

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

Case No. 165 of 2022

In the matter of :-

**Auxilium High School, Kuttamala P.O., Vazhichal, District
Thiruvananthapuram, Kerala-695505**

.....Petitioner

V/s

**Director, Directorate of Minority Welfare, Government of Kerala, 4th
Floor, Vikas Bhavan, Thiruvananthapuram, Kerala**

..... Respondent

Present: Mr. Jose Abraham, Advocate for the petitioner

ORDER

DATED 16.11.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 13.09.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Auxilium High School, Kuttamala P.O., Vazhichal, District Thiruvananthapuram, Kerala-695505.
2. Learned counsel for the petitioner filed an affidavit of Sr. Rose Mathai, Secretary of Vazhichal Auxilium 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/2018/0209196 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 10.03.2021 sent to the State Competent Authority i.e. Director, Directorate of Minority Welfare, Government of Kerala, 4th Floor, Vikas Bhavan, Thiruvananthapuram, Kerala, notarized copy of NOC order No. 4142/MSC/2021/dmw dated 07.05.2022 issued by the State Competent Authority to the petitioner institution, notarized copy of Certificate of Registration of Vazhichal Auxilium 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 permanent recognition order dated 28.07.2006 issued by the District Education Officer, Neyyattinkara to the unaided

petitioner institution from the academic year 2005-06 from Class 1st to 10th Std. and resolution of the General Body of the Society in favour of Sr. Rose Mathai, Secretary of Vazhichal Auxilium 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 2020-21, it is mentioned that out of total 407 students, 245 students are from the Christian minority community, 38 students are from the Muslim minority community and 124 students are Hindus. It is relevant to mention here that out of the total 14 teachers, 9 teachers are from Christian Minority community. In the year 2021-22, it is mentioned that out of total 424 students, 257 students are from the Christian minority community, 53 students are from the Muslim minority community and 114 students are Hindus. It is relevant to mention here that out of the total 15 teachers, 10 teachers are from Christian Minority community. In the year 2022-23, it is mentioned that out of total 435 students, 233 students are from the Christian minority community, 46 students are from the Muslim minority community and 156 students are Hindus. It is relevant to mention here that out of the total 18 teachers, 11 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. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Sr. Rose Mathai, Secretary of Vazhichal Auxilium Society.
6. 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 Vazhichal Auxilium 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. Rose Mathai, Secretary of Vazhichal Auxilium Society.

7. 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.
8. We have perused the order No. 4142/MSA/2021/dmw dated 07.05.2022 passed by the State Competent Authority. By the above order State Competent Authority of Kerala has granted NOC in favour of the petitioner institution wherein it is stated “that on hearing the authorized representative of the applicant institution and upon scrutiny of relevant records and after perusing the report of the District Collector, Thiruvananthapuram it has been found that the institution is functioning with the objective of subserving the interest of the minority community and hence eligible to be granted No Objection Certificate. In the Circumstances No Objection Certificate is granted to Auxilium High School, Kuttamala P.O., Vazhichal, District Thiruvananthapuram, Kerala-695505 for the purpose of the obtaining Minority Status Certificate.”
9. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Auxilium High School, Kuttamala P.O., Vazhichal, District Thiruvananthapuram, Kerala-695505 run by Vazhichal Auxilium 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.
10. Consequently, Auxilium High School, Kuttamala P.O., Vazhichal, District Thiruvananthapuram, Kerala-695505, which is for Class 1st to 10th Std. is declared as a minority unaided educational institution covered under Article 30(1) 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 updated affiliation / recognition order issued by the State Board / CBSE to the unaided petitioner institution. Petitioner has already filed affidavit that the petitioner institution shall not deny admission of eligible candidate of Christian minority community.

11. After compliance of the above order, a minority status certificate be issued accordingly.
12. However, it is made clear that if State Govt. has any objection in granting MSC in favour of the petitioner institution i.e. Auxilium High School, Kuttamala P.O., Vazhichal, District Thiruvananthapuram, Kerala-695505, is free to file an application for cancellation of MSC under section 12(c) of the NCMEI Act, 2004.
13. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 16th Day of November, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**Dr. SHAHID AKHTER
MEMBER**

VB