

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

**St. Ann's School, Tadvai, Mungala Mandal, Nalgonda District,
Telangana**

V/s.

**The Secretary, Minorities Welfare Department, D-Block, Ground
Floor, Telangana Secretariat, Hyderabad**

Case No. 379 of 2019

02.02.2023.

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

In compliance of the Commission's earlier Order dated 29.11.2022, the learned counsel for the petitioner has filed Clarification Affidavit before the Commission's Office on dated 30.01.2023, which is taken on record.

In the interest of justice, list on 15.03.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**S.A.H. International School, Chak Badhiya, Buily Khas, District -
Mirzapur, Uttar Pradesh.**

Vs.

**Additional Chief Secretary, Department of School Education, Govt. of
Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, U.P.**

Case No. 485 of 2019

02.02.2023.

Present: Mr. Shubham Singh, Advocate for the petitioner.
None for the respondent.

Learned counsel for the petitioner has filed some documents
alongwith covering letter before the Commission's Office on dated
12.01.2023 which are taken on record.

Learned counsel for the petitioner argued on filing the tracking report
and produced "The General Clauses Act, 1897" provisions in this case.

Despite registered notice and e-mail to the respondent, we have not
received any response/reply from the State Competent Authority. In the
facts and circumstances of the case we deem it just and proper that
physical inspection report alongwith the recommendations may be obtained
from the Committee consisting of the following members for issuance of the
minority status certificate to the petitioner institution:-

1. Representative of the concerned District Collector(Chairperson)
2. Concerned District Education Officer (Member)
3. Concerned District Minority Welfare Officer/ Concerned District
Social Welfare Officer (Member Secretary).

Office is directed to issue letter to the above authorities and also to
provide a copy of the letter to the learned counsel for the petitioner.

Learned Counsel for the petitioner is directed to approach the
members of the Physical inspection Committee and provide all the relevant
documents to the said Committee.

Learned counsel for the petitioner prayed for time to file updated
recognition/ affiliation order issued by State Board or CBSE.

List on 21.03.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

S.A.H. Educational Centre, Village - Ratanpur, Post - Katesar, District - Chandauli, Uttar Pradesh.

Vs.

Additional Chief Secretary, Department of School Education, Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, U.P.

Case No. 486 of 2019

02.02.2023.

Present: Mr. Shubham Singh, Advocate for the petitioner.
None for the respondent.

Learned counsel for the petitioner has filed some documents alongwith covering letter before the Commission's Office on dated 12.01.2023 which are taken on record.

Learned counsel for the petitioner argued on filing the tracking report and produced "The General Clauses Act, 1897" provisions in this case.

Despite registered notice and e-mail to the respondent, we have not received any response/reply from the State Competent Authority. In the facts and circumstances of the case we deem it just and proper that physical inspection report alongwith the recommendations may be obtained from the Committee consisting of the following members for issuance of the minority status certificate to the petitioner institution:-

1. Representative of the concerned District Collector(Chairperson)
2. Concerned District Education Officer (Member)
3. Concerned District Minority Welfare Officer/ Concerned District Social Welfare Officer (Member Secretary).

Office is directed to issue letter to the above authorities and also to provide a copy of the letter to the learned counsel for the petitioner.

Learned Counsel for the petitioner is directed to approach the members of the Physical inspection Committee and provide all the relevant documents to the said Committee.

Learned counsel for the petitioner prayed for time to file updated recognition/ affiliation order issued by State Board or CBSE.

List on 21.03.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Al-Haneef Educational Centre, Chak Badhiya, Bhuiy Khas, Adalhat,
Mirzapur, Uttar Pradesh.**

Vs.

**Additional Chief Secretary, Department of School Education, Govt. of
Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, U.P.**

Case No. 487 of 2019

02.02.2023.

Present: Mr. Shubham Singh, Advocate for the petitioner.
None for the respondent.

Learned counsel for the petitioner has filed some documents
alongwith covering letter before the Commission's Office on dated
12.01.2023 which are taken on record.

Learned counsel for the petitioner argued on filing the tracking report
and produced "The General Clauses Act, 1897" provisions in this case.

Despite registered notice and e-mail to the respondent, we have not
received any response/reply from the State Competent Authority. In the
facts and circumstances of the case we deem it just and proper that
physical inspection report alongwith the recommendations may be obtained
from the Committee consisting of the following members for issuance of the
minority status certificate to the petitioner institution:-

1. Representative of the concerned District Collector(Chairperson)
2. Concerned District Education Officer (Member)
3. Concerned District Minority Welfare Officer/ Concerned District
Social Welfare Officer (Member Secretary).

Office is directed to issue letter to the above authorities and also to
provide a copy of the letter to the learned counsel for the petitioner.

Learned Counsel for the petitioner is directed to approach the
members of the Physical inspection Committee and provide all the relevant
documents to the said Committee.

List on 21.03.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Jothi Dharman Assissi Hr. Sec. School, Sathangudi P.O.,
Madurai Dt., Tamil Nadu.**

Vs.

**Principal Secretary, School Education Department, Government
of Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu
– 9.**

Case No. 783 of 2019

02.02.2023.

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

Learned counsel for the petitioner again prayed for time to file updated recognition/ affiliation certificate issued by State Board or CBSE. Time prayed for is allowed.

In the interest of justice, list on 22.03.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

Velankanni Mata School, Padmai, Naraini, Banda District, Uttar Pradesh - 284403.

Vs.

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

Case No. 114 of 2020

02.02.2023.

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

Heard, learned counsel for the petitioner.

Reserved for Orders.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Little Flower School, Jungle Ekla No.2, Gulariha P.O., Gorakhpur
District, Uttar Pradesh - 273013.**

Vs.

- 1. Secretary, Room No.- 19, 3rd Floor, Sachiv Bhawan, Uttar Pradesh Secretariat, Lucknow, Uttar Pradesh.**
- 2. Additional Chief Secretary, Department of School Education, Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh.**

Case No. 119 of 2020

02.02.2023.

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

We have heard learned counsel for the petitioner at some length. We have perused the Physical inspection report submitted by the members of the Physical Inspection Committee along with covering letter dated 06.05.2022 wherein it is mentioned that in the academic year 2020-21, out of total 405 students, only 02 students are from the Christian Minority Community, in year 2021-22, out of total 436 students, none is from the Christian Minority Community and in year 2022-23, out of total 533 students, only 03 students are from the Christian Minority Community.

Members of Physical Inspection Committee viz. District Minority Welfare Officer, District Education Officer and District Magistrate/ District Collector have again sent the Physical Inspection report along with covering letter dated 03.10.2022 by post received in the Commission's Office on 06.10.2022, which is already taken on report. In the said report, the members of the Committee have mentioned that in the academic year 2019-20, out of total 113 students, only 02 students are from the Christian Minority Community, in year 2020-21, out of total 405 students, only 02 are from the Christian Minority Community, in year 2021-22, out of total 436 students, none is from the Christian Minority Community and in year 2022-23, out of total 548 students, only 09 students are from the Christian Minority Community.

We have perused both the reports and it is found that there is a variance between both the reports submitted by the members of the Physical inspection Committee.

Office is directed to send a letter to the said Physical Inspection Committee members about the said discrepancies in number of students during the academic year 2022-23.

In the interest of justice, list on 29.03.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

EDUCATIONAL INSTITUTIONS

**Chevalier Academy Matriculation School, Kovilur Junction,
Siluvathur Road, Dindigul District, Tamil Nadu - 624306.**

Vs.

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

Case No. 393 of 2020

02.02.2023.

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

In compliance of the Commission's earlier Order dated 19.04.2022, the Physical Inspection Committee has sent by post, the inspection report along with the covering letter dated November, 2022, which is received in the Commission's Office on dated 22.11.2022 and again same report is received by post in the Commission's Office on dated 05.01.2023. Both the reports are taken on record.

Learned counsel for the petitioner again prayed for time to file updated recognition/ affiliation certificate issued by the State Board/ CBSE. Time prayed for is allowed.

In the interest of justice, list on 29.03.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

My Child Modern Madarsa, 313/76B, Main Road, Near Bilal Masjid, Tulsi Nagar, Delhi - 110035.

Vs.

Assistant Director of Education (Act), Directorate of Education, Government of NCT of Delhi, Room No. 214-A, Old Secretariat, Delhi – 110054.

Case No. 407 of 2020

02.02.2023.

Present: Mr. Junais P., Advocate for the petitioner.

Mr. Virender Kumar Dahiya, from the Office of Dy. Director of Education , Zone-08, Distt. North, Lucknow Road Delhi for the respondent.

Learned counsel for the petitioner has filed an application under Order VIII Rule 9 of Section 151 C.P.C. read with Section 12(2) of the NCMEI Act, 2004, to accept the Rejoinder Affidavit. He has also filed rejoinder, a copy of the said application and rejoinder along with an envelope and postal stamp, submitted by hand before the Commission's Office on dated 30.01.2023, which are taken on record.

Copy of the said application is provided to Mr. Virender Kumar Dahiya, the representative appearing on behalf of the respondent.

In the interest of justice, list on 05.04.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Don Bosco College (Co-Ed), Guezou Nagar, Yelagiri Hills,
Vellore District, Tamil Nadu - 635853.**

Vs.

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

Case No. 01 of 2021

02.02.2023

Present: Mr. Jose Abraham, Advocate for the petitioner.

None for the respondent.

Despite sending letter by post and email to the members of Physical Inspection Committee, we have not received any response/ physical inspection report from the Physical Inspection Committee till now.

Learned counsel for the petitioner submitted that Physical Inspection Committee members have already inspected their institution.

District Educational Officer, (Secondary), Vellore has sent by post a letter dated 27.12.2022 along with all the documents sent by this Commission and submitted that petitioner institution comes under the Higher Education Department, Thiruvalluvar University, Sekadu, Vellore District and requested to issue necessary amendment on behalf of the District Educational Officer(Member), District Educational Office, Bharathiyar Salai, near Bharat Scouts, Vellore, Tamil Nadu, which was received in the Commission's Office on dated 17.01.2023 and is taken on record.

Office is directed to send reminder by post and also by email to the members of Physical Inspection Committee, for sending the inspection report positively by next date of hearing.

Office is directed to provide a copy of the reminder letter to the learned counsel for the petitioner.

Learned counsel for the petitioner is directed to again approach the members of the Physical inspection Committee and also provide all the relevant documents to the members of Physical Inspection Committee.

List on 06.04.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Little Flower School, Telco Colony, Jamshedpur District,
Jharkhand - 831004.**

Vs.

**Director, Secondary Education, Department of School Education
& Literacy, Government of Jharkhand, MDI Building, S.E & L.
Department, Behind Project Bhawan, Post - Dhurwa, District -
Ranchi - 834004.**

Case No. 02 of 2021

02.02.2023

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

Learned counsel for the petitioner filed by hand on dated 03.01.2023, Notarized copy of CICSE Affiliation Order, which is taken on record.

Despite sending letter by post and email to the members of Physical Inspection Committee, we have not received any response/ physical inspection report from the Physical Inspection Committee till now.

Office is directed to send reminder by post and also by email to the members of Physical Inspection Committee, for sending the inspection report positively by next date of hearing.

Office is directed to provide a copy of the reminder letter to the learned counsel for the petitioner.

Learned counsel for the petitioner is directed to again approach the members of the Physical inspection Committee and also provide all the relevant documents to the members of Physical Inspection Committee.

List on 06.04.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

St. Anthony's Convent School, Sirumalai Road, Thottanuthu Village, Reddiyapatty P.O., Dindigul East Taluk, Dindigul District, Tamil Nadu - 624003.

Vs.

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

Case No. 12 of 2021

02.02.2023

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

In compliance of the Commission's earlier Order, Physical Inspection Committee has sent physical inspection report along with covering letters dated November, 2022 and 30.12.2022 which were received in the Commission's Office on dated 22.11.2022 and 05.01.2023 respectively, both same reports are taken on record.

Learned counsel for the petitioner submitted that petitioner institution Recognition is going to expired on 31.03.2023, so he requested to list the Case before March.

In the interest of justice, fix the case for final arguments on 15.03.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Dominic's English High School, Hallikkere, Barandur P.O.,
Bhadravathi (T.K.), Shimoga District, Karnataka - 577245.**

Vs.

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

Case No. 13 of 2021

02.02.2023

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

Learned counsel for the petitioner again prayed for time to
comply with the Commission's earlier Order dated 20.09.2022.

In the interest of justice, list on 06.04.2023.

**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 High School EM, Irumanda P.O., Ambajipeta, East
Godevari District, Andhra Pradesh - 533239.**

Vs.

**Secretary, Govt. of Andhra Pradesh, Minorities Welfare Deptt.,
03rd Floor, Andhra Pradesh Secretariat, Velagapudi, Amaravati,
Andhra Pradesh - 522503.**

Case No. 01 of 2022

02.02.2023

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

Respondent has sent by post a letter dated 20.01.2023, which was received in the Commission's Office on dated 30.01.2023 and is taken on record.

Office is directed to supply the copy of the said letter to the learned counsel for the petitioner

Learned counsel for the petitioner submitted that he has filed certified copies of all the relevant documents before this Commission.

In the interest of justice, fix the case for final arguments on 03.05.2023.

**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 and Primary School, No. 20, Dr. Narayanasamy Street, Puliakulam, Coimbatore, Tamil Nadu – 641 045.

Vs.

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

Case No. 04 of 2022

02.02.2023

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

Respondent has sent by post a letter dated 26.12.2022, which was received in the Commission's Office on dated 10.01.2023 and is taken on record.

In the interest of justice, list on 03.05.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

Modern College of Engineering, Kochabhawar, Kanpur Road, Jhansi - 284128.

Vs.

- 1. Director, Minority Welfare Department, Govt. of Uttar Pradesh, Indira Bhawan, Lucknow Uttar Pradesh.**
- 2. Additional Chief Secretary, Department of Higher Education Govt. of UP Bahu Khandi,, Secretariat, Lucknow (UP).**

Case No. 122 of 2022

02.02.2023

Present: Mr. Tejasvi Kumar, Advocate for the petitioner.

Learned counsel for the petitioner filed by hand General Body Resolution, Extension of approval by AICTE for the Academic year 2022-23 and proper Unique ID, before the Commission's Office on dated 01.02.2023 and are taken on record.

As per the Commission's earlier Order dated 03.08.2022, learned counsel for the petitioner filed an application dated 13.07.2022 submitted before the Director, Minority Welfare Deptt., Govt. of UP instead of the State Competent Authority as appointed by the State of Uttar Pradesh for grant of MSC and petitioner has submitted this application before the Office of District Minority Welfare Officer, Jhansi which was received by some unknown person and mentioned on it that their application has been dismissed.

It transpires that earlier application submitted before the State Competent Authority for grant of MSC was properly not decided till now.

At the request of the learned counsel for the petitioner list the case on 06.04.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

Modern School, Jhansi - 284001.

Vs.

- 1. Director, Minority Welfare Department, Govt. of Uttar Pradesh, Indira Bhawan, Lucknow Uttar Pradesh.**
- 2. Additional Chief Secretary, Department of Higher Education Govt. of UP Bahu Khandi,, Secretariat, Lucknow (UP).**

Case No. 123 of 2022

02.02.2023

Present: Mr. Tejasvi Kumar, Advocate for the petitioner.

Learned counsel for the petitioner filed by hand General Body Resolution and proper Unique ID, before the Commission's Office on dated 01.02.2023 and are taken on record.

As per the Commission's earlier Order dated 03.08.2022, learned counsel for the petitioner filed an application dated 13.07.2022 submitted before the Director, Minority Welfare Deptt., Govt. of UP instead of the State Competent Authority as appointed by the State of Uttar Pradesh for grant of MSC and petitioner has submitted this application before the Office of District Minority Welfare Officer, Jhansi which was received by some unknown person and mentioned on it that their application has been dismissed.

It transpires that earlier application submitted before the State Competent Authority for grant of MSC was properly not decided till now.

At the request of the learned counsel for the petitioner list the case on 06.04.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

Modern Public School, Lalitpur - 284403.

Vs.

- 1. Director, Minority Welfare Department, Govt. of Uttar Pradesh, Indira Bhawan, Lucknow Uttar Pradesh.**
- 2. Additional Chief Secretary, Department of Higher Education Govt. of UP Bahu Khandi,, Secretariat, Lucknow (UP).**

Case No. 124 of 2022

02.02.2023

Present: Mr. Tejasvi Kumar, Advocate for the petitioner.

Learned counsel for the petitioner filed by hand General Body Resolution and proper Unique ID, before the Commission's Office on dated 01.02.2023 and are taken on record.

As per the Commission's earlier Order dated 03.08.2022, learned counsel for the petitioner filed an application dated 13.07.2022 submitted before the Director, Minority Welfare Deptt., Govt. of UP instead of the State Competent Authority as appointed by the State of Uttar Pradesh for grant of MSC and petitioner has submitted this application before the Office of District Minority Welfare Officer, Jhansi which was received by some unknown person and mentioned on it that their application has been dismissed.

It transpires that earlier application submitted before the State Competent Authority for grant of MSC was properly not decided till now.

At the request of the learned counsel for the petitioner list the case on 06.04.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

Modern College of Pharmacy, Kochabhawar, Kanpur Road, Jhansi - 284128.

Vs.

- 1. Director, Minority Welfare Department, Govt. of Uttar Pradesh, Indira Bhawan, Lucknow Uttar Pradesh.**
- 2. Additional Chief Secretary, Department of Higher Education Govt. of UP Bahu Khandi,, Secretariat, Lucknow (UP).**

Case No. 125 of 2022

02.02.2023

Present: Mr. Tejasvi Kumar, Advocate for the petitioner.

Learned counsel for the petitioner filed by hand General Body Resolution, copy of approval of Pharmacy Council of India and proper Unique ID, before the Commission's Office on dated 01.02.2023 and are taken on record.

As per the Commission's earlier Order dated 03.08.2022, learned counsel for the petitioner filed an application dated 13.07.2022 submitted before the Director, Minority Welfare Deptt., Govt. of UP instead of the State Competent Authority as appointed by the State of Uttar Pradesh for grant of MSC and petitioner has submitted this application before the Office of District Minority Welfare Officer, Jhansi which was received by some unknown person and mentioned on it that their application has been dismissed.

It transpires that earlier application submitted before the State Competent Authority for grant of MSC was properly not decided till now.

At the request of the learned counsel for the petitioner list the case on 06.04.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Thomas Matriculation Higher Secondary School, 33/34,
Stringer Street, Broadway, Chennai, Tamil Nadu.**

Vs.

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

Case No. 84 of 2020

02.02.2023

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

This petition has been received on dated 11.12.2019 by hand through Mr. Jose Abraham, Advocate for the petitioner for grant of Minority Status Certificate (MSC) to St. Thomas Matriculation Higher Secondary School, 33/34, Stringer Street, Broadway, Chennai, Tamil Nadu. After hearing learned counsel for the petitioner this Commission has decided the case no. 84 of 2020 on dated 02.06.2022 with the following observations:

“Consequently, St. Thomas Matriculation Higher Secondary School, 33/34, Stringer Street, Broadway, Chennai, Tamil Nadu-600108, which is from LKG to 12th 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.

After compliance of the above order, a minority status certificate be issued accordingly.

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

After decision of said case learned counsel for the petitioner filed a downloaded copy of the Judgment passed by the Hon'ble High Court of Judicature at Madras dated 23.12.2022 in W.P. No. 34016 of 2022 and prayed to accept the documents and complied the Order and direction of Hon'ble High Court.

Contd..

Thereafter, again we have taken up the case on its original no.

During pendency of this matter Commission has received the original copy of said judgment passed by Hon'ble High Court of Judicature at Madras by post on dated 13.01.2023 and is taken on record.

In the light of the judgment passed by the Hon'ble High Court of Judicature at Madras, we have heard the learned counsel for the petitioner.

Learned counsel for the petitioner submitted that compliance should be made as per the Order of the Hon'ble High Court Judicature at Madras.

We have gone through the entire judgment passed by the Hon'ble High Court and observation in said judgment passed on dated 23.12.2022 in W.P. No. 34016 of 2022, which is as under:

“When a condition is imposed as a pre-condition requisite for issuance of a certificate, unless those conditions are challenged as being ultravires, this Court cannot sit as an appellate authority over the requirement of the first respondent and examine whether those conditions are reasonable or required.

A cursory glance of the condition makes it very clear what that the first respondent seeks is only reasonable. It is for the petitioner, who seeks recognition as Christian Minority Institution to undertake to admit students, who profess Christian religion. There is no other condition imposed. The first respondent wanted the petitioner to admit eligible Christian students if there are vacancies in the petitioner institution.

I find no reason to justify the petitioner approaching the Court. They should have filed the necessary affidavit. This Court had therefore gave an option to the petitioner to file an affidavit. In order to that extent was issued on 20.12.2022.

Today a copy of an affidavit said to have been filed by the petitioner has been presented. The deponent of the affidavit, Thomas Mathew, Secretary of St. Thomas Orthodox Syrian Cathedral Educational and Charitable Trust, had stated is as follows:-

“I hereby undertake that St. Thomas Matriculation Higher Secondary School, 33/34, Stringer Street, Broadway, Chennai, Tamil Nadu shall admit all eligible students from the Christian Minority Community. I further state that this

Contd..

Institution shall not deny admission to any eligible students from the Christian Community.”

I am hopeful that this affidavit satisfies the condition required by the first respondent.

It is however pointed out by Mr.B.Rabu Manohar that the affidavit had been filed after the time limit fixed for filing such an affidavit. I would however grant that particular concession to the petitioner.

They had actually filed the affidavit and have undertaken to admit eligible Christian students to their institution. Therefore, I would direct the first respondent should take this affidavit on their Board and provided all other conditions are satisfied, which this Court presumes have been, grant recognition to the petitioner as a Christian Minority Status to the petitioner school. The first respondent may pass a rectified order in case No. 84 of 2002 on or before 31.01.2023.

Writ Petition stands disposed. No costs”.

We have perused the entire judgment passed by Hon'ble High Court of Judicature at Madras and accepted the Affidavit filed by the petitioner and ready to issue MSC but petitioner has not fulfilled 2nd condition of the earlier order which is updated Recognition/Affiliation Order issued by the State/CBSE to the unaided petitioner institution till now. Hence, last Commission's earlier order dated 02.06.2022 will remain same.

In compliance of Hon'ble High Court this case is again disposed of in above terms.

In view of the above present petition is again disposed of in accordance of Judgment of Hon'ble High Court Judicature of Madras

Signed, pronounced and published on **Thursday, 2nd Day of February, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**