

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

**St. Mary's Convent School, Machingal, Sangatpura P.O.,
Chetanpura, Fateh Garh Churian, Amritsar, Punjab.**

Vs.

**Director of Public Instruction (S.E), Punjab, Block E, Vidya
Bhawan, 4th Floor, Complex Board, Sector 62, S.A.S Nagar.**

Case No. 794 of 2019

06.10.2021

Present: Mr. Prasanth Kulambil, Advocate for the petitioner.
Mr. Rohit Kumar Mehta for the respondent

Mr. Prasanth Kulambil, Advocate appeared on behalf of the arguing
counsel Mr. Junais P.

Mr. Rohit Kumar Mehta appeared on behalf of the respondent and
prayed for time to file reply. In the interest of justice, time prayed for is
allowed.

Learned Counsel for the petitioner again prayed for time to filed
certified copies of all the relevant documents.

It transpires from the petition that out of total 523 students, 106
students are from Christian Minority Community.

It also transpires from the record that Rt. Rev. Dr. Franco Mulakkal,
President, Educational Society of St. Mary's Convent School has filed
application for grant of MSC and application dated 27.07.2019 for grant of
NOC under Section 10 of NCMEI Act, 2004 filed before the State
Competent Authority by another person who is Secretary of the petitioner
society.

Learned Counsel for the petitioner is directed to file Resolution
passed by the General Body of the Society for obtaining Minority Status
Certificate from this Commission.

List on 24.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Shri Rohit Jain, Member Janta Shiksha Samiti, S-551, TF School
Block, Shakarpur, Delhi - 110092**

V/s.

**Manager, Janta Higher Secondary School, Pilua Etah, Uttar
Pradesh**

Misc. Case NO. 26 of 2019

06.10.2021

Present: None.

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

Office is directed to mention the name of Mr. Rahat Bansal, Advocate for complainant in future.

Office is directed to produce and put up the original letter dated 26.04.2018 sent by Mr. Rohit Jain, Member, Janta Shiksha Samiti, S-551 TF School Block, Shakarpur, Delhi- 92.

Office is directed to issue notice to both the parties by email/telephonically.

In the interest of justice, list on 23.11.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Mary's High School, Bakshi Bandh, Dumka, Jharkhand -
814101**

V/s.

**Director, Secondary Education, Under School Education &
literacy Department, 3rd floor, MDI Building, S.E & L.
Department, Behind Project Bhawan, Post-Dhurwa, Dist-Ranchi-
834004**

Case No. 65 of 2020

06.10.2021

Present: Mr. Bhaskar Prasad for the petitioner.
None for the respondent

Mr. Bhaskar Prasad appeared on behalf of the petitioner institution.

Petitioner is directed to file Resolution passed by the General Body of the Society for obtaining Minority Status Certificate from this Commission

It transpires from the Memorandum of Association(MOA) of Dumka Catholic Diocese, which is registered under the Societies Registration Act 21 of 1860. In Objects, it is specifically mentioned that “ to manage, administer, carry-on and conduct hitherto the schools, other society, associations and social services for the benefit of all irrespective of religion, race, community, caste, language and social status”

As per the MOA of the Society filed by the petitioner, it is clear that this society is for all Communities and not primarily for the benefit of Christian Minority Community.

Mr. Bhaskar Prasad appeared on behalf of the petitioner is directed to clarify the matter.

List on 16.11.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

Rajagiri Seashore CMI Public School, Rajagiri Road, South Malipuram, Azheekal P.O., Vypin, Ernakulam District, Kerala - 682508.

Vs.

Secretary, General Education Department, Government of Kerala, Thiruvananthapuram, Kerala – 695001.

Case No. 125 of 2020

06.10.2021

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

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.

Office is directed to return the envelope and postal stamps to the Learned Counsel for the petitioner.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Don Bosco School, Chandanakere Road, Devadurga, Raichur
District, Karnataka - 584111.**

Vs.

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

Case No. 130 of 2020

06.10.2021

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

Learned Counsel for the petitioner is directed to file Resolution passed by the General Body of the Society for obtaining Minority Status Certificate from this Commission

It transpires from the record, that the petitioner has also applied before the State Competent Authority for grant of Minority Status Certificate and that 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 petition that out of total 200 students, 22 students are from Christian Minority Community.

Learned Counsel for the petitioner prayed for time to file Recognition/Affiliation Certificate of the State/Central Board of Secondary Education (CBSE).

List on 24.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Nirmal Jyoti Special School, Pratapgarh Road, District - Mandsaur,
Madhya Pradesh - 458002.**

Vs.

**Secretary, Backward Classes and Minority Welfare Department,
Government of Madhya Pradesh, Room No. 339, Mantralaya, Bhopal,
Madhya Pradesh - 462004.**

Case No. 222 of 2020

06.10.2021

Present: None.

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

On the earlier occasion dated 25.08.2021, none was present on behalf of the petitioner, even in the second round.

This petition was registered on dated 12.03.2020 and show cause notice was issued to the petitioner as to why this petition be not dismissed at this stage.

Thereafter, Mr. Ankur Jaitely, Advocate appeared on behalf of the petitioner and prayed for time to file his Vakalatnama as well as relevant documents.

It transpires from the record that Fr. Sojan Joseph, Director of the petitioner school has filed before this Commission an application for grant of MSC and application dated 26.06.2019 before the State Competent Authority for grant of NOC under Section 10 of NCMEI Act, 2004 filed by Fr. Shiju PG, Director of the petitioner school, both are different persons.

It also transpires from the petition that 53 students are studying in the School but none from them are from Christian Minority Community. It is clear from the record that this institution is not primarily for the benefit of the Christian Minority Community.

It also transpires from the record that name of the signatory in the declaration and in the affidavit is not mentioned in the list of founding members of the society. Recognition/Affiliation Certificate is not submitted with this petition.

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**

**St. Peter's College of Education, Karumathampatti, Coimbatore,
Tamil Nadu - 641659.**

Vs.

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

Case No. 309 of 2020

06.10.2021

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

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

Learned Counsel for the petitioner again prayed for time to comply with the Commission's earlier Order dated 08.09.2020 and to file latest list of Governing Body members of the petitioner Society.

Learned Counsel for the petitioner is directed to file Resolution passed by the General Body of the Society for obtaining Minority Status Certificate from this Commission

It transpires from the record that Most Rev. Dr. L. Thomas Aquinas, President, The Coimbatore Diocese Society has filed application for grant of MSC and application dated 05.04.2019 for grant of NOC under Section 10 of NCMEI Act, 2004 filed before the State Competent Authority by Superintendent of petitioner school.

Learned Counsel for the petitioner prayed for time to clarify the position.

In the interest of justice, list on 24.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Infant Jesus Matriculation Higher Secondary School, Kumar Nagar,
Tirupur, Tamil Nadu - 641603.**

Vs.

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

Case No. 310 of 2020

06.10.2021

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 08.09.2020 and to file latest list of Governing Body members of the petitioner Society.

It transpires from the petition that out of total 2871 students, 522 students are from Christian Minority Community.

It also transpires from the record that Most Rev. Dr. L. Thomas Aquinas, President, The Coimbatore Diocese Society has filed application for grant of MSC and application dated 05.04.2019 for grant of NOC under Section 10 of NCMEI Act, 2004 filed before the State Competent Authority by Superintendent of petitioner school.

Learned Counsel for the petitioner prayed for time to clarify the position.

Learned Counsel for the petitioner is directed to file Resolution passed by the General Body of the Society for obtaining Minority Status Certificate from this Commission.

List on 24.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

Akal Academy Gomtipul, Navadia Sultanpur, Puranpur, Pillibhit, Uttar Pradesh.

Vs.

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

Misc. Case No. 18 of 2020

06.10.2021

Present: None.

Order dictated separately and pronounced, which reads as under:

“Accordingly, in the interest of justice the duplicate minority status certificate be issued to Akal Academy, Gomtipul, Navadia Sultanpur, Puranpur, Pilibhit, Uttar Pradesh run by The Kalgidhar Society subject to the condition that the petitioner would file an affidavit undertaking mentioning that they will not misuse the duplicate minority status certificate and also submit that in the event of found the original minority status certificate they shall return it to the Commission”.

Accordingly, the application filed by the petitioner is disposed of.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Infant Jesus Matriculation Higher Secondary School, Sangapur,
Rathinapuri P.O., Coimbatore District, Tamil Nadu - 641027.**

Vs.

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

Case No. 18 of 2021

06.10.2021

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

Learned Counsel for the petitioner again prayed for time to comply with the Commission's earlier Order dated 14.01.2021.

It transpires from the petition that out of total 676 students, 123 students are from Christian Minority Community.

Learned Counsel for the petitioner is directed to file Resolution passed by the General Body of the Trust for obtaining Minority Status Certificate from this Commission

List on 24.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**David Matriculation Higher Secondary School, No. 132, Gandhi Road,
Velachery, Chennai, Tamil Nadu - 600042.**

Vs.

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

Case No. 19 of 2021

06.10.2021

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

Learned Counsel for the petitioner again prayed for time to comply with the Commission's earlier Order dated 14.01.2021.

It transpires from the petition that out of total 1325 students, 225 students are from Christian Minority Community.

Learned Counsel for the petitioner is directed to file Resolution passed by the General Body of the Trust for obtaining Minority Status Certificate from this Commission.

List on 24.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

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

V/s.

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

Case No. 09 of 2019

06.10.2021

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

None for the respondent.

Order dictated separately and pronounced, which reads as under:

“Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Chavara English Medium School, Thamarassery, District Kozhikode, Kerala-673573 run by St. Mary’s Educational and Charitable Trust, Thamarassery 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.

Consequently, Chavara English Medium School, Thamarassery, District Kozhikode, Kerala-673573 is declared as a 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.”

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.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Delhi Public Global School, Mayfair Road, Pandat Nagla, Bye-Pas,
Moradabad, Uttar Pradesh – 244001.**

V/s.

**The Principal Secretary, Higher Education, Department of Education,
Government of Uttar Pradesh, Uttar Pradesh.**

Case No. 139 of 2019

06.10.2021

Present: Mr. Prasanth.K, Advocate for the petitioner.
None for the respondent.

Mr. Prasanth. K appeared on behalf of arguing counsel Mr. Junais
P.

Learned Counsel for the petitioner filed four documents before the
Commission's office on dated 28.09.2021, which are taken on record.

It transpires from the petition that out of total 1000 students, 965
students are from Muslim Minority Community and 35 students are from
Hindu and other Community.

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

In the interest of justice, list on 09.12.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**School of Qur'an and Islamic Science (Madrasa), Mandalippara,
Bendichal, Kasargod Dist., Kerala – 671 541.**

V/s.

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

Case No. 148 of 2019

06.10.2021

Present: Mr. Prasanth.K, Advocate for the petitioner.
None for the respondent.

Mr. Prasanth. K appeared on behalf of arguing counsel Mr. Junais
P.

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.

Office is directed to return the envelope and postage charges to
learned counsel for the petitioner.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**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

06.10.2021

Present: Mr. Prasanth.K, 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 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 17.05.2019. 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**

St. Patrick's Academy, Alundur, Fathima Nagar P.O., Trichy Dt., Tamil Nadu.

Vs.

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

Case No. 776 of 2019

06.10.2021

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

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

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

It transpires from the petition that the application for grant of MSC was filed before this Commission by Bro. Gubendiran Muthu. M., Secretary of the petitioner society but application for grant of NOC under Section 10 of NCMEI Act, 2004 dated 01.06.2019 was filed before the State Competent Authority by Correspondent of the petitioner institution.

It transpires from the petition that out of total 278 students, 85 students are from Christian Minority Community.

In the interest of justice, list on 24.02.2022

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Vidyanikethan English Medium L.P. School, Karukutty P.O.,
Angamaly, Ernakulam Dt., Kerala.**

Vs.

**Secretary, General Education Deptt., Government of Kerala,
Thiruvananthapuram, Kerala – 695 001.**

Case No. 777 of 2019

06.10.2021

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

Heard learned counsel for the petitioner.

Put up the case for order on 08.10.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Montfort Senior Secondary School, Konbir-Noatoli, Basia, Gumla,
Jharkhand.**

Vs.

**Director, Secondary Education, Under School Education & Literacy
Department 3 rd floor, MDI Building, S.E & L. Department Behind
Project Bhawan, PostDhurwa, Dist-Ranchi-834004.**

Case No. 789 of 2019

06.10.2021

Present: Mr. Prasanth.K, Advocate for the petitioner.
None for the respondent.

Mr. Prasanth. K appeared on behalf of arguing counsel Mr. Junais
P.

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

Learned counsel for the petitioner has prayed for time to file certified
copies of the relevant documents. In the interest of justice, time prayed for
is allowed.

It transpires from the petition that out of total 970 students, 404
students are from Christian Minority Community.

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

In the interest of justice, list on 24.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

St. Judes Academy, Holy Child School Road, Sonipat, Haryana.

Vs.

**Principal Secretary School, Education Department for
Schools/Primary Schools, Room no. 37, 7th Floor Haryana Civil
Secretariat, Sector-1, Chandigarh- 160001.**

Case No. 790 of 2019

06.10.2021

Present: Mr. Prasanth.K, Advocate for the petitioner.
None for the respondent.

Mr. Prasanth. K appeared on behalf of arguing counsel Mr. Junais
P.

Learned Counsel for the petitioner filed five documents before the
Commission's office on dated 28.09.2021, which are taken on record.

It transpires from the petition that out of total 1062 students only 65
students are from Christian Minority Community.

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

Office is directed to provide the copy of letter dated 16.11.2020 to
the learned counsel for the petitioner. It transpires from the said letter that
petitioner has applied before the State Competent Authority for grant of
MSC and State has replied by the said letter.

In the interest of justice, list on 24.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**J.H. Nursery and Primary School, No. 1/887, J.H. Nagar, V. Kulakkudi,
Komaratchi Union, Kattumannarkudil Taluk, Cuddalore Dt., Tamil
Nadu.**

Vs.

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

Case No. 791 of 2019

06.10.2021

Present: Mr. Prasanth.K, Advocate for the petitioner.
None for the respondent.

Mr. Prasanth. K appeared on behalf of arguing counsel Mr. Junais P and prayed for time to file an application as well as certified copies of the relevant documents.

It transpires from the petition that out of total 255 students, 232 students are from Muslim Minority Community.

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

In the interest of justice, list on 24.02.2022.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Sacred Heart Convent School, Pak Dil Nagar, Punga, Amritsar,
Punjab.**

Vs.

**Director of Public Instruction (S.E), Punjab, Block E, Vidya Bhawan,
4th Floor, Complex Board, Sector 62, S.A.S Nagar.**

Case No. 792 of 2019

06.10.2021

Present: Mr. Prasanth.K, Advocate for the petitioner.
Mr. Rohit Kumar Mehta for the respondent.

Mr. Prasanth. K appeared on behalf of arguing counsel Mr. Junais
P.

Mr. Rohit Kumar Mehta appeared on behalf of respondent and
prayed for time to file the reply. In the interest of justice, time prayed for is
allowed.

Learned counsel for the petitioner submitted that they have not
received the copy of letter dated 25.06.2020 but as per Office , the copy of
said letter has been received by the Clerk of learned counsel for the
petitioner on dated 27.01.2021.

It transpires from the letter dated 25.06.2020 that the application for
grant of NOC for minority status is rejected by the State Competent
Authority.

Learned counsel for the petitioner wants to clarify the above said
position from his Client.

In the interest of justice, list on 16.11.2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

06.10.2021

**Seventh Day Adventist Higher Secondary School, 132 Ft. Ring Road,
Haripura, Maninagar (E) Ahmedabad – 380008, Gujarat**

- Complainant

Vs.

**Primary Education Department, Through the Director, Block 12/1, Dr.
Jivraj Mehta Bhavan, Gandhinagar, Gujarat**

- Respondent

Present: Mr. Shubham Singh & Shoumendu Mukherji,
Advocates for the complainant

This complaint has been filed by Mr. Shubham Singh. Advocate on behalf of the complainant Institute i.e. Seventh Day Adventist Higher Secondary School, 132 Ft. Ring Road, Haripura, Maninagar (E) Ahmedabad – 380008, Gujarat run by The Council of Seventh Day Adventist Educational Institutions under section 12-D of the National Commission for Minority Educational Institutions (NCMEI) Act. 2004 regarding Deprivation of Educational Rights of the above mentioned institute, which was received in the Commission by hand on dated 24.09.2021. it be registered under the head of miscellaneous cases.

Complainant has filed the complaint for seeking following reliefs:

- (a) Investigate into the present complaint relating to deprivation of the educational rights of the Complainant Institution u/s 12-D of the NCMEI Act. 2004;
- (b) Decide all questions relating to the status of the Complainant as minority educational institution and declare its status as such u/s 11 (f) of the NCMEI Act, 2004;
- (c) Issue appropriate directions to the Respondent to consider and accept the existing Minority Status Certificate dated 21.05.2013 issued to Sevent Day Adventist Higher Secondary School;
- (d) Issue appropriate directions to the Respondent to exempt the Complainant Institution from applicability of the RTE Act, 2009;
- (e) Initiate appropriate disciplinary proceedings or such other action against the concerned persons as this Hon'ble Commission may deem fit in terms of Section 12-E (2) of the NCMEI Act, 2004;.

Heard learned counsel for the complainant and perused the entire records.

Learned counsel for the complainant submitted that the complainant Minority Educational Institute was established in the year 1979 by members of the Christian community and has been functioning with classes 1st to 12th i.e. Primary to Higher Secondary Section since its very inception. It was affiliated to the Council for the Indian School Certificate Examinations (CISCE) for classes I to X in the year 1989 and for classes XI to XII in 1993. Since its inception the school is running in the same building.

Contd..2/-

06.10.2021

Seventh Day Adventist Higher Secondary School, Gujarat

- Complainant

Vs.

Primary Education Department, Through the Director, Gujarat

- Respondent

Continued from pre-page

The main grievance of the complainant is to exemption from the applicability of the Right of Children to free and compulsory Act 2009 (In short RTE Act 2009).

It is admitted fact that petitioner institute obtained Minority Status Certificate from this Commission vide order dated 21.05.2013 passed in case no. 38 of 2013 and complainant institution has been declared as a Minority Educational Institution covered under section 2 (g) of the NCMEI Act 2004. So it is undisputed fact that petitioner institute is a Minority Educational Institution since 2013.

Looking to the facts, circumstances of the complaint filed by the complainant Institute, no need to issue any notice to the respondent at this stage.

The constitutional Bench of Hon'ble Supreme Court in the Judgment dated 6th May, 2014 in Pramati Educational & Cultural Trust @ & others Versus Union of India & Ors. (in Writ Petition (C) No. 416 of 2012 reported in "2014 AIR SCW 2859" and "(2014) 8 SCC 1" held that the 2009 Act i.e. (the Right of Children to free and Compulsory Education Act, 2009) insofar as it applies to minority schools, aided or unaided, covered under clause (1) of Article 30 of the Constitution is ultra vires the Constitution.

The aforesaid propositions of law establishes that RTE Act, 2009 is not applicable to Minority schools, aided or unaided, at all.

So, it is made clear that all Minority Educational Institutions are exempted from the RTE Act 2009 and Respondent cannot force to implement RTE Act 2009 to any Minority Educational Institutions.

If respondent has any grievance of this order then respondent is free to move application before this commission.

Accordingly, the complaint filed by complainant is disposed of.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**