

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

**Dr. Raju Davis Grace International School, Grace Knowledge
Village, Plavinmuri P.O., Mala, District Thrissur, Kerala.**

Vs

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

Case No. 07 of 2019

29.09.2021

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

Order dictated separately and pronounced, which reads as under:

“In view of the 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 the NCMEI Act, 2004 and the said applications 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 dated 12.03.2019. 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 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 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**

SR

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

**Chavara English Medium School, Thamarassery, District
Kozhikode, Kerala.**

Vs

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

Case No. 09 of 2019

29.09.2021

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

Learned counsel for the petitioner filed three documents by hand,
before the Commission's Office on dated 22.09.2021, which are taken on
record.

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**

**St. Kuriakose Public School, Monippally P.O., Kottayam District,
Kerala**

V/s.

**Secretary, General Education Department, Thiruvananthapuram,
Kerala**

Case No. 423 of 2019

29.09.2021

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

Order dictated separately and pronounced, which reads as under:

“In view of the 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 the NCMEI Act, 2004 and the said applications 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 dated 11.03.2019. 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 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 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**

SR

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

**Dr. Kalignar Karunanithi Girls Primary School, Kamarajar Salai,
Ashoknagar, Chennai, Tamil Nadu.**

V/s.

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

Case No. 429 of 2019

29.09.2021

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

Learned counsel for the petitioner filed an application under Order 8 Rule 9 and Section 151 C.P.C. read with Section 12 of the NCMEI Act, 2004, to accept the Rejoinder Affidavit. He has also filed a copy of the above along with an envelope and postal stamp, and five documents, by hand before the Commission's Office on dated 07.01.2021, which are taken on record.

Office is directed to issue notice of the above application to the respondent.

It transpires from the petition that out of total 102 students, 06 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.

Learned Counsel for the petitioner prayed for time to file documents in the interest of justice, time prayed for is allowed.

List on 06.01.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Joseph's College of Arts and Science for Women,
Mookandapalli, Sipcot, Hosur, Krishnagiri Dt., Tamil Nadu.**

V/s.

**Principal Secretary, Higher Education Dept., Government of
Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu.**

Case No. 430 of 2019

29.09.2021

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

Learned counsel for the petitioner filed by hand five documents, before the Commission's Office on dated 07.01.2021, which are taken on record.

Learned counsel for the petitioner prayed for time to file certified copied of relevant documents.

It transpires from the petition that out of total 1887 students, 93 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.

List on 06.01.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Justin Arts and Science College for Women, Cholapuram,
Sivagangai Dr., Tamil Nadu.**

V/s.

**Principal Secretary, Higher Education Dept., Government of
Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu.**

Case No. 431 of 2019

29.09.2021

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

Learned counsel for the petitioner filed an application under Order 8 Rule 9 and Section 151 C.P.C. read with Section 12 of the NCMEI Act, 2004, to accept the Rejoinder Affidavit. He has also filed a copy of the above along with an envelope and postal stamp, and five documents, by hand before the Commission's Office on dated 07.01.2021, which are taken on record.

Office is directed to issue notice of the above application to the respondent.

It transpires from the petition that out of total 203 students, 20 students are from Christian Minority Community.

It also transpire from the record that name of signatory of application for grant of MSC, NOC and Affidavit is not available in the certified list of society members.

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

List on 06.01.2022.

**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 R.C. Primary School, Chinnadharapuram,
Aravankurichi Taluk, Kurur Dt., Tamil Nadu.**

V/s.

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

Case No. 432 of 2019

29.09.2021

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

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

Learned Counsel for the petitioner filed five documents by hand, before the Commission's Office on dated 07.01.2021, which are taken on record.

Learned Counsel for the petitioner prayed for time to file documents.

It transpires from the petition that out of total 126 students only 21 students are from Christian Minority Community.

It also transpire from the record that name of signatory of application for grant of MSC, NOC and Affidavit is not available in the certified list of society members.

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

List on 06.01.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Joseph's Academy, Sipcot, Housing Colony, Dharga, Hosur,
Krishnagiri Dt., Tamil Nadu.**

V/s.

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

Case No. 433 of 2019

29.09.2021

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

Learned counsel for the petitioner filed by hand five documents, before the Commission's Office on dated 07.01.2021, which are taken on record.

It transpires from the petition that out of total 1021 students, 170 students are from Christian Minority Community.

It also transpire from the record that name of signatory of application for grant of MSC, NOC and Affidavit is not available in the certified list of society members.

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

List on 06.01.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

Sacred Heart Convent School, Pak Dil Nagar, Mari Gorh Singh, P.O. Bhikhiwind, Tarn Taran, Punjab.

Vs

1. Director of Public Instruction (S.E), Punjab Block E, Vidya Bhawan, 4 th Floor Complex Punjab School Education Board, Sector 62, S.A.S. Nagar, Punjab.
2. Additional Chief Secretary Room No. 510, Fifth Floor, Punjab Civil, Secretariat-II, Sector-09, Chandigarh

Case No. 633 of 2019

29.09.2021

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

None for the respondent

In compliance of notice, issued by this Commission Mr. Harvinder Singh has filed a copy of letter dated 18.02.2020 mentioned that they have rejected the application for grant of MSC of the petitioner.

Learned counsel for the petitioner submitted that petitioner had filed application for grant of NOC not for grant of MSC before the State Competent Authority. Within the prescribed limitation of 90 days state authority has not disposed of the application and after filling the application for grant of MSC before this Commission on dated 07.08.2019, Respondent has passed the said order on dated 18.02.2020.

It also transpires from the record that petitioner has applied before the State Competent Authority i.e. Additional Chief Secretary, Room No. 510, Fifth Floor, Punjab Civil, Secretariat-II, Sector-09, Chandigarh on dated 20.03.2019 but we have made party respondent to Director of Public Instruction (S.E), Punjab Block E, Vidya Bhawan, 4th Floor Complex Punjab School Education Board, Sector 62, S.A.S. Nagar, Punjab.

In the interest of justice, Office is directed to make party respondent no. 02 i.e. Additional Chief Secretary Room No. 510, Fifth Floor, Punjab Civil, Secretariat-II, Sector-09, Chandigarh.

It transpires from the petition that out of total 2367 students only 125 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.

Learned counsel for the petitioner is directed to submit an envelope and postal charges for sending regd. notice 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. 02.

List on 22.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Bal Bharti Public School, K-66/12, Nawab Ki Dehori, DAV
College Road, Narharpura, Lohatia, Varanasi, Uttar Pradesh.**

Vs

- 1. Additional Chief Secretary, Department of School Education,
Government of Uttar Pradesh, Bahu Khandi, Secretariat,
Lucknow, Uttar Pradesh.**
- 2. Chief Secretary, Secondary Education, Education
Department, State of Uttar Pradesh.**

Case No. 634 of 2019

29.09.2021

Present: Mr. Junais P., Advocate for the petitioner.
None for the respondent

Despite service of regd. notice, respondent has not filed any reply in this case.

Petitioner has applied for grant of NOC on dated 28.03.2019 to the then Competent Authority of the State i.e. Chief Secretary, Secondary Education, Education Department, State of Uttar Pradesh. This Commission has given notice to the Additional Chief Secretary, Department of School Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh.

In the interest of justice, Office is directed to make party respondent no. 02 i.e. Chief Secretary, Secondary Education, Education Department, State of Uttar Pradesh the then Competent Authority.

It transpires from the petition that out of total 609 students only 181 students are from Muslim Minority Community.

Learned Counsel for the petitioner is directed to submit census data of Uttar Pradesh minority population.

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

Petitioner institution has applied to NCMEI for grant of Minority Status Certificate. In the facts and circumstances of the case we deem just and proper that physical inspection report alongwith the recommendation for issuance of the minority status certificate to the petitioner institution, may be obtained from the committee consisting of following members: -

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

Office is directed to issue letter to the above Committee members for submitting the report.

Contd...2/-

Case No. 634 of 2019

29.09.2021

Learned counsel for the petitioner is directed to submit an envelope and postal charges for sending regd. notice 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. 02.

List on 22.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**K.H. Memorial English Medium Madrassa, Manjakulam,
Palakkad, Kerala.**

Vs

**Secretary, General Education Department, Government of
Kerala, Thiruvananthapuram, Kerala- 695 001.**

Case No. 635 of 2019

29.09.2021

Present: Mr. Junais P., Advocate for the petitioner.
None for the respondent

Learned Counsel for the petitioner filed a copy of letter dated
17.05.2019 of Kerala State, which is taken on record.

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**

**Shams Model School, At Murki Khurd, Post Murki Kalan, Dt.
Ghazipur, U.P.**

V/s.

**Additional Chief Secretary, Department of School Education,
Govt. of U.P**

Case No. 652 of 2019

29.09.2021

Present: None.

Despite service of notice by regd. post, ordinary post and email none appeared on behalf of the petitioner even in the second round.

It transpires from the record that petitioner has inspected this case file no. 652 of 2019 on dated 28.09.2021 but none appeared before this Commission today.

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**

**Carmalgiri Central School, 11th Mile, Bhartheepuram P.O., Anchal,
Kollam District, Kerala - 691312**

V/s.

**Secretary, General Education Department, Government of Kerala,
Thiruvananthapuram, Kerala**

Case No. 756 of 2019

29.09.2021

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

None for the respondent.

Order dictated separately and pronounced, which reads as under:

“In view of the 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 the NCMEI Act, 2004 and the said applications 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 dated 11.03.2019. 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 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 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**

SR

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

**St. Xavier's School, Nagor P.O., Raidhanpar, P.B. No. 14, Bhuj,
Kutch Dt., Gujarat.**

Vs.

- 1. Commissioner of Schools, Commissionarate of Mid Day Meals and Schools, Government of Gujarat, Sector – 10, Gandhinagar, Gujarat.**
- 2. Commissioner of Schools, Block No. 9-1, Dr. Jivraj Meheta Bhawan, Gandhinagar, Gujarat-382010.**

Case No. 761 of 2019

29.09.2021

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

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. Mary's School, P.B. No. 26, Kalawad Road, Rajkot Dt.,
Gujarat.**

Vs.

- 1. Commissioner of Schools, Commissionarate of Mid Day Meals and Schools, Government of Gujarat, Sector – 10, Gandhinagar, Gujarat**
- 2. Commissioner of Schools, Block No. 9-1, Dr. Jivraj Mehta Bhawan, Gandhinagar, Gujarat-382010.**
- 3. Director, Primary Education, Dr. Jivraj Mehta Bhawan Floor 12/1, Gandhinagar, Gujarat.**

Case No. 763 of 2019

29.09.2021

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

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

As per the Government of Gujarat they have change the State Competent Authority as Director, Primary Education, Dr. Jivraj Mehta Bhawan Floor 12/1, Gandhinagar, Gujarat for primary schools.

Office is directed to make party respondent no.03 i.e. Director, Primary Education, Dr. Jivraj Mehta Bhawan Floor 12/1, Gandhinagar, Gujarat as State Competent Authority.

Learned counsel for the petitioner is directed to submit one more envelope and postal charges for sending regd. notice to the respondent no. 03.

After compliance of the above order by the Petitioner, Office is directed to issue notice to the respondent no.03.

It transpires from the petition that out of total 1661 students, 58 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.

List on 22.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Ideal English High School, Near Osmania College Road,
Kurnool - 518001, Andhra Pradesh.**

Vs.

**Secretary, Minorities Welfare Department, 3rd Floor, Andhra
Pradesh Secretariat, Velagapudi, Amaravati, Andhra Pradesh -
500022.**

Case No. 202 of 2020

29.09.2021

Present: None.

Despite notice by ordinary post and email, none appeared on behalf of the petitioner even in the second round.

It transpires from the record that petitioner has not applied before the State Competent Authority 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 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.

Petitioner has not filed Niti Ayog Unique ID, MoA of the Society, list of founding members of the society and original affidavit. Petitioner has not filed envelope and postage charges for sending the notice to the respondent.

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**

**National Educational Institute Intermediate College, Village -
Rayapur Majre Saraiyapure Visen Post : Aliganj Bazar, PS -
Kudwar, District - Sultanpur, Uttar Pradesh.**

Vs.

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

Case No. 353 of 2020

29.09.2021

Present: None.

Despite notice by ordinary post and two times email, none appeared on behalf of the petitioner, even in the second round.

It transpires from the records that the petitioner has not applied before the State Competent Authority 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 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 record, that the petitioner has also applied before the State Competent Authority for grant of Minority Status Certificate and that the application is still pending.

As per law and settled procedure, petitioner cannot apply before this Commission unless and until the Minority Status Certificate application is disposed by the State Competent Authority. Hence this application is not maintainable at this stage.

It also transpires from the record that this application has filed by Manager and he is not authorized by the Trust.

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**

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

**Jamia Siddiqia Tajwidul Quraan, C - 84, Street No. 4, Chaman
Park, Delhi - 110094**

V/s.

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

Misc Case No. 11 of 2020

29.09.2021

Present: None.

Despite notice by ordinary post and email, none appeared on behalf of the petitioner even in the second round.

In the interest of justice, Office is directed to send notice again by email to the petitioner for compliance of the Commission's earlier Order dated 10.09.2020 and also for filing certificate of not traceable the MSC till now by police authority .

List on 20.10.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Mary's Convent School, Ghansali PO, Tehri - Garhwal District,
Uttarakhand - 249155.**

Vs.

**Incharge Secretary, Higher Education, Uttarakhand Government,
Room No. 7, Ground Floor, Late Soban Singh Jeena Bhawan (SBI
Bank Building), Uttarakhand Secretariat, Uttarakhand - 248001.**

Case No. 10 of 2021

29.09.2021

Present: None.

Despite notice by Ordinary Post, none appeared on behalf of the petitioner, even in the second round.

In the interest of justice, Office is directed to send notice again by email to the petitioner for compliance of the Commission's earlier Order dated 12.01.2021.

List on 20.10.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Christ International School, Ramanathapuram Revenue Village,
Thondamanatham (PO), Villianur Commune, Puducherry - 605502.**

Vs.

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

Case No. 11 of 2021

29.09.2021

Present: Mr. C. Kumaravel for the petitioner.

Mr. C. Kumaravel appeared on behalf of the petitioner institution.

Petitioner has sent by post two letters dated 04.02.2021 and 05.02.2021, which were received in the Commission's Office on dated 08.02.2021 and 09.02.2021 respectively, both are taken on record.

It transpires from the records that the petitioner has not applied before the State Competent Authority 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 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.

Mr. C. Kumaravel seeks leave to withdraw the petition with liberty to file a fresh petition in prescribed format 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. 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

29.09.2021

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

Learned counsel for the petitioner filed three documents by hand, before the Commission's Office on dated 24.08.2021, which is taken on record.

On dated 20.08.2019, learned counsel for the petitioner submitted that at this time petitioner institution is running up to 1st to 7th standard.

Learned counsel for the petitioner has already filed envelope and postal stamps for sending notice to the respondent.

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

Office is directed to issue notice to the respondent by regd. A.D./ email.

List on 22.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. 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

29.09.2021

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

Learned Counsel for the petitioner prayed for time to comply with the Commission's earlier Order dated 12.01.2021.

It transpires from the petition that out of total 579 students, 54 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.

In the interest of justice, list on 22.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

Marthoma Warriors, Kerala. - Complainant

Vs.

- 1. Mar Thoma College, Chungathara P.O., Malappuram District, Kerala - 679 334.**
- 2. Director Directorate of Minority welfare Government of Kerala, 4 th floor, Vikas Bhavan, Thiruvananthapuram, 695033. - Respondents**

Misc Case No. 03 of 2021

29.09.2021

Present: Ms Akriti Seth, Advocate for the respondent no. 1
Mr. Alim Anvar, Advocate for the respondent no.2
None for the complainant.

Despite email, none appeared on behalf of the complainant, even in the second round

Ms. Akriti Seth appeared on behalf of the respondent no.1 and filed her Vakalatnama, which is taken on record. Further, learned counsel for respondent no.1 prayed for time to file the reply.

Mr. Alim Anvar, Advocate appeared on behalf of the respondent no.2 and submitted that they have not received copy of the complaint till now. Office is again directed to provide copy of the complaint received from the National Commission of Minorities (NCM) to learned counsel for respondent no.2.

Office is again directed to issue notice by email to the complainant marthoma warriors.

In the interest of justice, list on 27.10.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Abdul Shahid Mahavidhyalaya, Kasimpur, Bahadurgarh, Agra Road,
Etah, Uttar Pradesh.**

Vs.

**Principal Secretary, Higher Education, Department of Education,
Sarojinin Naidu Marg, Prayagraj, Uttar Pradesh- 211001.**

Misc Case No. 10 of 2021

29.09.2021

Present: None.

Order dictated separately and pronounced, which reads as under:

“In the premise, the petition filed by Mohd. Abuwak, Secretary of the Society succeeds and is hereby allowed. The impugned order dated 28.01.2016 passed by this Commission in favour of Abdul Shahid Mahavidhyalay, Kasimpur Bahadurgarh, Agra Road, Etah, Uttar Pradesh vide case no. 1103 of 2015 is hereby cancelled. Petitioner is directed to surrender their original MSC of this Commission within one month from the date of this order. Notify the order to both the parties”.

In view of the above, the present petition is disposed of accordingly.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR