AGAPE Mission School, Gumniwala, By-Pass Road, Shyampur, Rishikesh, Dehradun, Uttarakhand-249204

V/s

Deputy Chief Secretary (Upper Mukhya Sachiv), Higher Education, Govt. of Uttarakhand

Case No. 614 of 2019

13.04.2023

Present: Ms. Anju Joseph, Advocate for the petitioner

None for the respondent

Despite sending again and again reminder letter to the Physical Inspection Committee, we have not received original Physical Inspection Report signed by the Upper District Officer, Dehradun, Uttarakhand. Physical Inspection Committee is directed to send original inspection report positively before the next date of hearing.

We have heard Learned Counsel for the petitioner at some length. Petitioner has filed one page of Amended Memorandum of Association which seems incomplete. Learned Counsel for the petitioner is directed to file original Amended Memorandum of Association for perusal of the Commission before the next date of hearing.

Learned Counsel for the petitioner has also filed affiliation certificate issued by the Council for the Indian School Certificate Examinations which is for the purpose of grant of Minority Status Certificate to the petitioner institution but validity of affiliation is not mentioned in the certificate.

Learned Counsel for the petitioner is also directed to produce proper affiliation / recognition certificate.

It also transpires from the record that affiliation certificate issued by the Council for the Indian School Certificate Examinations, the petitioner institution is upto 10th Class but as per the Physical Inspection Report, petitioner institution is upto the Nursery to 12th Class. So there is a contradiction in both the documents.

This is the oldest case of this Commission. So Learned Counsel for the petitioner is directed to come with preparation for final arguments as well as filing of documents.

In the interest of justice, list on 27.04.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

> DR. JASPAL SINGH MEMBER

Sacred Heart Central School, No. 486, East Pondy Road, V. Maruthur, Villupuram, Tamil Nadu-605602

Principal Secretary, School Education Deptt, Secretariat, Chennai, Tamil Nadu

Case No. 415 of 2020

13.04.2023

Present: Mr. Junais, Advocate for the petitioner

None for the respondent

Despite reminder letter by post and email to the members of the Physical Inspection Committee, we have not received any response / Physical Inspection Report till now from the said Committee members.

Learned Counsel for the petitioner submitted that the members of the said Committee has already inspected their institution.

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

Office is also directed to provide a copy of reminder letter to the Learned Counsel for the petitioner.

In the interest of justice, list on 01.06.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

Sacred Heart Nursery & Primary School, East Pondy Road, Villupuram, Tamil Nadu-605602

Vs.

Principal Secretary, School Education Deptt, Secretariat, Chennai, Tamil Nadu

Case No. 416 of 2020

13.04.2023

Present: Mr. Junais, Advocate for the petitioner

None for the respondent

We have heard Learned Counsel for the petitioner at some length.

During the course of arguments, Learned Counsel for the petitioner pointed out that recognition/ affiliation of the petitioner institution was expired on 01.12.2022 and date of Amended Memorandum of Association is also not clear.

Learned Counsel for the petitioner prayed time to file updated recognition / affiliation of the petitioner institution.

Learned Counsel for the petitioner is also directed to file original Amended Memorandum of Association for perusal of the Commission at the time of final arguments of the case.

In the interest of justice, list on 23.05.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

Sacred Heart Convent Anglo Indian Hr. Sec. School, 338, East Pondy Road, Villupuram, Tamil Nadu-605602

Principal Secretary, School Education Deptt, Secretariat, Chennai, Tamil Nadu

Case No. 417 of 2020

13.04.2023

Present: Mr. Junais, Advocate for the petitioner

None for the respondent

Despite reminder letter by post and email to the members of the Physical Inspection Committee, we have not received any response / Physical Inspection Report till now from the said Committee members.

Learned Counsel for the petitioner submitted that the members of the said Committee has already inspected their institution.

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

Office is also directed to provide a copy of reminder letter to the Learned Counsel for the petitioner.

In the interest of justice, list on 01.06.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

St. Mary's Matriculation Hr. Sec. School, Vikravandi Post, Tamil Nadu-605602

Vs.

Principal Secretary, School Education Deptt, Secretariat, Chennai, Tamil Nadu

Case No. 418 of 2020

13.04.2023

Present: Mr. Junais, Advocate for the petitioner

None for the respondent

Despite reminder letter by post and email to the members of the Physical Inspection Committee, we have not received any response / Physical Inspection Report till now from the said Committee members.

Learned Counsel for the petitioner submitted that the members of the said Committee has already inspected their institution.

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

Office is also directed to provide a copy of reminder letter to the Learned Counsel for the petitioner.

In the interest of justice, list on 01.06.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

Mount Saint Joseph Matric HSS, 27, Avalurpet Road, Tiruvannamalai, Tamil Nadu-606601

Vs.

Principal Secretary, School Education Deptt, Secretariat, Chennai, Tamil Nadu

Case No. 419 of 2020

13.04.2023

Present: Mr. Junais, Advocate for the petitioner

None for the respondent

Learned Counsel for the petitioner filed Governing Body Resolution before the Commission's office on dated 06.04.2023 and is taken on record.

Learned Counsel for the petitioner again prayed for time to file updated recognition / affiliation certificate issued by the State Board / CBSE. Time prayed for is allowed.

In the interest of justice, list on 01.06.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

Idara Madarsa Jame-Ul Uloom, Doharighat-Mau, Uttar Pradesh - 275303.

Vs.

Additional Chief Secretary, Deptt., of School Education, Govt. of U.P., Bahu Khandi, Secretariat, Lucknow, U.P. - 226001.

13.04.2023.

Case No. 78 of 2021

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

None for the respondent.

We have perused the case file and found that despite giving notice to the Notary Public, (Mr. Deo Raj Singh of area Patparganj, Trilok Puri, Delhi having Regd. No. 1903), we have not received any reply from him so far.

Learned counsel for the petitioner submitted that he is not aware of the fact that whether Mr. Deo Raj Singh, Notary Public is appointed as Notary Public by the Central or State Government.

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.

In the interest of justice, Secretary of the Commission is directed to open a separate file under the head of Administration wing for further necessary action in this case so that no injustice should be caused to any other person like this.

He is directed to send a letter alongwith unsigned copy of affidavit attested by Mr. Deo Raj Singh, Notary Public to State Government of Delhi Authority that he is acting inefficiently and action should be taken by the appropriate authority who has appointed the said notary public and cancel the Registration of Mr. Deo Raj Singh immediately.

Secretary of the Commission is also directed to comply with the above said order after opening the separate file under the head of Administration wing and no record pertaining to this file should be destroyed unless specific direction is given by the court of the Commission.

Accordingly, this petition is disposed of as withdrawn.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

St. Joseph's Nursery and Primary School, Nagamalai, Madurai District, Tamil Nadu - 625019.

Vs.

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

Case No. 117 of 2021

13.04.2023.

Present: Ms. Anju Joseph, Advocate for petitioner.

None for the Respondent.

Ms. Anju Joseph appeared on behalf of the arguing counsel

Mr. Jose Abraham and prayed for time to argue the case.

Learned Counsel for the petitioner also prayed for time to file updated recognition/ affiliation. In the interest of justice, time prayed for is allowed.

List the case for arguments on 05.07.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

> DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

St. Bastin's Matriculation School, Railway Station Road, Papanasam, Thanjavur District, Tamil Nadu - 614205.

Vs.

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

Case No. 118 of 2021

13.04.2023.

Present: Ms. Anju Joseph, Advocate for petitioner.

None for the Respondent.

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

Learned counsel for the petitioner has filed the General Body Resolution of the petitioner Society before the Commission's Office on dated 06.04.2023, which is taken on record.

Learned counsel for the petitioner again prayed for time to comply with the Commission's earlier order dated 28.09.2022. In the interest of justice, time prayed for is allowed.

List on 05.07.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Dr. B. R. Ambedkar Degree College, Jajaluddinpur, Mailahan, Phulpur, Pragraj, Uttar Pradesh-212402.

V/s.

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

Case No. 177 of 2021

13.04.2023

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

Incompliance of the Commission's earlier order dated 16.11.2022, Office has submitted its report which is taken on record.

In compliance of the letter sent to the State Competent Authority i.e. Special Secretary, State of Uttar Pradesh has sent by post a letter dated 01.03.2023, which is received in the Commission's office on dated 20.03.2023 and taken on record. In the said letter he has mentioned that as per their records there is no Notary Public/ Advocate in the name of Mr. Ram Kumar, in Prayagraj of Uttar Pradesh having registration No. 16891. Therefore, they are unable to provide the address of the said Notary Public.

We perused the letter and come to the conclusion that it is a very serious matter that the petitioner Dr. Fazlur Rahman, Secretary, Crecent Educational and Welfare Society has filed his unsigned affidavit alongwih the petition for grant of MSC before the Commission's Office on 26.07.2021 and the said affidavit was attested by Mr. Ram Kumar, Notary Public, Prayagraj, Uttar Pradesh and is identified by Mr. R.K. Advocate, Prayagraj, Uttar Pradesh.

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.

In the interest of justice, Secretary of the Commission is directed to open a separate file under the head of Administration wing for further necessary action in this case so that no injustice should be caused to any other person like this.

He is directed to send a letter alongwith unsigned copy of affidavit attested by Mr. Ram Kumar, Notary Public to Central Government Authority i.e. Law and Justice Department and to inquire as to whether Mr. Ram Kumar, Advocate/Notary Public, in Prayagraj of Uttar Pradesh State was appointed by them or not and also ask under what circumstances he has attested the said affidavit which was not signed by the deponent.

Contd..

Dr. B. R. Ambedkar Degree College, Uttar Pradesh-212402. V/s.

The Principal Secretary, Higher Education, Uttar Pradesh.

Case No. 177 of 2021

13.04.2023

Continued from prepage

Secretary of the Commission is also directed to comply with the above said order after opening the separate file under the head of Administration wing and no record pertaining to this file should be destroyed unless specific direction is given by the court of the Commission.

Accordingly, this petition is disposed of as withdrawn.

DR. JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Model Divine Mahila College, Plot No. 258, Street - Baghpat - Meerut Road, VPO - Pilana, Baghpat District, Uttar Pradesh - 250615.

Vs.

Principal Secretary, Higher Education Department, Uttar Pradesh Govt., Uttar Pradesh

Case No. 178 of 2021

13.04.2023

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

We have perused the case file and found that despite giving notice to the Notary Public, (Mr. Deo Raj Singh of area Patparganj, Trilok Puri, Delhi having Regd. No. 1903), we have not received any reply from him so far.

We have perused the affidavit of Mr. Bijender Jain, President of All India Saraswati Devi Education Society filed before this Commission with the MSC petition and observed that the said affidavit is signed by Mr. Bijender Jain but is not attested by Mr. Deo Raj Singh, Notary Public, Area Patparganj, Trilok Puri, Delhi having Regd. No. 1903 but the seal of the Notary Public s is affixed on the said affidavit.

It transpires that the seal of the said Notary Public is misused by some person and in another Case No.78 of 2021, the said Notary Public has attested the affidavit which was not signed by the deponent.

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.

In the interest of justice, Secretary of the Commission is directed to open a separate file under the head of Administration wing for further necessary action in this case so that no injustice should be caused to any other person like this.

He is directed to send a letter alongwith unattested copy of affidavit bearing the seal of Mr. Deo Raj Singh, Notary Public to State Government of Delhi Authority to enquire about the said matter.

Secretary of the Commission is also directed to comply with the above said order after opening the separate file under the head of Administration wing and no record pertaining to this file should be destroyed unless specific direction is given by the court of the Commission.

Accordingly, this petition is disposed of as withdrawn.

DR. JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

> DR. JASPAL SINGH MEMBER

Islamiah Aided Elementary School, No. 2/145, Jamia Mosque Street, Periankuppam, Vellore District, Tamil Nadu - 635814.
Vs.

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

Case No. 51 of 2022

13.04.2023.

Present: Mr. Junais P., 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.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

> DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Rose Mary Ideal Public School, West Mount Road, Tirunelveli Town, Tirunelveli District, Tamil Nadu - 627006.

Vs.

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

Case No. 271 of 2022

13.04.2023.

Present: Ms. Anju Joseph, Advocate for petitioner.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr. Jose Abraham and prayed for time to comply with the Commission's earlier Order dated 15.12.2022. In the interest of justice, time prayed for is allowed

List on 20.07.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

> DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Sacred Heart Adiwasi High School, Chakai, Chakia P.O., Jamui District, Bihar 811303.

Vs.

Director, Secondary and Senior Secondary Education, Ground Floor, Vikas Bhawan, New Secretariat, Daily Road, Patna, Bihar - 800015.

Case No. 273 of 2022

13.04.2023.

Present: Ms. Anju Joseph, Advocate for petitioner.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr. Jose Abraham and prayed for time to comply with the Commission's earlier Order dated 15.12.2022. In the interest of justice, time prayed for is allowed

List on 20.07.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Alpha Elite High, Berigai Road, Belathur Post, Bagalur, Hosur Taluk, Krishnagiri District, Tamil Nadu - 635124.

Vs.

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

Case No. 04 of 2023

13.04.2023

Present: Ms. Anju Joseph, Advocate for petitioner.

Ms. Anju Joseph appeared on behalf of the arguing counsel Mr. Jose Abraham and prayed for time to comply with the Commission's earlier Order dated 03.01.2023. In the interest of justice, time prayed for is allowed

List on 20.07.2023.

DR. JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Crescent International School, Bario (Knowledge Village), Govindpur, Dhanbad, Jharkhand - 828109.

Vs.

Director, Secondary Education, Department of School Education & Literacy, S.E & L. Department, MDI Building, Post - Dhurwa, District - Ranchi, Jharkhand - 834004.

Case No. 05 of 2023

13.04.2023

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

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

Despite registered notice and e-mail to the respondent, we have not received any response/reply from the State Competent Authority. In the facts and circumstances of the case we deem it just and proper that physical inspection report alongwith the recommendations may be obtained from the Committee consisting of the following members for issuance of the minority status certificate to the petitioner institution:-

- 1. Representative of the concerned District Collector(Chairperson)
- 2. Concerned District Education Officer (Member)
- 3. Concerned District Minority Welfare Officer/ Concerned District Social Welfare Officer (Member Secretary).

Office is directed to issue letter to the above authorities and also to provide a copy of the letter to the learned counsel for the petitioner.

Learned Counsel for the petitioner is directed to approach the members of the Physical inspection Committee and provide all the relevant documents to the said Committee.

List on 26.07.2023.

DR. JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

> DR. JASPAL SINGH MEMBER

Saint Francis De Sales (SFS) School, P.O. Silapathar, District - Dhemaji, Assam - 787059.

Vs.

Joint Secretary, Education Department (Higher), Assam Secretariat, Block C, Secretariat Complex, Dispur, Guwahati, Assam – 781006.

Case No. 06 of 2023

13.04.2023

Present: None.

The original show cause notice dated 10.01.2023, sent to the petitioner is received back as un-served in the Commission's Office on dated 06.02.2023 and is taken on record.

Office is directed to again issue show cause notice by post and by e-mail also to the petitioner in compliance of Commission's earlier Order dated 04.01.2023.

List on 26.07.2023.

DR. JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

13.04.2023

Shaheed Udham Singh Inter College, Rampur Kalan, Khutar, Shahjahanpur, Uttar Pradesh - 242405.

Vs.

Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh.

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

An application has been received by hand on 31.03.2023 from Shaheed Udham Singh Inter College, Rampur Kalan, Khutar, Shahjahanpur, Uttar Pradesh - 242405 for grant of minority status certificate. It be registered.

It transpires from the petition that on 02.11.2022, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh, which was received by the respondent on 07.11.2022. The said petition is still pending. The petitioner has waited sufficiently for 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 and envelope with postage for sending notice to the State Competent Authority.

It also transpires from the petition that in this Un-aided school (Higher Secondary level) during the academic year 2020-21 total 750 students were studying and out of them 300 Students from the Sikh Minority Community, during the academic year 2021-22 total 814 students were studying and out of them 309 were from Sikh Minority Community and during the academic year 2022-23 total 1200 students were studying and out of them 450 students belongs to the Sikh Minority Community.

On perusal of the petition it is found that level of the Education of this school is Higher Secondary but recognition certificate filed by the petitioner is not issued by Central / State Examination Board.

Learned counsel for the petitioner prayed for time to file updated recognition / affiliation certificate issued by Central / State Examination Board.

Office is directed to tag the previous file no. 182 of 2022 with this case.

In the interest of justice, list on 27.07.2023.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER