

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**AGAPE Mission School, Gumniwala, By-Pass Road, Shyampur,
Rishikesh, Dehradun, U.K.**

V/s.

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

Case No. 614 of 2019

27.04.2023.

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

In compliance of the Commission's earlier Order dated 13.04.2023, learned counsel for the petitioner has filed a letter dated 24.10.2017 during the Court proceedings, wherein the Deputy Registrar of Firms, Societies and Chits has stated that the amended MoA of the petitioner's Society was registered by him on 17.10.2017. The said letter is taken on record.

Learned counsel for the petitioner stated that earlier the petitioner school was upto Class Xth but now it is upgraded to Senior Secondary level. The updated recognition/ affiliation certificate is under process and hopefully within a week the petitioner will be able to receive the said certificate.

Looking into the fact that this is one of the oldest case of this Commission, we have heard, learned counsel for the petitioner.

Reserved for Orders.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

St. Michael School, Raksa, Jhansi, Uttar Pradesh - 284419.

Vs.

- 1. Additional Chief Secretary, Secondary Education,
Bahukhandi Secretariat, Lucknow, UP.**
- 2. Deputy Director, Minority Welfare Department, 6th Floor,
Indira Bhawan, Lucknow, Uttar Pradesh.**

Case No. 105 of 2020

27.04.2023.

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

Despite service of registered notices, none appeared on behalf of the respondents even in the second round.

In compliance of the Commission's earlier Order dated 07.02.2023, Office has sent letter by post to the District Magistrate, District Minority Welfare Officer and District Inspector of Schools, Jhansi but we have not received any response till now.

Office is directed to send a letter to the all the above mentioned authorities in compliance of Commission's earlier Order dated 07.02.2023.

List on 26.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

St. Rita's Inter College, Manikpur P.O., Chitrakoot District, Uttar Pradesh - 210208.

Vs.

- 1. Principal Secretary, Higher Education, Deptt. Of Education, Govt. of Uttar Pradesh, Bahukhandi Secretariat, Lucknow, UP.**
- 2. Additional Chief Secretary, Govt. of U.P. Secondary Education, Bahukhandi Secretariat, Lucknow, UP.**

Case No. 116 of 2020

27.04.2023.

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

Learned Counsel for the petitioner filed an application under Order VI Rule 17 CPC read with Section 12(2) of the NCMEI Act, 2004, seeking permission to amend the Original application for Minority Status alongwith a copy of the above application, amended petition and an envelope with postal stamp for sending notice of this application to the respondent before the Commission's Office on dated 20.04.2023, which are taken on record.

Office is directed to issue notice of the above said application to the respondent by registered AD and e-mail.

In the interest of justice, list on 26.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

St. Basil's School, Nipaniya, Samaspur, Basti District, Uttar Pradesh - 272124.

Vs.

- 1. Secretary, Room No.- 19, 3rd Floor, Sachiv Bhawan, Uttar Pradesh Secretarat, Lucknow, Uttar Pradesh.**
- 2. The Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh**

Case No. 117 of 2020

27.04.2023.

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

We have heard, learned counsel for the petitioner at some length. During the course of arguments it is pointed out that the petitioner institution is running upto 8th standard only but its recognition/ affiliation expired on 31.03.2020

Learned counsel for the petitioner prayed for time to file updated recognition/ affiliation order issued by the concerned authority. Time prayed for is allowed.

In the interest of justice, list on 26.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Shree Bafna Public School, Thandla Road, Meghnagar P.O.,
Jhabua District, Madhya Pradesh - 457779.**

Vs.

**Secretary, Backward Classes and Minority Welfare Department,
Government of Madhya Pradesh, Mantralaya, Bhopal, Madhya
Pradesh.**

Case No. 199 of 2020

27.04.2023.

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

Heard, learned counsel for the petitioner.

Reserved for Orders.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Bafna College, Thandla Road, Meghnagar P.O., Jhabua District,
Madhya Pradesh - 457779.**

Vs.

**Secretary, Backward Classes and Minority Welfare Department,
Government of Madhya Pradesh, Mantralaya, Bhopal, Madhya
Pradesh.**

Case No. 200 of 2020

27.04.2023.

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

Respondent has sent a letter dated 20.04.2023 received through e-mail in the Commission's Office on dated 21.04.2023 and is taken on record. In the said letter respondent has stated that the petitioner has not filed their application for grant of MSC to the State Competent Authority in proper Performa. So, they have not processed the petitioner's MSC application.

The respondent letter reflects the fact that the petitioner has already applied before the State Competent Authority for grant of MSC.

Learned counsel for the petitioner submitted that the petitioner has not filed any application for grant of MSC before the State Competent Authority.

Office is directed to send a letter to the State Competent Authority to provide a copy of the application filed by the petitioner before the State Competent Authority for grant of MSC to the Commission .

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

Learned counsel for the petitioner is also directed to file an affidavit that the petitioner institution or Society has not filed any application for grant of MSC before the State Competent Authority.

List on 27.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**H.L. Memorial Institute, Narkata Phonk, Balrampur, Jaunpur,
Uttar Pradesh - 222129.**

Vs.

- 1. Additional Chief Secretary, Department of School Education,
Government of Uttar Pradesh.**
- 2. Additional Chief Secretary, Secondary Education Department,
Government of Uttar Pradesh Bahu Khandi, Secretariat,
Lucknow, Uttar Pradesh - 226001.**

Case No. 142 of 2021

27.04.2023.

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

Learned counsel for the petitioner submitted that respondent has supplied reply to him but it was not a proper reply bit it is just like an inspection report. So, he does not want to file any subsequent pleading.

We have also perused the reply filed by the Block Education Officer, Dobhi, Jaunpur alongwith an internal communication letter dated 05.12.2022 which was submitted by hand before the Commission's Office on dated 07.12.2022. This letter contained only the factual aspects of the petition and is not the actual reply of the petition.

Office is directed to send a letter to the respondents for filing the reply before the next date of hearing.

List on 01.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**M.A.O Junior High School, Jahanara Maidan Jama Masjid, Agra,
Uttar Pradesh.**

Vs.

- 1. Additional Chief Secretary, Department of School Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh – 226001.**
- 2. Additional Chief Secretary, Basic Education Department, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh – 226001.**

Case No. 143 of 2021

27.04.2023.

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

Learned Counsel for the petitioner has filed one document i.e. true copy of the renewed Society Registration Certificate before the Commission's Office on dated 18.04.2023, which is taken on record.

District Elementary Education Officer, Agra has filed a letter dated 31.01.2023 before the Commission's Office on dated 22.02.2023 alongwith photocopy of some papers which are taken on record.

Office is directed to furnish a copy of the above said letter to the learned counsel for the petitioner.

List on 01.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

K.C.T. Polytechnic (Aided), Gulbarga, KCT Campus, Qamar-Ul-Islam Colony, Gulbarga, Karnataka - 585104.

Vs.

Additional Chief Secretary, Education Department (Higher Education), Government of Karnataka, Sixth Floor, Multi-Storeyed Building, Bengaluru, Karnataka - 560001

Case No. 208 of 2021

27.04.2023.

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

In compliance of the Commission's earlier Order dated 08.12.2022, the Physical Inspection Committee has sent its inspection report along with the covering letter dated 16.02.2023 by post which is received in the Commission's Office on dated 21.02.2023 and is taken on record.

Learned counsel for the petitioner submitted that petitioner has already filed certified copies of all the relevant documents.

In the interest of justice, now fix the case for final arguments on 01.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

IBS Global Academy, Sanver Road, Ujjain, Madhya Pradesh.

Vs.

**The Secretary, Room No. 339, Backward Classes and Minority
Welfare Department, Government of Madhya Pradesh,
Mantralaya, Bhopal, Madhya Pradesh.**

Case No. 117 of 2022

27.04.2023

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

In compliance of the Commission's earlier Order Physical Inspection Committee has sent by post, physical inspection report along with covering letter dated 02.03.2023, which was received in the Commission's Office on dated 07.03.2023 and is taken on record.

Learned counsel for the petitioner submitted that he has filed certified copies of all the relevant documents before this Commission.

Now, fix the case for final arguments on 02.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

St. Anne's Matriculation Higher Secondary School, 23, Gandhi Nagar, Kumbakonam, Thanjavur District, Tamil Nadu - 612001.

Vs.

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

Case No. 118 of 2022

27.04.2023

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

Learned counsel for the petitioner filed an application under Order VIII Rule 9 and Section 151 C.P.C. read with Section 12 (2) of the NCMEI Act, 2004, to accept the Rejoinder Affidavit. He has also submitted a copy of the same application along with an envelope and postal stamp, before the Commission's Office on dated 02.02.2023, which are taken on record.

Office is directed to issue notice of the above application to the respondent by regd. A.D. and email.

In the interest of justice, list on 02.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Anne's Nursery and Primary School, Thiruvalluvar Nagar,
Lalgudi, Trichy District, Tamil Nadu - 621601.**

Vs.

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

Case No. 119 of 2022

27.04.2023

Present: Mr. Jose Abraham, Advocate for the petitioner.

None for the respondent.

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

Learned counsel for the petitioner submitted that Physical Inspection Committee members have already inspected their institution.

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

List on 02.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Joseph English Medium School, Mansapur, Khanapur T.Q.,
Belgaum District, Karnataka- 591302.**

Vs.

**Additional Chief Secretary, Education Department (Higher
Education), Government of Kanataka, 6th Floor, Multi- Storeyed
Building, Bengaluru, Karnataka - 560001.**

Case No. 131 of 2022

27.04.2023

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

Despite sending reminder letter by post and email to the members of Physical Inspection Committee in compliance of the Commission's earlier Order dated 07.02.2023, we have not received any response/ physical inspection report from the Physical Inspection Committee till now.

Office is again directed to send reminder by post and also by email to the members of Physical Inspection Committee, for sending proper inspection report after signed by all the Committee members before next date of hearing.

List on 02.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Ferrando School, Sengapather, P.O./P.S. Mahadevpur, Namsai
District, Arunachal Pradesh - 792105.**

Vs.

**The Secretary, Department of Education, Civil Secretariat,
Itanagar, Arunachal Pradesh - 791111.**

Case No. 23 of 2023

27.04.2023

Present: None.

Despite service of regd. notice and also email, none appeared on behalf of the respondent, even in the second round.

Respondent has sent by post some papers, all are photocopies of the original papers, which were received in the Commission's Office on dated 17.04.2023 and are taken on record.

By the said letter it transpires that Department of Education, Itanagar has called a meeting and submitted the Minutes of the Meeting that they have come to the conclusion that the Department of Education is not the issuing authority of NOC for obtaining Minority Status Certificate rather it should be applied to Social Justice Empowerment of Tribal Affairs for the same.

From the records of this Commission, Secretary, Department of Education, Civil Secretariat, Itanagar, Arunachal Pradesh is the Competent Authority for issuing NOC and as per the petitioner institution, they have applied for grant of NOC under Section 10 of the NCMEI Act, 2004 on dated 04.08.2022 to the said authority. This Commission has also issued notice to the said authority who is the Competent Authority for grant of NOC so the minutes of the meeting sent by Department of Education, Itanagar, Government of Arunachal Pradesh is base-less by saying that NOC issuing authority is Social Justice Empowerment of Tribal Affairs.

Office is directed to send again letter to the respondent for sending proper reply to the petition by regd. A.D. and email.

In the interest of justice, list on 02.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**J.M. Matriculation Girls Higher Secondary School, No. 37/3,
Ponnan Street, Purasaivakkam, Chennai, Tamil Nadu - 600007.**

Vs.

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

Case No. 26 of 2023

27.04.2023

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

Additional Chief Secretary, Government of Tamil Nadu has sent an email, a joint letter dated 16.03.2023 to the Commission along with some papers and copy of the said letter is taken on record.

This letter is pertaining to grant of MSC to the minority institutions.

Additional Chief Secretary, Government of Tamil Nadu has again written letter dated 24.02.2023, which was received by post, before the Commission's Office on dated 27.02.2023 and also taken on record.

Copy of above two letters supply to the learned counsel for the petitioner.

We have perused the said letter and respondent has stated in the letter that State Nodal Office to apply for conferment of Minority Status to Educational Institutions is Director of Minorities Welfare, Chennai-05.

So they have requested to this Commission to advice the petitioner institution to apply for minority status through Director of Minorities Welfare, Chennai-05.

Letter dated 16.03.2023 received from the Additional Chief Secretary, Government of Tamil Nadu, Office is directed to send the letter but by this file, it is not clear that Office has send the letter or not.

Office is directed to attach the letter, if letter was send.

In compliance of this Order, Office is directed to attach the copy of the letter with this file.

List on 03.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Faith Foundation Global School, Village - Nagukhedi Square,
Ujjain Road bye Pass Square, Dewas, Madhya Pradesh - 455001.**

Vs.

**Secretary, Backward Classes and Minority Welfare Department,
Government of Madhya Pradesh, Room No. 339, Mantralaya,
Bhopal, Madhya Pradesh.**

Case No. 27 of 2023

27.04.2023

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

Despite service of regd. notice and also email, none appeared on behalf of the respondent, even in the second round.

Respondent has sent a letter dated 17.02.2023 received through e-mail in the Commission's Office on dated 20.02.2023 and is taken on record.

Same letter also sent by post, which was received in the Commission's Office on dated 27.02.2023 and is also taken on record.

In the said letter respondent has stated that the petitioner has not filed their application for grant of MSC to the State Competent Authority in proper Performa. So, they have not processed the petitioner's MSC application.

The respondent letter reflects the fact that the petitioner has already applied before the State Competent Authority for grant of MSC.

Learned counsel for the petitioner submitted that the petitioner has not filed any application for grant of MSC before the State Competent Authority.

Office is directed to send a letter to the State Competent Authority to provide a copy of the application filed by the petitioner before the State Competent Authority for grant of MSC to the Commission.

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

Learned counsel for the petitioner is also directed to file an affidavit that the petitioner institution or Society has not filed any application for grant of MSC before the State Competent Authority.

List on 03.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Mount Hira Academy Nursery & Primary School, 52/8H, Net Complex, 2nd Rajaji Street, Nellikuppam, Tamil Nadu - 607105.

Vs.

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

Case No. 28 of 2023

27.04.2023

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

None for the respondent.

Despite service of regd. notice and also email, none appeared on behalf of the respondent, even in the second round.

Respondent has sent by post, a copy of an internal communication letter dated 07.02.2023, which was received in the Commission's Office on dated 21.02.2023 and is taken on record.

Despite giving regd. notice to the respondent, no reply is received from the State Competent Authority so far.

In the facts and circumstances of the case, we deem just and proper that physical inspection report alongwith the recommendations for issuance of minority status certificate to the petitioner institution, may be obtained from the committee consisting of the following members: -

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

Office is directed to issue letter to the above Committee members for submitting the report.

Learned counsel for the petitioner prayed for a copy of the letter issued to the members of Physical Inspection Committee in order to pursue the matter with the Physical Inspection Committee, for inspection of the petitioner institution.

Office is directed to provide a copy of the letter to the learned counsel for the petitioner.

Learned counsel for the petitioner is directed to provide all the relevant documents to the members of Physical Inspection Committee.

List on 03.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Jude Public School, St. Jude Nagar, A. Narayanapura,
Bangalore, Karnataka - 560016.**

Vs.

**Additional Chief Secretary, Education Department (Higher
Education), Govt. of Karnataka, Sixth Floor, Multi-Storeyed
Building, Bengaluru, Karnataka - 560001.**

Case No. 29 of 2023

27.04.2023

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

Despite service of regd. notice and also email, none appeared on behalf of the respondent, even in the second round.

Respondent has sent by post a joint reply dated 12.04.2023, which was received in the Commission's Office on dated 24.04.2023 and is taken on record.

Office is directed to provide the copy of the above letter to the learned counsel for the petitioner.

List on 03.08.2023

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**St. Mary's Convent School, Mithapur, Gulaothi P.O., Bulandshar
District, Uttar Pradesh - 203408.**

Vs.

**Additional Chief Secretary, Department of Secondary Education,
Government of Uttar Pradesh.**

Case No. 30 of 2023

27.04.2023

Present: Mr. Jose Abraham, Advocate for the petitioner.
Mr. Shiv Kumar Ojha for the respondent.

Mr. Shiv Kumar Ojha, District Inspector of Schools, Bulandshahar appeared on behalf of the respondent and filed his authorization letter, which is taken on record.

Mr. Shiv Kumar Ojha appeared on behalf of the respondent and prayed for time to file reply. In the interest of justice, time prayed for is allowed.

List on 08.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Asha Modern School, C/o. Shree Mahavir Bhagwan Education Trust, Shri Ram Vatika, BehindRangoli Garden, Delhi Road, Saharanpur, Uttar Pradesh - 247001.

Vs.

- 1. Principal Secretary, Secondary Education, Department of Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh**
- 2. Additional Chief Secretary, Department of Higher Education, Government of Uttar Pradesh.**

Case No. 31 of 2023

27.04.2023

Present: None.

Despite service of regd. notice and also email, none appeared on behalf of the petitioner, even in the second round.

We have issued show cause notice to the petitioner.

Petitioner has filed by hand, a letter dated 22.03.2023 and 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**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

27.04.2023

St. Mary's High School, Bakshi Bandh, Dumka, Jharkhand - 814101.

Vs.

Director, Secondary Education, Under School Education & Literacy , Government of Jharkhand, MDI Building, S.E & L Department, Behind Project Bhawan, Post-Dhurwa, Dist-Ranchi-834004.

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

An application has been received by hand on 18.04.2023 from St. Mary's High School, Bakshi Bandh, Dumka, Jharkhand - 814101 for grant of minority status certificate. It be registered.

It transpires from the petition that the petitioner has applied on dated 23.04.2019 for grant of No Objection Certificate to the State Competent Authority i.e. Director, Secondary Education, Under School Education & Literacy , Government of Jharkhand, MDI Building, S.E & L Department, Behind Project Bhawan, Post-Dhurwa, Dist-Ranchi-834004.

Thereafter, State Competent Authority vide its order No. 10/A.04-05 /19..2719 dated 25.10.2022 grant No Objection Certificate to the petitioner Institute.

Petitioner has filed Resolution passed by the Governing Body to obtain Minority Status Certificate from this Commission.

It also transpires from the petition that in this Un-aided School (Secondary Level) during the academic year 2022-23 total 995 students were studying and out of them 714 were belong to the Christian Minority Community.

After perusal of the record, we found that Rt. Rev. Julius Marandi, has filed this application before this Commission for grant of Minority Status Certificate as President, Dunka Catholic Diocese and his name is available in the MoA which is duly certified by the Registrar.

The petitioner Institution has applied for grant of Minority Status Certificate on the ground that the same has been established and is being administered by Society of Dunka Catholic Diocese, constituted by the members of the Christian 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 Rt. Rev. Julius Marandi.

Contd..

St. Mary's High School, Jharkhand - 814101.

Vs.

**Director, Secondary Education, Post-Dhurwa, Dist-Ranchi-
834004.**

Continued from pre-page

We have perused the Amended Memorandum of Association of the Petitioner Institute which was registered before the Inspector General of Registration on dated 08.02.2018 which is well before the filing of No Objection Certificate (NOC) application u/s 10 of NCMEI Act., 2004 dated 23.04.2019 and application for grant of Minority Status Certificate (MSC) on dated 18.04.2023. So it is clear that the amendment has been made before the application filed before the State Competent Authority u/s 10 of NCMEI Act, 2004 and also petition for grant of MSC before this Commission.

In the fact and circumstances of the case, we are of the considered opinion that when the State of Jharkhand has granted No Objection Certificate to the petitioner Institute to obtain Minority Status Certificate from this Commission, there is no need to give any notice to the respondent i.e. State Competent Authority.

Office is directed to return Envelope and postage charges to the petitioner.

Heard learned counsel for the petitioner, Reserved for order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

A.K.

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Sneha Sadan Higher Primary School, Kanakal, Basavana Bagevady
Tq, District Bijapur, Karnataka-586203**

V/s

**Additional Chief Secretary to Government, Education Department
(Higher Education), Govt. of Karnataka, Sixth Floor, Multi Storeyed
Building, Bengaluru, Karnataka-560001**

Case No. 198 of 2021

27.04.2023

Present: None

Order dictated separately and pronounced, which reads as under:

“The petitioner institution has not filed certified copies of Certificate of Registration, Memorandum of Association, Amended Memorandum of Association, updated recognition order issued by the State Authority to the petitioner institution and 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 also given false information in the petition about the students strength.

Secretary of this Commission is already directed to direct all the Competent Authority of State / UTs to comply with this obligation as mandated in NCMEI Act, 2004 and above said judgements passed by Hon'ble Supreme Court and should prescribe a minimum percentage governing admissions of minority students during any academic year based on the proportion of minority students in the State or other reasonable formula and prescribed rules and regulations for such determination and verification of its implementation.”

As discussed above, the petitioner institution has failed to fulfill the criteria for grant of MSC.

Consequently, the petition filed by the petitioner institution namely Sneha Sadan Higher Primary School, Kanakal, Basavana Bagevady Tq, District Bijapur, Karnataka-586203 is hereby dismissed. However, petitioner institution is free to move fresh application for grant of MSC as per the law, following the procedure after having minimum percentage of students in their institution.

In the interest of justice, office is directed to send copy of this judgement to State Competent Authority for compliance of this judgement.

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

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

VB