Madaru Dawathil Islamiyya Destitute Home, C.M. Nagar, Karulai P.O., Nilambur (Via), Malappuram District, Kerala

V/s.

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

Case No. 337 of 2019

05.01.2023

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

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

Despite service of reminder letter by registered post as well as e-mail to the State Competent Authority, none appeared on behalf of the respondent even in the second round.

Despite giving final reminder, respondent is not providing any information as to whether the petitioner institution is aided or un-aided.

Heard, learned counsel for the petitioner.

Reserved for Orders.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Don Bosco Matriculation Higher Secondary School, Pannur, Thiruvallur District, T.N.

V/s.

Principal Secretary, School Education Department, Fort St. George, Secretariat, Chennai, T.N.

Case No. 361 of 2019

05.01.2023

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

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, MultiStoreyed Building, Bengaluru, Karnataka - 560001.

Case No. 130 of 2020

05.01.2023

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

In compliance of the Commission's earlier Order dated 03.08.2022, the Physical Inspection Committee has sent by post the physical inspection report along with the covering letter dated 27.12.2022 which is received in the Commission's Office on dated 04.01.2023 and is taken on record.

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

Now, fix the case for final arguments on 14.03.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Madarsa Kamarunisa Islamia Education, Mitawali, Etmadpur, Agra, Uttar Pradesh - 283202.

Vs.

- 1. Principal Secretary, School Education, Department of Education, Govt. of Uttar Pradesh.
- 2. Additional Chief Secretary, Department of Higher Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh 226001.

Case No. 338 of 2020

05.01.2023

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

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

Despite reminder by post and e-mail to the members of the Physical Inspection Committee, we have not received any response/Physical inspection report from the members of the said Committee.

Learned counsel for the petitioner submitted that petitioner has approached the said committee members and provided copies of all the relevant documents to them but the said committee members have not inspected the petitioner institution till now.

Office is directed to again send reminder letter by post and e-mail to the members of the Physical Inspection Committee for sending the report positively before the next date of hearing.

Office is also directed to send a letter to the Chief Secretary of the Govt. of Uttar Pradesh mentioning that despite sending two reminders, the members of the Physical Inspection Committee have not sent their inspection report till now.

Learned counsel for the petitioner again prayed for time to comply with the Commission's earlier Order dated 14.09.2022. Time prayed for is allowed.

In the interest of justice, list on 23.02.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

Convent of Jesus and Mary Girls High School, Pratappura, Arad Road, Halol, Panchmahal, Gujarat - 389350.

Vs.

- 1. Commissioner of Schools, Commissionerate of Mid Day Meals and Schools, Govt. of Gujarat, Sector 10, Gandhinagar, Gujarat.
- 2. Deputy Director, Directors of Schools, Old Sachivalaya Block 9/1, Gandhinagar, Gujarat 382010

Case No. 421 of 2020

05.01.2023

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

Learned counsel for the petitioner has filed six documents before the Commission's Office on dated 10.11.2022, which are taken on record.

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 envelope and postage charges to the learned counsel for the petitioner.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Servite Matricuclation Higher Secondary School, Therkupallam, Thogaimalai, Karur District, Tamil Nadu - 621313.

Vs.

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

Case No. 113 of 2021

05.01.2023

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

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

Learned counsel for the petitioner is again prayed for time to comply with the Commission's earlier Order dated 24.08.2022.

In the interest of justice, list on 15.03.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Madarsa Farooqiya, Gram Chitbishram Gramsabha Baradeehpost, Ahraura District Mirzapur, Uttar Pradesh - 231301.

Vs

- 1. Principal Secretary, Deptt. of School of Education, Govt. of UP, Bahu Khandi Secretariat, Lucknow.
- 2. Additional Chief Secretary, Department of School Education, Govt. of U.P. Bahu Khandi, Secretariat, Lucknow, UP- 226001.
- 3. Additional Chief Secretary, Minority Welfare and Waqf Department, Bahu Khandi, Secretariat, Lucknow, UP- 226001.

Case No. 114 of 2021

05.01.2023

Present: None.

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

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 before next date of hearing.

It is not clear that whether the petitioner has approached the members of physical inspection committee and provided all the relevant documents to them because petitioner was not present today.

List on 16.03.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Madarsa Rabiya Basari, Gram Manikpur, Post - Ahraura, District - Mirzapur, Uttar Pradesh - 231301.

Vs.

- 1. Principal Secretary, Deptt. Of School of Education, Govt. of UP, Bahu Khandi Secretariat, Lucknow.
- 2. 2. Additional Chief Secretary, Department of School Education, Govt. of U.P., Bahu Khandi, Secretariat, Lucknow, U.P. 226001.
- 3. Additional Chief Secretary, Minority Welfare and Waqf Department, Bahu Khandi, Secretariat, Lucknow, UP- 226001.

Case No. 115 of 2021

05.01.2023

Present: None.

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

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 before next date of hearing.

It is not clear that whether the petitioner has approached the members of physical inspection committee and provided all the relevant documents to them because petitioner was not present today.

List on 16.03.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Madarsa Tahzibul Islam, Moh - Patwatola, Ahraura, Distt. - Mirzapur, U.P. - 231301.

Vs.

- 1. Principal Secretary, Deptt. Of School of Education, Govt. of UP, Bahu Khandi Secretariat, Lucknow.
- 2. Additional Chief Secretary, Department of School Education, Govt. of U.P., Bahu Khandi, Secretariat, Lucknow, U.P. 226001.
- 3. Additional Chief Secretary, Minority Welfare and Waqf Department, Bahu Khandi, Secretariat, Lucknow, UP- 226001.

Case No. 116 of 2021

05.01.2023

Present: None.

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

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 has sent letter dated 21.11.2022 to The District Social Welfare Officer (Member Secretary), District Social Welfare Office, Kanha Foundation, Gokuldham- Naipurwa, District- Mirzapur, which is received un-served and returned back to this Commission on dated 12.12.2022, which 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 before next date of hearing.

It is not clear that whether the petitioner has approached the members of physical inspection committee and provided all the relevant documents to them because petitioner was not present today.

List on 16.03.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

> DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Amala Matriculation Higher Secondary School, Thuraiyur Road, Musiri, Trichy District, Tamil Nadu - 621211.

Vs.

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

Case No. 130 of 2021

05.01.2023

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

Learned counsel for the petitioner filed notarized copy of latest Recognition Order by hand on dated 29.12.2022, 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.

Learned counsel for the petitioner submitted petitioner has approached to the said Committee members and also provided copy of the relevant documents but said committee members have not inspected their institution 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 before next date of hearing.

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

In the interest of justice, list on 21.03.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

> DR. JASPAL SINGH MEMBER

New Little Flower Matriculation Hr. Sec. School, Nadwa Nagar Schoolagiri, District Krishnagiri, Tamil Nadu - 635117.
Vs.

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

Case No. 147 of 2021

05.01.2023

Present: Mr. Ghazi UI Islam for the petitioner

Petitioner has filed a letter dated 22.12.2022 along with some documents by post, which was received in the Commission's Office on dated 02.01.2023 and is taken on record.

Mr. Ghazi UI Islam appeared on behalf of the petitioner institution and 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 petitioner.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

> DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Aman Public School, Islam Nagar Road, Lambakheda, Bhopal, Madhya Pradesh - 462001.

Vs.

Secretary, Backward Classes and Minority Welfare Department, Government of M.P., Room No. 339, Mantralaya, Bhopal, M.P. - 462004.

Case No. 192 of 2022

05.01.2023

Present: None.

None appeared on behalf of the petitioner.

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

Learned counsel for the petitioner sent four documents by post, which were received in the Commission's Office on dated 21.12.2022 and are taken on record.

We have perused the today's daily cause list and found that Office has not mentioned the name of Advocate against this case, whereas Mr. Iftekhar Ahmend has filed his Vakalatnama along with petition, which is available on record.

Office is directed to be careful in future and scrutinize the petitions properly and the mention the name of institution along with Advocate.

Despite giving regd. notice to the respondent, no reply is received from the State Competent Authority so far.

In the facts and circumstances of the case, we deem just and proper that physical inspection report alongwith the recommendations for issuance of minority status certificate to the petitioner institution, may be obtained from the committee consisting of the 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.

List on 18.04.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

I.B.M. Inter College, Mohiuddinpur, Kailashpur, Saharanpur, Uttar Pradesh - 247001.

Vs.

- 1. Director, Minority Welfare Department, 6th Floor, Indira Bhawan, Lucknow, Uttar Pradesh.
- 2. Additional Chief Secretary, Department of Secondary Education, Bapu Bhawan, 7th Floor, Lucknow, Uttar Pradesh 226001.

Case No. 193 of 2022

05.01.2023

Present: Mohd. Suleman for the petitioner.

Mohd. Suleman appeared on behalf of the petitioner institution and 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

05.01.2023

St. Thomas School, G.T. Road, Near Mittal Petrol Pump, Khatauli, Muzaffarnagar District, Uttar Pradesh - 251201.

Vs.

- 1. Additional Chief Secretary, Department of School Education Govt. of UP Bahu Khandi, Secretariat, Lucknow (UP).
- 2. Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh.

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

An application has been received by hand on 14.12.2022 from St. Thomas School, G.T. Road, Near Mittal Petrol Pump, Khatauli, Muzaffarnagar District, Uttar Pradesh - 251201 for grant of minority status certificate. It be registered.

It transpires from the petition that on 23.10.2021 the petitioner has applied for grant of No Objection Certificate to the then State Competent Authority i.e. Additional Chief Secretary, Department of School Education Govt. of UP Bahu Khandi,, Secretariat, Lucknow (UP) instead of Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh, which was received by the respondent on 26.11.2021. The said petition is still pending. The petitioner has waited sufficiently for a period of 90 days, before filing this petition.

The petitioner has already filed the proof of delivery of the registered AD to the respondent.

As per Uttar Pradesh Government notification No. 717/52-3-202-writ (30)/14 dated 05.05.2022 at present the State Competent Authority for grant of NOC to the Schools in the State of Uttar Pradesh is, Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh. Therefore, office is directed to implead the same authority as Respondent No. 2.

It also transpires from the petition that in this Un-aided school during the academic year 2020-21 total 1696 students were studying and out of them 20 Students from the Christian Minority Community, during the academic year 2021-22 total 1818 students were studying and out of them 21 were from Christian Minority Community and during the academic year 2022-23 total 1950 students were studying and out of them 20 students belongs to the Christian Minority Community. On perusal of the petition it is found that Council for the Indian School Certificate Examination has given an affiliation certificate that the petitioner Institution has been affiliated to the Council but the issuing authority i.e. Chairman and Chief Executive & Secretary of the Council have not mentioned the level of education and validity period of the affiliation certificate that whether it is permanent in nature or for a certain period.

In the eye of the law and our considered opinion, this type of certificate is not acceptable.

St. Thomas School, Uttar Pradesh - 251201.

Vs.

- 1. ACS, Department of School Education (UP).
- 2. ACS, Department of Secondary Education, Uttar Pradesh.

Continued from pre-page.

Secretary of the Commission is directed to send a letter to the Chairman and Chief Executive & Secretary of the Council for the Indian School Certificate Examination to seek clarification that what is the level of the petitioner institution and for how much period they have given this affiliation certificate to the petitioner institution.

Learned counsel for the petitioner prayed for time to file 01 more additional envelope with postal charges for sending notice to the respondents and updated affiliation certificate with level of education and validity period.

After compliance of the above order by the petitioner issue notice by registered Ad/e-mail to the respondents.

In the interest of justice, list on 18.04.2023.

DR. JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

A.K.

05.01.2023

St. John's School, Village - Shankarpur Bhool, Post - Ramnagar, Nainital District, Uttarakhand - 244715.

Vs.

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

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

An application has been received by hand on 14.12.2022 from St. John's School, Village - Shankarpur Bhool, Post - Ramnagar, Nainital District, Uttarakhand - 244715 for grant of minority status certificate. It be registered.

It transpires from the petition that on 24.08.2022 the petitioner has applied for grant of No Objection Certificate to the then State Competent Authority i.e. Incharge Secretary, Higher Education, Uttarakhand Govt., Room No. 7, Ground Floor, Late Soban Singh Jeena Bhawan (SBI Bank Building), Uttarakhand Secretariat, which was received by the respondent on 30.08.2022. The said petition is still pending. The petitioner has waited sufficiently for a period of 90 days, before filing this petition.

The petitioner has already filed the proof of delivery of the registered AD to the respondent.

It also transpires from the petition that in this Un-aided school during the academic year 2019-20 total 144 students were studying and out of them 09 Students from the Christian Minority Community, during the academic year 2020-21 total 154 students were studying and out of them 11 were from Christian Minority Community and during the academic year 2021-22 total 219 students were studying and out of them 11 students belongs to the Christian Minority Community.

Office is directed to issue notice by registered Ad/e-mail to the respondents.

In the interest of justice, list on 18.04.2023.

DR. JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

05.01.2023

Linh Son Buddhist Intermediate College, Kushinagar, Uttar Pradesh. Vs.

- 1. Additional Chief Secretary, Department of Higher Education Govt. of UP Bahu Khandi,, Secretariat, Lucknow (UP).
- 2. Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh.

Present: Mr. Prasanth K., Advocate for the petitioner.

An application has been received by hand on 19.12.2022 from Linh Son Buddhist Intermediate College, Kushinagar, Uttar Pradesh for grant of minority status certificate. It be registered.

It transpires from the petition that on 01.10.2021, the petitioner has applied for grant of No Objection Certificate to the wrong State Competent Authority i.e. Additional Chief Secretary, Department of Higher Education Govt. of UP, Bahu Khandi, Secretariat, Lucknow (UP) instead of Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh, which was received by the respondent on 12.10.2021. The said petition is still pending. The petitioner has waited sufficiently for a period of 90 days, before filing this petition.

The petitioner has already filed the proof of delivery of the registered AD to the respondent.

As per Uttar Pradesh Government notification No. 717/52-3-202-writ (30)/14 dated 05.05.2022 at present the State Competent Authority for grant of NOC to the Schools in the State of Uttar Pradesh is, Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh. Therefore, office is directed to implead the same authority as Respondent No. 2.

It also transpires from the petition that in this Un-aided school during the academic year 2020-21 total 525 students were studying and out of them 231 Students from the Buddhist Minority Community, during the academic year 2021-22 total 622 students were studying and out of them 296 were from Buddhist Minority Community and during the academic year 2022-23 total 694 students were studying and out of them 318 students belongs to the Buddhist Minority Community.

It also transpires from the petition that against the column no. 5 (*whether the applicant institution has ever applied to the NCMEI for grant of MSC*) of the MSC application, petitioner has furnished information as 'No' whereas earlier also petitioner had applied and petition was registered as case No. 171 of 2021.

Office is directed to tag the File No. 171 of 2021 with this case.

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.

DR. JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER