

Order dictated separately and pronounced, which reads as under:

"In view of the above facts and observations, it is an admitted fact that the petitioner institutions had applied to competent authority of the State of Kerala for grant of NOC under Section 10 of NCMEI Act, 2004 and the said applications were not decided in accordance with the provisions of NCMEI Act, 2004 and verdict of the Hon'ble Apex Court by the State competent authority and passed the impugned orders dated 22.3.2019, 19.2.2019 and 27.3.2019. So in the interest of justice, we are of the considered opinion, without going on the merits of the case, it is just proper and fit case to send the matter back to the state competent authority to decide the applications of the petitioner institutions for grant of NOC under Section 10 of the NCMEI Act, 2004 on merits after considering all the documents produced by the petitioner institutions at the earliest, expeditiously.

Office is directed to send copy of this order to the State Competent Authority and in the interest of justice, in addition the petitioner institutions are also directed to produce certified copy of this order before the State Competent Authority immediately for compliance of this order.

Let copy of the order be kept in the record of Case No. 392 of 2019, 393 of 2019 and 394 of 2019.

In view of above, the present petitions are disposed of in accordance with this order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Case No. 391 of 2019

(1) MJMAMLP School, Pallimukku P.O., Pannippara, Malapuram, Kerala- 676 541.

Case No. 392 of 2019

(2) Kadampuzha A.U.P. School (Aided), Kadampuzha P.O., Malappuram District, Kerala- 676 553.

Case No. 393 of 2019

(3) A.U.P. School Mundakkal (Aided), P.O. Mundakkal, Edavannappara, Malappuram District, Kerala- 676 553.

Case No. 394 of 2019

(4) Amina Engineering Institute Private ITI, Kalpakanchery P.O., Malappuram, Kerala- 676 551.

V/s

The Secretary, General Education Department, Government of Kerala.

09.09.2021

Present: None

Order dictated separately and pronounced, which reads as under:

"In view of the above facts and observations, it is an admitted fact that the petitioner institutions had applied to competent authority of the State of Kerala for grant of NOC under Section 10 of NCMEI Act, 2004 and the said applications were not decided in accordance with the provisions of NCMEI Act, 2004 and verdict of the Hon'ble Apex Court by the State competent authority and passed the impugned orders dated 22.3.2019, 19.2.2019 and 27.3.2019. So in the interest of justice, we are of the considered opinion, without going on the merits of the case, it is just proper and fit case to send the matter back to the state competent authority to decide the applications of the petitioner institutions for grant of NOC under Section 10 of the NCMEI Act, 2004 on merits after considering all the documents produced by the petitioner institutions at the earliest, expeditiously.

Office is directed to send copy of this order to the State Competent Authority and in the interest of justice, in addition the petitioner institutions are also directed to produce certified copy of this order before the State Competent Authority immediately for compliance of this order.

Let copy of the order be kept in the record of Case No. 392 of 2019, 393 of 2019 and 394 of 2019.

In view of above, the present petitions are disposed of in accordance with this order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Seventh Day Adventist Matric, Hr. Sec. School, No. 1, Nagai Road,
Thanjavur District, Tamil Nadu - 613001**

V/s.

**The Principal Secretary, School Education Department,
Government of Tamil Nadu, Fort St. George, Secretariat, Chennai,
Tamil Nadu – 600009**

CASE NO. 730 of 2019

09.09.2021

Present: Ms. Anju Joseph, Advocate for petitioner.

None for the Respondent.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr. Jose Abraham.

Learned counsel for the petitioner again prayed for time to file certified copies of the relevant documents and also to comply with the earlier Order dated 21.11.2019. In the interest of justice, time prayed for is allowed.

It also transpires from the records that this petition for grant of MSC is filed by Arthur Pandian D, Secretary of The Council of Seventh- day Adventist Educational Institutions, Chennai and application for grant of NOC dated 12.03.2019 was filed by the President of The Council of Seventh- day Adventist Educational Institutions, Chennai.

Learned counsel for the petitioner prayed for time to clarify the said position.

Learned Counsel for the petitioner is directed to submit the copy of resolution passed by the General Body of the Society authorize the signatory of the application to obtain Minority Status Certificate from this Commission.

In the interest of justice, list on 10.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Seventh Day Adventist Matric Hr. Sec. School, M.C. Road,
Sandrorkuppam, Ambur, Vellore District, Tamil Nadu - 635814
V/s.**

**The Principal Secretary, School Education Department,
Government of Tamil Nadu, Fort St. George, Secretariat, Chennai,
Tamil Nadu – 600009**

CASE NO. 731 of 2019

09.09.2021

Present: Ms. Anju Joseph, Advocate for petitioner.
None for the Respondent.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr. Jose Abraham.

Learned counsel for the petitioner again prayed for time to file certified copies of the relevant documents and also to comply with the earlier Order dated 21.11.2019. In the interest of justice, time prayed for is allowed.

It also transpires from the records that this petition for grant of MSC is filed by Arthur Pandian D, Secretary of The Council of Seventh- day Adventist Educational Institutions, Chennai and application for grant of NOC dated 12.03.2019 was filed by the President of The Council of Seventh- day Adventist Educational Institutions, Chennai.

Learned counsel for the petitioner prayed for time to clarify the said position.

Learned Counsel for the petitioner is directed to submit the copy of resolution passed by the General Body of the Society authorize the signatory of the application to obtain Minority Status Certificate from this Commission.

In the interest of justice, list on 10.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Seventh Day Adventist Nursery and Primary School, T.B. Road,
Sankari, Salem District, Tamil Nadu**

V/s.

**The Principal Secretary, School Education Department,
Government of Tamil Nadu, Fort St. George, Secretariat, Chennai,
Tamil Nadu**

CASE NO. 732 of 2019

09.09.2021

Present: Ms. Anju Joseph, Advocate for petitioner.

None for the Respondent.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr. Jose Abraham.

Learned counsel for the petitioner again prayed for time to file certified copies of the relevant documents and also to comply with the earlier Order dated 21.11.2019. In the interest of justice, time prayed for is allowed.

It transpires from the records that out of total 291 students, 175 are from the Christian Minority Community.

It also transpires from the records that this petition for grant of MSC is filed by Arthur Pandian D, Secretary of The Council of Seventh- day Adventist Educational Institutions, Chennai and application for grant of NOC dated 12.03.2019 was filed by the President of The Council of Seventh- day Adventist Educational Institutions, Chennai.

Learned counsel for the petitioner prayed for time to clarify the said position.

Learned Counsel for the petitioner is directed to submit the copy of resolution passed by the General Body of the Society authorize the signatory of the application to obtain Minority Status Certificate from this Commission.

In the interest of justice, list on 10.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Seventh Day Adventist Hr. Sec. School, 100 Feet
Road, Marapalam, Puducherry**

V/s.

**The Principal Secretary, School Education Department,
Government of Tamil Nadu, Fort St. George, Secretariat, Chennai,
Tamil Nadu – 600009**

CASE NO. 733 of 2019

09.09.2021

Present: Ms. Anju Joseph, Advocate for petitioner.

Mr. Aravindh Selvaraj for the Respondent.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr. Jose Abraham.

Mr. Aravindh Selvaraj appeared on behalf of the respondent and prayed for time to file the response. In the interest of justice, time prayed for is allowed.

Learned counsel for the petitioner again prayed for time to file certified copies of the relevant documents and also to comply with the earlier Order dated 21.11.2019. In the interest of justice, time prayed for is allowed.

It also transpires from the records that this petition for grant of MSC is filed by Arthur Pandian D, Secretary of The Council of Seventh- day Adventist Educational Institutions, Chennai and application for grant of NOC dated 12.03.2019 was filed by the Principal of Seventh- day Adventist Higher Secondary School, Puducherry.

Learned counsel for the petitioner prayed for time to clarify the said position.

Learned Counsel for the petitioner is directed to submit the copy of resolution passed by the General Body of the Society authorize the signatory of the application to obtain Minority Status Certificate from this Commission.

In the interest of justice, list on 10.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Seventh-Day Adventist Middle School, Rue de
L'Eveche, Puducherry - 605001
V/s.**

**The Secretary to Government (Education), Chief
Secretariat, No. 1, Goubert Avenue, Beach Road,
Puducherry – 605001**

CASE NO. 734 of 2019

09.09.2021

Present: Ms. Anju Joseph, Advocate for petitioner.

Mr. Aravindh Selvaraj for the Respondent.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr.
Jose Abraham.

Mr. Aravindh Selvaraj appeared on behalf of the
respondent and prayed for time to file the response. In the
interest of justice, time prayed for is allowed.

Learned counsel for the petitioner again prayed for time
to file certified copies of the relevant documents and also to
comply with the earlier Order dated 21.11.2019. In the
interest of justice, time prayed for is allowed.

It also transpires from the records that this petition for
grant of MSC is filed by Arthur Pandian D, Secretary of The
Council of Seventh- day Adventist Educational Institutions,
Chennai and application for grant of NOC dated 12.03.2019
was filed by the Principal of Seventh- day Adventist Higher
Secondary School, Puducherry.

Learned counsel for the petitioner prayed for time to
clarify the said position.

Learned Counsel for the petitioner is directed to submit
the copy of resolution passed by the General Body of the
Society authorize the signatory of the application to obtain
Minority Status Certificate from this Commission.

In the interest of justice, list on 10.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Seventh Day Adventist Matric Hr. Sec. School, Appavu
Nagar, Thally Road, Hosur, Krishnagiri District, Tamil
Nadu**

V/s.

**The Principal Secretary, School Education
Department, Government of Tamil Nadu, Fort St.
George, Secretariat, Chennai, Tamil Nadu – 600009**

CASE NO. 735 of 2019

09.09.2021

Present: Ms. Anju Joseph, Advocate for petitioner.
None for the Respondent.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr. Jose Abraham.

Learned counsel for the petitioner again prayed for time to file certified copies of the relevant documents and also to comply with the earlier Order dated 21.11.2019. In the interest of justice, time prayed for is allowed.

It also transpires from the records that this petition for grant of MSC is filed by Arthur Pandian D, Secretary of The Council of Seventh- day Adventist Educational Institutions, Chennai and application for grant of NOC dated 12.03.2019 was filed by the President of The Council of Seventh- day Adventist Educational Institutions, Chennai.

Learned counsel for the petitioner prayed for time to clarify the said position.

Learned Counsel for the petitioner is directed to submit the copy of resolution passed by the General Body of the Society authorize the signatory of the application to obtain Minority Status Certificate from this Commission.

In the interest of justice, list on 10.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Peter Claver English Medium Higher Primary
School, Aladangady Post, Belthangady Taluk,
Dakshina Kannada District, Karnataka - 574217.**

Vs.

**Additional Chief Secretary to Government,
Education Department (Higher Education),
Government of Karnataka, Sixth Floor, Multi-
Storeyed Building, Bengaluru, Karnataka - 560001.**

**CASE NO. 464 of 2020
09.09.2021**

Present: Ms. Anju Joseph, Advocate for petitioner.

None for the Respondent.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr. Jose Abraham.

Learned Counsel for the petitioner again prayed for time to file certified copies of relevant documents as well as compliance of the earlier Order dated 09.12.2020 of this Commission. In the interest of justice, time prayed for is allowed.

It transpires from the records that out of total 81 students, 23 students are from the Christian Minority Community.

Learned Counsel for the petitioner is directed to submit the copy of resolution passed by the General Body of the Society/Trust to authorize the signatory of the application to obtain Minority Status Certificate from this Commission

In the interest of justice, list on 10.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

DR. SHAHID AKHTER

RS
MEMBER

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Mount Carmel Unaided Higher Primary School,
Shirthady, Mangalore Taluk, Dakshina Kannada
District, Karnataka - 574236.**

Vs.

**Additional Chief Secretary to Government,
Education Department (Higher Education),
Government of Karnataka, Sixth Floor, Multi-
Storeyed Building, Bengaluru, Karnataka - 560001.**

**CASE NO. 465 of 2020
09.09.2021**

Present: Ms. Anju Joseph, Advocate for petitioner.
None for the Respondent.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr.
Jose Abraham.

It transpires from the records that out of total 192 students, 50
students are from the Christian Minority Community

Learned Counsel for the petitioner is directed to
submit the copy of resolution passed by the General Body of
the Society to authorize the signatory of the application to
obtain Minority Status Certificate from this Commission.

Learned Counsel for the petitioner submitted that they
have filed certain documents before the Commission's Office
on dated 02.09.2021 but those documents are not available
in the file.

Office is directed to check the documents and if available
then place the same with the file.

In the interest of justice, list on 10.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Aloysius English Medium School, Urwa, Ladyhill,
Mangaluru Taluk, Dakshina Kannada District,
Karnataka - 575006.**

Vs.

**Additional Chief Secretary to Government, Education
Department (Higher Education), Government of
Karnataka, Sixth Floor, Multi- Storeyed Building,
Bengaluru, Karnataka - 560001.**

**CASE NO. 466 of 2020
09.09.2021**

Present: Ms. Anju Joseph, Advocate for petitioner.
None for the Respondent.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr.
Jose Abraham.

Learned Counsel for the petitioner again prayed for time to file
certified copies of relevant documents as well as compliance of the
earlier Order dated 09.12.2020 of this Commission. In the interest of
justice, time prayed for is allowed.

It transpires from the records that out of total 1436 students,
334 students are from the Christian Minority Community.

Learned Counsel for the petitioner is directed to submit
the copy of resolution passed by the General Body of the
Society to authorize the signatory of the application to obtain
Minority Status Certificate from this Commission.

In the interest of justice, list on 10.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Jain Modern Public School, Green Park Extn., New
Delhi -110016.**

Vs.

**Assistant Director of Education (Act), Directorate of Education, Govt. of
NCT of Delhi, Old Secretariat, Delhi.**

**MISC CASE NO. 10 of 2020
09.09.2021**

Present: Mr. Subodh Gupta, advocate for the petitioner.

Mr. Subodh Gupta, advocate appeared on behalf of the applicant institution. By this petition the petitioner seeks restoration of the case No. 1271 of 2016 which was dismissed in default vide order dated 12.02.2020, for the reasons stated in the application , restoration is allowed.

Dismissal Order dated 12.02.2020 is hereby recalled and the Case No. 1271 of 2016 is restored to its original case number.

Hence, the restoration application is disposed of.

Office is directed to tag the file Misc case no. 10 of 2020 with the main file No.1271 of 2016.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Jain Modern Public School, Green Park Extn., New Delhi
-110016.**

Vs.

**Assistant Director of Education (Act), Directorate of
Education, Govt. of NCT of Delhi, Old Secretariat, Delhi.**

**CASE NO. 1271 of 2016
09.09.2021**

Present: Mr. Subodh Gupta, advocate for the petitioner.

Mr. Subodh Gupta, advocate appeared on behalf of the applicant institution.

None appeared on behalf of the respondent.

We have heard the learned counsel for the petitioner.

It transpires from the record that the petitioner has not applied to the Competent Authority of the State Government for grant of No Objection Certificate.

The Hon'ble Supreme Court in Civil Appeal No. 3945 of 2018 in case of Sisters of St. Joseph of Cluny vs. The State of West Bengal and Ors. vide order dated 18.04.2018, has held that any person who desires to establish a minority educational institution after the amendment Act of 2006 came into force, must apply only to the competent authority for grant of No Objection Certificate for the said purpose.

All applications for the establishment of a minority educational institution after the amendment Act of 2006 must go to the competent authority set up under the statute.

It also transpires from the application filed by the petitioner dated 13.07.2016 that the petitioner had moved an application before State Competent Authority on dated 12.05.2012 but copy of said application is not available with the petition.

Petitioner again filed application for grant of MSC on dated 17.08.2017 and in Column No.6 of the application petitioner had again mentioned that he had moved an application before State Competent Authority on dated 21.05.2012, which was dismissed but copy of said application and order are not attached by the petitioner with the petition.

In the facts and circumstances of the case and as per the verdict of Hon'ble Apex Court, this petition is not maintainable as such. However, the petitioner is free to move fresh application as per prevailing law, rules and notifications.

Hence, the petition is disposed of.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**