

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

**International Access School, At-Barhan, Post & Dt., - Siwan, Bihar.**

**Vs.**

**Secretary, Human Resource Development Department, Government of Bihar, Secretariat, Patna, Bihar.**

**Case No. 836 of 2019**

**16.02.2023**

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

None for the respondent.

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

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 a copy of the reminder letter issued to the members of Physical Inspection Committee in order to pursue the matter with the Physical Inspection Committee, for inspection of the petitioner institution.

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

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

We have heard learned counsel for the petitioner on application under Order VI Rule 17 CPC read with Section 12(2) of NCMEI Act, 2004 dated 23.02.2022.

Learned counsel for the petitioner submitted that inadvertently given the information in Col. No. 04 of the petition that MSC application is still pending before the State Competent Authority instead of No.

Learned counsel for the petitioner submitted that NOC application is pending before the State Competent Authority and not for MSC.

Deputy Director, (Secondary Education), Patna, Bihar has filed reply dated 21.12.2022 and communicated to the Commission that no record available in their Department in respect of MSC application filed by the petitioner.

For the reasons recorded in the application for seeking amendment filed by the petitioner and also reply of Deputy Director, Education Department, Patna, Government of Bihar are already on record.

In the interest of justice, list on 28.03.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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

**Sahrdaya Institute of Management Studies, Kodakara, Thrissur, Kerala  
- 680684.**

**Vs.**

**Secretary, Higher Education Department, 4th floor Annex II, Secretariat  
Building, Government of Kerala, Thiruvananthapuram, Kerala.**

**Case No. 91 of 2020**

**16.02.2023**

Present: Mr. Lakshmi Sree P., Advocate for the petitioner.

None for the respondent.

Learned counsel for the petitioner filed by hand, true copy of  
Affiliation Order dated 19.12.2022, before the Commission's Office on dated  
31.01.2023, which is taken on record.

Heard, learned counsel for the petitioner.

Reserved for Orders.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Madarsa Faroge Idrisiya, Barauni Ashraf Tola, Post - Sandila, District -  
Hardoi, Uttar Pradesh - 241204.**

**Vs.**

- 1. Additional Chief Secretary, Department of Higher Education,  
Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow,  
Uttar Pradesh - 226001.**
- 2. Additional Chief Secretary, Minority Welfare and Waqf Department,  
Bahu Khandi, Secretariat, Lucknow, UP- 226001.**

**Case No. 399 of 2020**

**16.02.2023**

Present: Mr. Saleem for the petitioner.

Mr. Rohit Kumar Singh and Mr. S. P Tiwari for the respondent no.2.

Mr. Saleem appeared on behalf of the petitioner institution

Mr. Rohit Kumar Singh, District Minority Welfare Office, Hardoi and  
Mr. S. P Tiwari, Dy. Director, Directorate, Minority Welfare appeared on  
behalf of the respondent no.02 and prayed for time to file reply.

In the interest of justice, time prayed for time is allowed.

List on 18.04.2023.

**DR. 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 Matriculation Higher Secondary School, Don Bosco Nagar,  
Vaniyambadi Road, Pachal Village, Tirupattur Taluk, Vellore District,  
Tamil Nadu - 635601.**

**Vs.**

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

**Case No. 439 of 2020**

**16.02.2023**

Present: Ms. Anju Joseph, Advocate for the petitioner.  
None for the respondent.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel  
Mr. Jose Abraham. She submitted that arguing counsel is out of country and  
prayed for time to comply with the Commission's earlier Order dated  
04.08.2022. In the interest of justice, time prayed for is allowed.

List on 19.04.2023.

**DR. 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 of Excellence, Semmozhi Nagar, Vaniyambadi Road,  
Pachal Village, Tirupattur Taluk, Vellore District, Tamil Nadu - 635601.**

**Vs.**

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

**Case No. 440 of 2020**

**16.02.2023**

Present: Ms. Anju Joseph, Advocate for the petitioner.  
None for the respondent.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel  
Mr. Jose Abraham.

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.

Learned counsel for the petitioner prayed for a copy of the reminder  
letter issued to the members of Physical Inspection Committee in order to  
pursue the matter with the Physical Inspection Committee, for inspection of  
the petitioner institution.

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

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

List on 19.04.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Maria Uchha Vidyalaya, Khorimahua, Gandey P.O., & P.S., Giridih  
District, Jharkhand - 815312.**

**Vs.**

**Director Secondary Education Under school education & literacy  
department 3 rd floor, MDI Building, S.E & L. Department Behind  
project bhawan, Post-Dhurwa, Dist-Ranchi-834004.**

**Case No. 128 of 2021**

**16.02.2023**

Present: Ms. Anju Joseph, Advocate for the petitioner.  
None for the respondent.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel  
Mr. Jose Abraham.

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.

Learned counsel for the petitioner prayed for a copy of the reminder  
letter issued to the members of Physical Inspection Committee in order to  
pursue the matter with the Physical Inspection Committee, for inspection of  
the petitioner institution.

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

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

List on 25.04.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Mount Carmel Convent School, Bairagarh, Chichli, Kolar Road, Bhopal,  
Dt., Madhya Pradesh- 471011.**

**Vs.**

**Secretary, Backward Classes and Minority Welfare Dept. Govt. of M.P.,  
Room No. 339, Mantralaya, Bhopal, M.P.- 462004.**

**Case No. 172 of 2021**

**16.02.2023**

Present: Ms. Anju Joseph, Advocate for the petitioner.  
None for the respondent.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham 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 learned counsel for the petitioner.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Jai Shri Shyam College of Management, Bajhera, Gwalior District,  
Madhya Pradesh - 475005.**

**Vs.**

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

**Case No. 225 of 2021**

**16.02.2023**

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

Learned Counsel for the petitioner prayed for last and final opportunity to comply with the Commission's earlier Orders dated 30.09.2021 and 23.02.2022.

We have perused the reply filed by the respondent on dated 15.02.2023, wherein respondent has submitted that petitioner has not filed No objection Certificate application in the prescribed form is State Government will receive proper application for grant of NOC they will do further proceedings, This reply is baseless in the eye of law looking to the provisions of Section 10 of NCMEI Act, 2004.

Secretary, NCMEI is directed to send a letter to the State Competent Authority Madhya Pradesh (Ms. Savita Jhania, Joint Director, Madhya Pradesh, Backward Classes and Minority Welfare, Bhopal, Madhya Pradesh) that if State Government is in the opinion that application for grant of NOC is not proper then Government should decide the application within 90 days otherwise as per provisions of Section 10 of NCMEI Act, 2004 if within the period of 90 days from the receipt of the application the same has not been Communicated to the applicant it shall be deemed that the Competent Authority has granted NOC to the applicant.

In pursuance of the above provisions, petitioner has filed this petition before the Commission straightaway for grant of MSC. This Commission has issued notice to the respondent for filing reply of this petition and State of MP has not replied properly of the petition. Whether petitioner is eligible for grant of NOC or not. In future reply and order should be passed by the State Competent Authority.

In the interest of justice, list on 25.04.2023

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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

1. **Maharashtra Medical Education and Research Centre, A registered Public Trust through its, Treasurer Dr. Mushtaque U. Mukadam, 2390-B, K.B. Hidayatullah Road, New Modikhana, Azam Campus, Camp, Pune – 411001**

- Petitioner No. 1

2. **ZVM Unani Medical College and Hospital, Pune, through its Principal Dr. Jalis Ahmed, 2390-B, K.B. Hidayatullah Road, New Modikhana, Azam Campus, Camp, Pune – 411001**

- Petitioner No. 2

Vs.

1. **The Secretary, Government of Maharashtra, Medical Education & Drug Department, Mantralaya, Mumbai- 400032, Maharashtra**

- Respondent No. 1

2. **Registrar, Maharashtra University Health Science, Nashik, Mhasrul, Dindori Road, Nashik – 4222004.**

-Respondent No. 2

3. **Director, Directorate of AYUSH, Maharashtra State, Mumbai, St. George Hospital Compound, P.D. Mello Road Fort, Mumbai – 400001.**

- Respondent No. 3

**Misc. Case No. 08 of 2021**

**16.02.2023**

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

Mr. Saket Jain, Advocate for the respondent no. 02.

None for the respondent no. 01 and 03.

Mr. Tejasvi Kumar, Advocate appeared on behalf of the petitioners.

Mr. Saket Jain, Advocate appeared on behalf of the arguing counsel

Mr. Gaurav Aggarwal.

None for the respondent no 01 and 03.

Despite service of regd. notice, none appeared on behalf of the respondent no.03, even in the second round.

Office has sent regd. notice to the respondent no.01, which was received un-served and returned back to this Commission on dated 04.01.2023, Department of Post Office has given remark "Refuse", which is taken on record.

Mr. Vd. K. Rajeshwar Reddy, Director, Ayush, Directorate of Ayush, M.S. Mumbai has sent by post, photocopy of para-wise reply of the petition filed by the petitioners along with some papers which are in Marathi language without translation in English/ Hindi, which was received in the Commission's Office on dated 13.01.2023 and are taken on record.

Office is directed to send a letter to the said authority for sending original reply along with translated copy of above said documents which are in Marathi language and also provide a copy of the reply to be supplied to the learned counsel for the petitioners.

Contd....2/-

**Misc. Case No. 08 of 2021**

**16.02.2023**

Learned counsel for the petitioners is directed to submit proper address of respondent no.01 along with envelope and postal charges for sending again notice to the respondent no.01.

After compliance of the above order by the learned counsel for the petitioners, Office is directed to issue notice to the respondent no. 01.

List on 26.04.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Hema Sawal, B-441/C, Phase - II, Ashok vihar, Delhi – 110052 - Applicant  
Vs.**

**1. The Chairman, Mahavir Sr. Model School, Sangam Park Ext., G.T Karnal Road, Delhi - 110033.**

**- Respondent No. – 1**

**2. Assistant Director of Education (Act), Directorate of Education, Govt. of NCT of Delhi, R.No. 214-A, Old Secretariat, Delhi - 110054.**

**Respondent No. - 2**

**u/s 12-C of the NCMEI Act. 2004 (Cancellation of Minority Certificate)**

**Misc. Case No. 13 of 2021**

**16.02.2023**

Present: Ms. Hema Sawal, the complainant.

Mr. Atul Jain, Advocate for respondent No.1.

Ms. Kamljeet Kaur, DDE, Zone-09, Distt. NothWest alongwith Mr. Satbir from Directorate of Education for respondent No.2

Ms. Hema Sawal, the complainant is present in person.

Ms. Kamljeet Kaur, DDE, Zone-09, Distt. NothWest alongwith Mr. Satbir, Section Officer, Directorate of Education appeared on behalf of respondent No.2.

Mr. Atul Jain, Advocate for the respondent no.01.

Ms. Hema Sawal sent some documents along with covering letter dated 11.11.2022 by post, which were received in the Commission's Office on dated 15.11.2022 and are taken on record.

Copy of the above provided to both the respondents.

Dy. Director of Education (Zone-IX), Shalimar Bagh, Delhi has filed their reply of the petition along with some papers by hand, before the Commission's Office on dated 16.11.2022, which is taken on record.

Copy of the above reply provided to the learned counsel for the respondent no.01 as well as Ms. Hema Sewl, Complainant.

Ms. Hema Sawal, complainant wants to file rejoinder today itself.

Ms. Hema Sawal is directed to file the rejoinder before the Commission's Office.

In the interest of justice, list on 10.05.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Nabajyoti U.P. School, Kerjenga, Pallahara, Angul District, Orissa - 759119.**

**Vs.**

**Director, Elementary Education, 5th Floor, HOD Building, Unit - V, Bhubaneswar - 01, Khordha, Odisha.**

**Case No. 71 of 2022**

**16.02.2023**

Present: Ms. Anju Joseph, Advocate for the petitioner.

None for the respondent.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

In compliance of the Commission's earlier Order, Physical Inspection Committee has sent inspection report along with covering letter dated 29.10.2022 by post, which was received in the Commission's Office on dated 04.11.2022 and is taken on record.

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

Now, fix the case for final arguments on 04.05.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Nabajyoti High School, Kerjenga, Pallahara, Angul District, Orissa - 759119.**

**Vs.**

**The Director, Secondary Education, 6th Floor, HOD Building, Unit - V, Bhubaneswar, Khordha, Odisha - 751001.**

**Case No. 72 of 2022**

**16.02.2023**

Present: Ms. Anju Joseph, Advocate for the petitioner.  
None for the respondent.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

In compliance of the Commission's earlier Order, Physical Inspection Committee has sent inspection report along with covering letter dated 29.10.2022 by post, which was received in the Commission's Office on dated 04.11.2022 and is taken on record.

Learned Counsel for the petitioner prayed for time to file updated Recognition/Affiliation Certificate of the Odisha State Board. In the interest of justice, time prayed for is allowed.

List on 04.05.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Madarsa Faiz-E-Aam, Giraura, Uttar Pradesh - 203405.**

**Vs**

- 1. Principal Secretary, Secondary Education Department, Babu Bhawan, 7th Floor, Lucknow, Uttar Pradesh - 226001**
- 2. Additional Chief Secretary, Department of Secondary Education, Government of U.P., Bahu Khandi, Secretariat, Lucknow, U.P. – 226001**

**Case No. 150 of 2022**

**16.02.2023**

Present: Mr. Om Prakash Sharma for the petitioner.

Mr. Om Prakash Sharma appeared on behalf of the petitioner and filed his authorization letter given by Mr. Adib Kha Manager, Madarsa Faiz-E-Azam Girora, which is taken on record.

Mr. Om Prakash Sharma filed two documents by hand, before the Commission's Office on dated 02.11.2022, which are taken on record.

Mr. Om Prakash Sharma 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.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Holy Family Matriculation School, Kangayampalayam P.O., Sulur,  
Coimbatore District, Tamil Nadu - 641401.**

**Vs.**

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

**Case No. 151 of 2022**

**16.02.2023**

Present: Ms. Anju Joseph, Advocate for the petitioner.  
None for the respondent.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel  
Mr. Jose Abraham.

Learned counsel for the petitioner filed an application under Order  
VIII 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 submitted a copy of the same along  
with an envelope and postal stamp, before the Commission's Office on dated  
09.02.2023, which are taken on record.

Office is directed to issue notice of the above application to the  
respondent by post and email.

List on 09.05.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Asian Christian High School. Jeemangalam, Bagalur P.O., Hosur,  
Krishnagiri District, Tamil Nadu - 635103.**

**Vs.**

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

**Case No. 202 of 2022**

**16.02.2023**

Present: Ms. Anju Joseph, Advocate for the petitioner.

None for the respondent.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel  
Mr. Jose Abraham.

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

Learned counsel for the petitioner filed an Affidavit of Dr. Stephen Joy  
George by hand, before the Commission's Office on dated 08.02.2023,  
which is taken on record.

Deficiency in petition for grant of Minority Status Certificate is still  
there.

In the interest of justice, list on 09.05.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**Al-Karim University, Katihar-Purnea Road, Sirsa, Karim Bagh, Katihar, Bihar - 854106.**

**Vs.**

- 1. Director, Secondary & Senior Secondary Education, Ground Floor, Vikas Bhawan, New Secretariat, Daily Road, Patna, Bihar – 800015**
- 2. Secretary, HRD, Govt. of Bihar, Secretariat, Patna, Bihar-800015.**

**Unregistered Case**

**16.02.2023**

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

Mr. Junais P., Advocate appeared on behalf of the petitioner and submitted that he has filed his Vakalatnama along with the documents filed by him, before the Commission's Office on dated 08.02.2023, which are taken on record.

Heard, learned counsel for the petitioner on the legal issue that "whether this Commission can entertain this application for grant of MSC, deemed that the Competent Authority of the State of Bihar has no objection for grant of NOC / MSC u/s 10 (3)(b) of the NCMEI Act. 2004".

The facts of the case are that the petitioner has filed the application for grant of NOC to the State Competent Authority on dated 21.01.2019 and that application was rejected vide Order dated 18.04.2019 on the ground that petitioner University is already established. Thereafter, appellant preferred Appeal No. 20 of 2019 before this Commission under Section 12(a) of the NCMEI Act, 2004. This Commission after hearing the appellant vide Order dated 16.03.2022 passed Order which is as under:

"So in the interest of justice, we find no impediment in the petitioner being granted the NOC by the State competent authority. The impugned order does not reveal any rationale for rejecting the appellant's NOC application. Therefore, the impugned order passed by the competent authority of State of Bihar is hereby set aside. Without going on the merit of the case the matter is remanded to the State competent authority for deliberating on the application for grant of NOC to the appellant Al-Karim University, Katihar.

The competent authority of the State of Bihar is requested to deliberate on application for grant of NOC to the petitioner institution at the earliest but not later than 90 days from the receipt of the copy of this order.

In addition to the rules and in the interest of justice, appellant is also directed to produce certified copy of the order of this Commission before the State Competent Authority immediately for compliance of this order."

Contd....2-

**16.02.2023**

In view of the above, the present appeal is disposed of in accordance with this order:

Thereafter, as per the learned counsel for the petitioner the petitioner has submitted certified copy of the Commission's Order to the State Competent Authority on dated 28.03.2022 and the receipt/acknowledgement is also filed by the petitioner.

Despite service of certified copy of Order of this Commission in Appeal No. 20 of 2019 Competent Authority of State of Bihar, even lapse of 90 days time, has not passed any Order.

In compliance of the Commission Order passed in Appeal and also have not communicated to the appellant. Under these circumstances, it shall be deemed that the Competent Authority of State of Bihar has no objection to give Minority Status to the appellant University as per the provisions of Section 10 (3) (b) of NCMEI, Act, 2004. We have considered the arguments of the learned counsel for the petitioner and also perused the earlier Order passed by this Commission in appeal no. 20 of 2019.

In the whole facts and circumstances of the case Section 10 and 11 (F) is very much important for the present case.

It is admitted fact that under the provisions of Section 30 of Bihar Private University Act, 2013, State Government has enacted Al-Karim University, Katihar, 2019. So as per the admitted fact University is in running position at Katihar, Bihar Section 11(f) of the NCMEI Act, 2004 provides that decide all questions of the status relating to the status of any institution as a minority educational institution and declare its status as such.

In Section 11(g) make recommendation to the appropriate Govt. for the effective implementation of programmes and schemes relating to the minority educational institutions.

Looking to the above provisions this Commission is quite competent to entertain the petition for grant of MSC in the circumstances made above.

Office is directed to register this case under the head of MSC.

Petitioner has not filed envelope and postage charges for sending notice to the respondent of this petition.

In earlier order dated 24.08.2022, office has made party to the Director, Secondary & Senior Secondary Education who is appointed Competent Authority for grant of NOC U/s 10 of the NCMEI Act, 2004 but this petition is registered as MSC so make party to respondent no. 2 Secretary, HRD, Govt. of Bihar, Secretariat, Patna, Bihar-800015.

Contd....3/-

**16.02.2023**

Learned Counsel or the petitioner is directed to submit proper envelope and postage charges as per the procedure laid down by the Commission.

After compliance of the above order by the Learned Counsel for the petitioner, office is directed to issue notice to the respondent no. 2 by Registered AD /Email.

List on 23.03.2023

**DR. JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

SR

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

**16.02.2023.**

**Mr. Anil Kumar Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, U.P.**

**Vs.**

- 1. Principal/ Headmaster, Acharya Baldev Sansthan, Vill. Kopa, P.O. Patarahi, Distt. Jaunpur, U.P.**
  - 2. Deputy Director, Minorities Welfare Department, Indira Bhawan, Lucknow, Uttar Pradesh.**
  - 3. Additional Chief Secretary, Department of Secondary Education, Babu Bhawan, 7th Floor, Lucknow, Uttar Pradesh – 226001.**
- u/s 12(C) of NCMEI Act, 2004 (cancellation of Minority Status Certificate)**

Present: None.

An application has been received from Mr. Anil Kumar Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, U.P by hand on 01.02.2023 for cancellation of MSC granted by the Commission vide case no. 2391 of 2012 in favor of Acharya Baldev Sansthan, Vill.Kopa, P.O. Patrahi, Distt. Jaunpur, Uttar Pradesh. This application pertains to cancellation of MSC.It be registered under miscellaneous head of cases.

Office is directed to make Principal/ Headmaster, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, U.P. and Additional Chief Secretary, Department of Secondary Education, Babu Bhawan, 7th Floor, Lucknow, Uttar Pradesh – 226001 as party/respondents.

We have perused the Office report and it is observed that the Office has not reported properly in this case. It is not reported that whether the envelope and postage charges are filed by the petitioner or not.

We have also perused the Cause list and it is found that the name of the Advocate is written as N.A. in the Cause list.

Office is directed to leave the Column for the Advocate if the name of the Advocate is not mentioned.

The applicant has not filed the original Minority Status Certificate issued by the Commission.

The petitioner is directed to file envelope and postage charges and copies of application for sending notices to the respondents.

After compliance of the Order by the petitioner, Office is directed to send notice to all the respondents by reg AD/e-mail.

In the interest of justice, list on 05.04.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

RS

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

**16.02.2023.**

**Sevaniketan Primary School, Gothada, Ta. Savli, Vadodra, Dt. Gujarat-391770.**

**Vs.**

**Director, Primary Education, Dr. Jivaraj Mehta Bhavan, 2<sup>nd</sup> Floor, 12/1, Gandhinagar, Gujarat- 382010.**

Present: Ms. Anju Joseph, Advocate for the petitioner.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

An application has been received by hand on 03.02.2023, from Sevaniketan Primary School, Gotada, Ta. Savli, Vadodra, Dt. Gujarat -391770, for grant of minority status certificate. It be registered.

It transpires from the petition that on 16.06.2022, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. Director, Primary Education, Dr. Jivaraj Mehta Bhavan, 2nd Floor, 12/1, Gandhinagar, Gujarat- 382010, which was received by the respondent on 17.06.2022, 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.

Petitioner has filed Resolution passed by the Governing Body to obtain Minority Status Certificate from this Commission.

It also transpires from the petition that in this Un-aided School during the academic year 2020-21, 439 students were enrolled and out of them 10 students were from the Christian Minority Community, during the academic year 2021-22, 420 students were enrolled and out of them 10 students were from the Christian Minority Community and during the academic year 2022-23 457 students were enrolled and out of them 11 students belongs to the Christian Minority Community.

We have perused the Office report and it is observed that the Office has not reported properly in this case. The envelope and postage charges filed by the petitioner are not reported by the Office. Office is directed to report properly in future.

In this case, office has reported that the validity period is not mentioned in the recognition certificate of the petitioner institution.

Office is directed to issue notice by registered Ad and e-mail to the respondent.

Office is directed to tag File No. 718 of 2019 with this case.

In the interest of justice, list on 11.05.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

RS

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

**16.02.2023.**

**St. Little Teresa's Girls Higher Secondary School, Vaikom, Kerala-686141.**

**Vs.**

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

Present: None for the petitioner.

An application dated 10.01.2023 has been received by post in the Commission's Office on 06.02.2023 from St. Little Teresa's Girls Higher Secondary School, Vaikom, Kerala-686141 for grant of minority status certificate.

We have perused the Office report in this case and it is observed that the Office has not reported properly in Performa in this case.

Office is directed to report properly this case in prescribed Performa and then place the case again before the next date of hearing.

We have also perused the Cause list and it is found that the name of the respondent is not mentioned in the cause list which is wrong. This is the case of Kerala where Secretary, General Education Department, Government of Kerala, Thiruvananthapuram, Kerala is the Competent Authority.

Office is directed to mention the name of the respondent in future in the Cause List.

In the interest of justice, list on 22.03.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

RS

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

**16.02.2023.**

**Anurag Agriculture, Education & Research Institute, 125, Yamini nagar,  
Vijapur Road, Solapur.**

**Vs.**

**Joint Secretary, Minorities Development Department, Room No. 715,  
Mantralaya (Annexe), Mumbai-32**

Present: None for the petitioner.

An application dated 01.02.2023 has been received by post in the Commission's Office on 07.02.2023 from Anurag Agriculture, Education & Research Institute, Solapur for grant of minority status certificate.

We have perused the Office report in this case and it is observed that the Office has not reported properly in prescribed Performa in this case.

Office is directed to report properly this case in prescribed Performa and then place the case again before the next date of hearing.

We have also perused the Cause list and it is found that the name of the respondent is not mentioned in the cause list which is wrong. This is the case of Maharashtra where Joint Secretary, Minorities Development Department, Room No. 715, Mantralaya (Annexe), Mumbai-32 is the Competent Authority.

Office is directed to mention the name of the respondent in future in the Cause list.

In the interest of justice, list on 22.03.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

RS