

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

Case No. 253 of 2022

In the matter of :-

**Paripalana L.P. School, Vakathanam P.O., District Kottayam,
Kerala-686538**

.....Petitioner

V/s

**Director, Directorate of Minority Welfare, Government of Kerala,
4th Floor, Vikas Bhavan, Thiruvananthapuram, Kerala**

..... Respondent

Present: Mr. Jose Abraham, Advocate for the petitioner

ORDER

DATED 08.12.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 22.11.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Paripalana L.P. School, Vakathanam P.O., District Kottayam, Kerala-686538.
2. Learned counsel for the petitioner filed an affidavit of Sr. Leelamma, President of The Sisters of Our Lady of Providence Education Society 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. : UP/2017/0174199 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 03.12.2018 sent to State Competent Authority i.e. Secretary, General Education Department, Govt. of Kerala, copy of application dated 22.09.2021 sent to the State Competent Authority i.e. Director, Directorate of Minority Welfare, Government of Kerala, 4th Floor, Vikas Bhavan, Thiruvananthapuram, Kerala, notarized copy of order no. 6329/MSC/2021/DMW dated 24.09.2022 passed by the State Competent Authority, notarized copy of Certificate of Registration of

The Sisters of Our Lady of Providence Education Society, 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 issued by the Under Secretary, General Education (F) Department, Govt. of Kerala to the unaided petitioner institution from the academic year 2019-20 for Class 1st to 5th and resolution of the General Body of the Society in favour of Sr. Leelamma, President of The Sisters of Our Lady of Providence Education Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in the year 2019-20, it is mentioned that out of total 124 students, 60 students were from the Christian minority community and 64 students were Hindus, in the year 2020-21, it is mentioned that out of total 139 students, 77 students were from the Christian minority community and 62 students were Hindus and in the year 2021-22, it is mentioned that out of total 124 students, 70 students were from the Christian minority community and 54 students were Hindus . It is relevant to mention here that in the year 2019-20, out of the total 10 teachers, 9 teachers were from Christian Minority community, in the year 2020-21, out of the total 10 teachers, 9 teachers were from Christian Minority community, in the year 2021-22, out of the total 9 teachers, 8 teachers weree 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 the Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution.
5. Earlier the petitioner institution has filed application for grant of NOC on dated 03.12.2018 which was registered as Case No. 346 of 2020

and the case was decided by the Commission on dated 03.03.2021 by the following observation :-

“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 02.04.2019. 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.”

Thereafter, the petitioner institution has filed application for grant of NOC before the State Competent Authority on dated 22.09.2021 and that application was accepted by the State Competent Authority and the following order dated 24.09.2022 has been passed :-

“The application alongwith the supporting documents has been examined in detail and also heard the authorized representative of the applicant on 23.03.2022. As the application for NOC has been found prima facie admissible, the application has been referred to the District Collector, Kottayam for inspection in the institution and report.

As per the reference 4 cited, The District Collector, Kottayam after conducting physical verification of the institution and scrutiny of records and registers, has reported the eligibility of the educational institution of the applicant for Minority Status and also recommended for grant of No Objection Certificate for the purpose to the Lower Primary level of the Institution.

In these circumstances, on the facts revealed in hearing the authorized representative of the applicant institution and by the scrutiny of all relevant records in original submitted while hearing and after considering the report and recommendation of the District Collector, Kottayam, it has been found that the Lower Primary section of Paripalana L.P. School, Vakathanam P.O., District Kottayam,

*Kerala-686538 has been functioning with the objective of subserving the interest of the Christian minority community and the institution satisfies all other eligibility conditions for becoming a minority educational institution. Therefore, the Lower Primary section of **Paripalana L.P. School, Vakathanam P.O., Kottayam District** has been granted No Objection Certificate for the purpose of obtaining Minority Status Certificate, under Section 10 of the National Commission for Minority Educational Institution Act, 2004.”*

6. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Sr. Leelamma, President of The Sisters of Our Lady of Providence Education Society.
7. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Christian minority community and is being administered by The Sisters of Our Lady of Providence Education Society 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 Sr. Leelamma, President of The Sisters of Our Lady of Providence Education Society.
8. The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily members of the Christian minority community. In addition, the said facts are also stands proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.
9. We have perused the order No. 6329/MSA/2021/DMW dated 24.09.2022 passed by the State Competent Authority. By the above order State Competent Authority of Kerala has granted NOC in favour of the petitioner institution.
10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Paripalana L.P. School, Vakathanam P.O., District Kottayam, Kerala-686538 run by The Sisters of Our

Lady of Providence Education Society 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 subserving the interests of the Christian minority community.

11. Consequently, Paripalana L.P. School, Vakathanam P.O., District Kottayam, Kerala-686538, which is from 1st to 5th Std., is declared as a minority unaided 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.
12. After compliance of the above order, a minority status certificate be issued accordingly.
13. However, it is made clear that if State Govt. has any objection in granting MSC in favour of the petitioner institution i.e. Paripalana L.P. School, Vakathanam P.O., District Kottayam, Kerala-686538, is free to file an application for cancellation of MSC under section 12(c) of the NCMEI Act, 2004.
14. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Thursday, 8th Day of December, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**Dr. SHAHID AKHTER
MEMBER**

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