

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

**Case No. 415 of 2019**

**In the matter of :-**

**St. Ignatius Matriculation Higher Secondary School,  
Vellakulam, Sooranviduti P.O., Alangudi T.K., District  
Pudukkottai, Tamil Nadu-622301**

..... **Petitioner**

**V/s**

**Principal Secretary, School Education Department, Govt.  
of Tamil Nadu**

..... **Respondent**

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

**ORDER**

**DATED 24.08.2022**

**Justice Narendra Kumar Jain, Chairman, NCMEI**

1. This petition has been received on 20.05.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Ignatius Matriculation Higher Secondary School, Vellakulam, Sooranviduti P.O., Alangudi T.K., District Pudukkottai, Tamil Nadu-622301.
2. Learned counsel for the petitioner filed an affidavit of Rev. Sr. Amutha Theos, President of Society of the Sisters of the Sacred Heart of Jesus 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/2017/0161328 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 19.11.2018 sent to the State Competent Authority i.e. Principal Secretary, School Education Department, Govt. of Tamil Nadu

alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Society of the Sisters of the Sacred Heart of Jesus, notarized 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 recognition order dated 31.12.2021 issued by the Director of Matriculation Schools, District Pudukkottai to the unaided petitioner institution from 01.06.2020 to 31.05.2022 for LKG to 12<sup>th</sup> Std. in Tamil language alongwith its English translation and resolution of the General Body of the Society in favour of Rev. Sr. Amutha Theos, President of Society of the Sisters of the Sacred Heart of Jesus 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 649 students, 143 students are from the Christian minority community, 1 student is from Muslim Minority Community and 505 students are Hindus. It is relevant to mention here that out of total 31 teachers, 15 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 19.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 22.11.2018 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 11.07.2019, respondent has not sent any reply. 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 09.12.2021, after service of notice to the physical inspection committee dated 14.12.2021 and 05.04.2022, District Collector, Pudukkottai sent the physical inspection committee report through post vide letter dated May, 2022 which was received in the Commission's Office on dated 30.05.2022 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Rev. Sr. Amutha Theos, President of Society of the Sisters of the Sacred Heart of Jesus.
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 Society of the Sisters of the Sacred Heart of Jesus 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. Amutha Theos, President of Society of the Sisters of the Sacred Heart of Jesus.

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 St. Ignatius Matriculation Higher Secondary School, Vellakulam, Sooranviduti P.O., Alangudi T.K., District Pudukkottai, Tamil Nadu-622301 run by Society of the Sisters of the Sacred Heart of Jesus 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, St. Ignatius Matriculation Higher Secondary School, Vellakulam, Sooranviduti P.O., Alangudi T.K., District Pudukkottai, Tamil Nadu-622301, which is from LKG to 12<sup>th</sup> Std., 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 and updated Recognition / Affiliation Order issued by the State Board / CBSE 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 **Wednesday, 24<sup>th</sup> Day of August, 2022.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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