

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

Case No. 765 of 2019

In the matter of :-

**Santhom Public School, Chenappady P.O., Tharakanattukunnu,
District Kottayam, Kerala-686520**

..... **Petitioner**

V/s

**Secretary, General Education Department, Govt. of Kerala,
Thiruvananthapuram, Kerala**

..... **Respondent**

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

ORDER

DATED 25.08.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 30.09.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Santhom Public School, Chenappady P.O., Tharakanattukunnu, District Kottayam, Kerala-686520.
2. Learned Counsel for the petitioner filed an affidavit of Sr. Julie, Manager / Chairperson & Managing Trustee of Association for Social Involvement Service in India 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/2018/0203061 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of NOC application dated 19.11.2018 sent to the State Competent Authority i.e. Secretary, General Education Department, Govt. of Kerala alongwith its acknowledgement slip, notarized copy of Trust Deed dated 24.01.2000 of Association for Social Involvement Service in India, notarized copy of Amended / Supplementary Trust Deed dated 14.11.2018, photocopy of Recognition Certificate issued by the Assistant Educational Officer, Kanjirappally to the unaided petitioner institution for Class 1st to 4th but as per the report of the Physical Inspection Committee the petitioner institution is upto 6th Std. and resolution of the General Body of the Trust in favour of Sr. Julie, Manager / Chairperson & Managing

Trustee of Association for Social Involvement Service in India for obtaining MSC from this Commission. Learned Counsel for the petitioner also filed an affidavit of Sr. Julie, Manager / Chairperson & Managing Trustee of Association for Social Involvement Service in India stating that she is the Chairperson of the Society as well as Manager of Santhom Public School, Chenappady, District Kottayam, Kerala

4. As per the information supplied by the unaided petitioner institution with regard to students strength, it is mentioned that out of the total 69 students, 26 students are from the Christian minority community, 2 students are from Muslim Minority Community and 41 students are Hindus. It is relevant to mention here that out of total 8 teachers, 6 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. It is stated in the petition that on dated 19.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.11.2018 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. Despite service of registered notice dated 03.12.2019 and 01.02.2021, respondent has not sent reply. 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 28.09.2021, after service of notice to the physical inspection committee dated 30.09.2021 and 24.02.2022, District

Collector, Kottayam sent the physical inspection committee report through post vide letter dated 22.02.2022 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. Julie, Manager / Chairperson & Managing Trustee of Association for Social Involvement Service in India.
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 Association for Social Involvement Service in India 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. Julie, Manager / Chairperson & Managing Trustee of Association for Social Involvement Service in India.
9. The Amended / Supplementary Trust Deed 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 Santhom Public School, Chenappady P.O., Tharakanattukunnu, District Kottayam, Kerala-686520 run by Association for Social Involvement Service in India 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 subserving the interests of the Christian minority community.
11. Consequently, Santhom Public School, Chenappady P.O., Tharakanattukunnu, District Kottayam, Kerala-686520, which is from 1st to 6th Std., is declared as a 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 and original recognition certification issued by the State Authority to unaided 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 **Thursday, 25th Day of August, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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