

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

Case No. 379 of 2019

In the matter of :-

**St. Ann's School, Tadvai, Munagala Mandal, District
Nalgonda, Telangana-508233**

..... Petitioner

V/s

**Secretary, Minorities Welfare Department, D-Block, Ground
Floor, Telangana Secretariat, Hyderabad**

..... Respondent

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

ORDER

DATED 21.03.2023

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 07.05.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Ann's School, Tadvai, Munagala Mandal, District Nalgonda, Telangana-508233.
2. Learned counsel for the petitioner filed an affidavit of Sr. Jesintha Mariappa, President of The Sisters of St. Ann of Providence Central Province 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 notarized copy of Unique ID No. : TS/2017/0156611 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 04.01.2019 sent to the State Competent Authority i.e. Secretary, Minorities Welfare Department alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of The Sisters of St. Ann of Providence Central Province, 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 26.08.2013 issued by the District Educational Officer, Nalgonda to the unaided petitioner institution from 2013-14 to 2022-23 from 1st to 7th Std., notarized copy of the Recognition order issued by the Additional Joint Secretary, Office of the Director of Government Examinations to St. Ann's High School, Munagala from 2019-20 to 2028-29 for SSC Public Examinations and resolution of the General Body of the Society in favour of Sr. Jesintha Mariappa, President of The Sisters of St. Ann of Providence Central Province for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 01.06.2018, it is mentioned that out of the total 962 students, 475 students are from the Christian minority community, 37 students are from the Muslim minority community and 450 students are Hindus. It is relevant to mention here that out of total 35 teachers, 21 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 this 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. As per the physical inspection report, in the year 2020-21, out of total 52 students, 35 students were from the Christian community, in the year 2021-22, out of total 32 students, 26 students were from the Christian community and in the year 2022-23, out of total 137 students, 72 students are from the Christian community. Learned Counsel for the petitioner filed the clarification affidavit of Sr. Jesintha Mariappa, President of The Sisters of St. Ann of Providence Central Province stating 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 and stating that as per the inspection report, the number of students were reduced substantially only due to covid pandemic. He further submitted that the petitioner institution is upto 7th Std. and having a sizable number of students from Christian minority community since its inception.

6. It is stated in the petition that on dated 04.01.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 05.01.2019 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.
7. After service of registered notice dated 11.07.2019 and 02.12.2020, respondent has sent letter dated 11.08.2021 by post which was received by the Commission on 16.08.2021 which is 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 02.03.2022, after service of letters, reminder / emails to the physical inspection committee dated 10.03.2022, 04.05.2022, 15.07.2022 and 23.09.2022, Physical Inspection Committee, Suryapet have sent original physical inspection report alongwith covering letter dated 25.08.2022 which was received in the Commission's Office on dated 06.09.2022 wherein they have recommended to grant MSC to the petitioner institution.

8. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Sr. Jesintha Mariappa, President of The Sisters of St. Ann of Providence Central Province.
9. 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 Sisters of St. Ann of Providence Central Province 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. Jesintha Mariappa, President of The Sisters of St. Ann of Providence Central Province.
10. We have perused the Amended Memorandum of Association of the petitioner institution and the Amended Memorandum of Association was registered before the Registrar of Societies, Hyderabad on dated 13.07.2016 which is before the grant of NOC application U/s 10 of the NCMEI Act, 2004 dated 04.01.2019 and petition for grant of MSC on dated 07.05.2019. So it is clear that the amendment has been done before the application filed before the State Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.
11. 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 the members of the Christian minority community. In addition, the said facts 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.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Ann's School, Tadvai, Munagala Mandal, District Nalgonda, Telangana-508233 run by

The Sisters of St. Ann of Providence Central Province 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.

13. Consequently, St. Ann's School, Tadvai, Munagala Mandal, District Nalgonda, Telangana-508233, which is from 1st to 7th Std., 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.
14. A minority status certificate be issued accordingly.
15. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 21st Day of March, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

VB