

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

Case No. 214 of 2020

In the matter of :-

**St. Mary's Upper Primary School, Opp. 12th Battalion, Annaparthi,
Cherallapally, District Nalgonda, Telangana-508001**

..... **Petitioner**

V/s

**Secretary, Minorities Welfare Department, Govt. of Telangana,
D-Block, Ground Floor, Telagana Secretariat, Hyderabad-500022**

..... **Respondent**

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

ORDER

DATED 13.09.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 11.02.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Mary's Upper Primary School, Opp. 12th Battalion, Annaparthi, Cherallapally, District Nalgonda, Telangana-508001.
2. Learned Counsel for the petitioner filed an affidavit of Sr. Jessy K. Varghese, President of Missionary Sisters of Mother Mary 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. : TS/2018/0208780 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of NOC application dated 03.12.2018 sent to the State Competent Authority i.e. Secretary, Minorities Welfare Department, Govt. of Telangana alongwith its postal slip and tracking report, notarized copy of Certificate of Registration of Missionary Sisters of Mother Mary 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 dated 28.01.2021 issued by the Joint Secretary (Aff), CBSE to the unaided petitioner institution for the

Secondary School Examination Class 1 to 10 from 01.04.2021 to 31.03.2024 and resolution of the General Body of the Society in favour of Sr. Jessy K. Varghese, President of Missionary Sisters of Mother Mary Society for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 01.06.2019, it is mentioned that out of total 347 students, 25 students are from the Christian minority community, 20 students are from the Muslim minority community and 302 students are Hindus. It is relevant to mention here that out of total 24 teachers, 8 teachers are from the 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. It is stated in the petition that on dated 03.12.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 06.12.2018 and the said application is still pending before the State Competent Authority. The State Competent Authority has not granted NOC in favour of the petitioner institution till now and also not rejected the said application and not communicated the same to the petitioner. After 90 days from the receipt of the application for grant of NOC, the petitioner has filed this application for grant of MSC to this Commission straightway as per the provisions of Section 10 and 11(f) of National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004.
6. After service of registered notice dated 13.03.2020 and 20.10.2020, respondent has sent by post two letters dated 07.10.2020 and 22.04.2021 alongwith some documents which were received in the Commission's office on dated 12.10.2020 and 21.05.2021 respectively, are taken on record. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained from the Committee constituted by this Commission for issuance of MSC to the petitioner institution vide order dated 22.03.2022, after service of letters and emails to the physical

inspection committee dated 04.04.2022 and 11.07.2022, District Collector, Nalgonda sent the physical inspection committee report through post vide letter dated 30.06.2022 wherein they have recommended to grant MSC to the petitioner institution.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Sr. Jessy K. Varghese, President of Missionary Sisters of Mother Mary Society.
8. 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 Missionary Sisters of Mother Mary 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. Jessy K. Varghese, President of Missionary Sisters of Mother Mary Society.
9. 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.
10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Mary's Upper Primary School, Opp. 12th Battalion, Annaparthi, Cherallapally, District Nalgonda, Telangana-508001 run by Missionary Sisters of Mother Mary 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 sub-serving the interests of the Christian minority community.
11. Consequently, St. Mary's Upper Primary School, Opp. 12th Battalion, Annaparthi, Cherallapally, District Nalgonda, Telangana-508001, which is for Secondary School Examination Class 1 to 10, is declared as an unaided 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. If the petitioner institution failed to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.

12. After compliance of the above order, a minority status certificate be issued accordingly.
13. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 13th Day of September, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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