

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

**Case No. 132 of 2022**

**In the matter of :-**

**St. Paul's Higher Secondary School, Kozhinjampara,  
Kozhinjampara P.O., District Palakkad, Kerala-678555**

**.....Petitioner**

**V/s**

**Director, Directorate of Minority Welfare, Government of Kerala,  
4<sup>th</sup> Floor, Vikas Bhavan, Thiruvananthapuram, Kerala**

**..... Respondent**

Present: Mr. Jose Abraham, Advocate for the petitioner

**ORDER**

**DATED 07.09.2022**

**Justice Narendra Kumar Jain, Chairman, NCMEI**

1. This petition has been received on 03.08.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Paul's Higher Secondary School, Kozhinjampara, Kozhinjampara P.O., District Palakkad, Kerala-678555.
2. Learned counsel for the petitioner filed an affidavit of Rev. Fr. Louis Maria Pappu, Secretary of The Sultanpet Diocese 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. : KL/2018/0209313 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 18.05.2021 sent to the State Competent Authority i.e. Director, Directorate of Minority Welfare, Government of Kerala, 4<sup>th</sup> Floor, Vikas Bhavan, Thiruvananthapuram, Kerala, notarized copy of Certificate of Registration of The Sultanpet Diocese 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 certificate issued by the District Education Officer, Palakkad stating that the petitioner institution is a recognized aided school, Recognition Certificate dated 20.07.2022 issued by the Secretary, Board of Higher Secondary Examinations stating that the petitioner institution is an examination centre for conducting Higher Secondary Examinations under the Board of Higher Secondary Examinations, Kerala, the body which conducts Higher Secondary Examination for the State of Kerala and resolution of the General Body of the Society in favour of Rev. Fr. Louis Maria Pappu, Secretary of The Sultanpet Diocese Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner aided institution with regard to students strength in the year 2021-22, it is mentioned that out of total 2263 students, 675 students are from the Christian minority community, 467 students are from the Muslim minority community and 1121 students are Hindus. It is relevant to mention here that out of the total 87 teachers, 61 teachers are from Christian Minority community. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution.
5. Earlier the petitioner institution has filed application for grant of NOC which was registered as Case No. 219 of 2019 and the case was decided by the Commission on dated 16.02.2022 by the following observation :-

*"In view of the above facts and observations, it is an admitted fact that the petitioner institution had applied to Competent Authority of the State of Kerala for grant of NOC under Section 10 of NCMEI Act, 2004 and the said application was not decided in accordance with the provisions of NCMEI Act, 2004 and verdict of the Hon'ble Apex Court by the State competent authority and passed the impugned order*

*08.03.2019. So in the interest of justice, we are of the considered opinion, without going on the merits of the case, it is just proper and fit case to send the matter back to the State Competent Authority to decide the application of the petitioner institution for grant of NOC under Section 10 of the NCMEI Act, 2004 on merits after considering all the documents produced by the petitioner institution at the earliest, expeditiously.*

*Office is directed to send copy of this order to the State Competent Authority and in the interest of justice, in addition the petitioner institution is also directed to produce certified copy of this order before the State Competent Authority immediately for compliance of this order.*

*In view of above, the present petition is disposed of in accordance with this order.”*

Thereafter, the petitioner institution has filed application for grant of NOC before the State Competent Authority on dated 18.05.2021 and that application was accepted by the State Competent Authority and the following order dated 07.04.2022 has been passed :-

*“Accordingly, all the relevant documents enclosed in the application of the said school were verified and found in order. Later the Head of the institution was called for a discussion on 20.10.2021 in order to verify the original documents. Further, The District Collector, Palakkad and the Principal of the Palakkad Minority Youth Centre were authorized to visit the school for verifying the facts submitted in the application and to a send a detailed report.*

*As per the reference no. 4, The District Collector has submitted a detailed report in the light of the inspection held.*

*In the light of the direct interview held with the Head of the Institution and the verification of the relevant documents made by this office, and the inspection report of The District Collector of Palakkad in reference no. 4, it is found that St. Paul’s Higher Secondary School, Kozhinjampara, Palakkad, has established and administered for the welfare of Christian Minority Community and further it is found that the said school is a Aided Institution.*

*In the above circumstances, it is ordered the Non Objection Certificate (NOC) to the Higher Secondary Section of St. Paul’s Higher Secondary School, Kozhinjampara, Palakkad district for obtaining Minority Status Certificate.”*

6. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and

affidavit of Rev. Fr. Louis Maria Pappu, Secretary of The Sultanpet Diocese Society.

7. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Christian minority community and is being administered by The Sultanpet Diocese 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 Rev. Fr. Louis Maria Pappu, Secretary of The Sultanpet Diocese Society.
8. The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily members of the Christian minority community. In addition, the said facts are also stands proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.
9. We have perused the order No. 4997/MSD/2021/Minority Welfare Department dated 07.04.2022 passed by the State Competent Authority. By the above order State Competent Authority of Kerala has granted NOC in favour of the petitioner institution.
10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Paul's Higher Secondary School, Kozhinjampara, Kozhinjampara P.O., District Palakkad, Kerala-678555 run by The Sultanpet Diocese 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. Paul's Higher Secondary School, Kozhinjampara, Kozhinjampara P.O., District Palakkad, Kerala-678555, which is for Higher Secondary Examinations is declared as a minority aided educational institution covered under Article 30 of the Constitution of

India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004 subject to the condition that the petitioner would file an affidavit or undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of the Christian minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution.

12. After compliance of the above order, a minority status certificate be issued accordingly.
13. However, it is made clear that if State Govt. has any objection in granting MSC in favour of the petitioner institution i.e. St. Paul's Higher Secondary School, Kozhinjampara, Kozhinjampara P.O., District Palakkad, Kerala-678555, is free to file an application for cancellation of MSC under section 12(c) of the NCMEI Act, 2004.
14. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 7<sup>th</sup> Day of September, 2022.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**Dr. SHAHID AKHTER  
MEMBER**

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