

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

**Don Bosco College of Agriculture, Don Bosco Agro-ED Complex,
Sulcorna, Quepem, South Goa, Goa.**

V/s.

Director of Education, Directorate of Education, Porvorim, Goa.

CASE NO. 658 OF 2019

Date: 19.04.2023.

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

Despite service of registered letter, none appeared on behalf of the respondent even in the second round.

We have heard learned counsel for the petitioner on application u/o VI rule 17 CPC read with section 12(2) of NCMEI Act, 2004 and also heard the final arguments.

Reserved for Orders.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Quaderia Burhani English Hr. Sec. School, Itwara Main Road, Tehsil
- Burhanpur, Khandwa District, Madhya Pradesh - 450331**

V/s.

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

Case No. 57 of 2020

19.04.2023.

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

In compliance of the Commission's earlier Order dated 21.03.2023, learned counsel for the petitioner has filed a clarification affidavit regarding the difference of signatures on NOC application and affidavit filed with the petition and also for the admission of the students before the Commission's Office on dated 31.03.2023, which is taken on record.

We have heard learned counsel for the petitioner.

During the course of arguments, learned counsel for the petitioner submitted that the petitioner institution is not denying admission to students belonging to other communities other than Muslims but as per the inspection report sent by Distt., Collector, Burhanpur, M.P. and three other Officers including Distt. Educational Officer, Deputy Director, Social Justice and Disabled Welfare Deptt. and Assistant Director, Backward Classes and Minority Welfare Department, the petitioner institution is not giving admission to the students belonging to other communities except students belonging to the Muslim Minority community.

As per the inspection report in the year 2020-21, all the total 355 students were from the Muslim Minority community. In the year 2021-22 all the total 367 students were from the Muslim Minority community and in the year 2022-23, all the total 413 students are from the Muslim Minority community.

As per the submissions of the learned counsel for the petitioner, Office is directed to send a letter to the above mentioned members of the Physical inspection Committee for their comments in this regard.

Learned counsel for the petitioner is directed to submit five copies of the clarification affidavit alongwith envelope and postage charges for sending letters to the said Committee members.

Continued.....

**Quaderia Burhani English Hr. Sec. School Vs Secretary, Backward
Classes and Minority Welfare Department, Govt. of MP.**

Case No. 57 of 2020

19.04.2023.

Continued from pre page

After compliance of the above said Order by the learned counsel for the petitioner, Office is directed to send letter to the above mentioned members of the Physical inspection Committee for their comments.

In the interest of justice, list on 04.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

Don Bosco Matriculation Higher Secondary School, Don Bosco Nagar, Vaniyambadi Road, Pachal Village, Tirupattur Taluk, Vellore District, Tamil Nadu - 635601.

Vs.

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

CASE NO. 439 of 2020

19.04.2023.

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

Learned counsel for the petitioner again prayed for time to comply with the Commission's earlier Order dated 04.08.2022. In the interest of justice, time prayed for is allowed.

List on 06.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

Don Bosco School of Excellence, Semmozhi Nagar, Vaniyambadi Road, Pachal Village, Tirupattur Taluk, Vellore District, Tamil Nadu - 635601.

Vs.

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

CASE NO. 440 of 2020

19.04.2023.

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

Despite reminder letter by post and e-mail to the members of the Physical Inspection Committee, we have not received any response/Physical inspection report from the members of the said Committee.

In compliance of the Commission's earlier Order dated 06.12.2022, District Collector, Tirupattur Distt., Tamil Nadu has sent a letter by e-mail wherein it is mentioned that District level Committee has inspected the petitioner institution and have submitted the inspection report for perusal but the inspection report is not attached with the e-mail. The said letter is received by e-mail on dated 20.02.2023 and is taken on record.

Office is directed to issue reminder letter by post and e-mail to the members of the Physical Inspection Committee for sending the original inspection report immediately.

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

In the interest of justice, list on 04.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

Delhi Global Institute of Management, Jasana, Faridabad, Haryana.

Vs.

**Additional Chief Secretary Govt. of Haryana Higher Education
Department for General Colleges & Technical Education
Department for Technical Institutions Room no. 403, 4th Floor
Haryana New Secretariat, Sector-17, Chandigarh.**

Misc Case No. 01 of 2020

19.04.2023.

Present: Mr. Junais P., Advocate for the petitioner.
Mr. Virender Prasad Juyal, ADA, for the respondent.

Mr. Virender Prasad Juyal, ADA, Deptt. Of Higher Education,
Haryana, Panchkula appeared on behalf of the respondent.

In compliance of the Commission's earlier Order dated
13.12.2022, the respondent has filed attested copy of revised guidelines
regarding opening of minority institutions in the State of Haryana
alongwith covering letter dated 22.02.2023 before the Commission's
Office on dated 23.02.2023 which is taken on record.

This is one of the oldest case of the Commission.

So, last and final opportunity is granted to both the parties to
come with preparation for final arguments on next date of hearing.

In the interest of justice, list on 19.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Azad Public School, Azad Nagar, Hungund Taluk, Hungundu,
Bagalkot District, Karnataka - 587118.**

Vs.

**Additional Chief Secretary, Education Dept., (Higher Education),
Govt. of Karnataka, 6th Flr., Multi-Storeye Building, Bengaluru -
560001.**

Case No. 121 of 2021

19.04.2023.

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

In compliance of the Commission's earlier Order dated 17.11.2022, the Physical Inspection Committee has sent its inspection report along with the covering letter dated 06.02.2023 by post which is received in the Commission's Office on dated 22.02.2023 and is taken on record.

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

Now, fix the case for final arguments on 20.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**St. Mary's Matriculation Higher Secondary School, Raja Ganapthy
Nagar, Mettur Dam, Salem District, Tamil Nadu - 636401.**

Vs.

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

Case No. 129 of 2021

19.04.2023.

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

Despite service of reminder letter by post and e-mail to the District Collector, Salem, Tamil Nadu, we have not received any response/Physical inspection report from the members of the said Committee.

On dated 10.08.2022, this Commission has constituted a Physical Inspection Committee but the members of the said Committee have not sent the joint inspection report to the Commission till now.

We have received three inspection reports from District Educational Officer and District Social Welfare Officer but the said reports are not signed by the District Collector.

Office is directed to send a letter to all the members of the inspection Committee to send the joint inspection report duly signed by all of them before the next date of hearing.

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

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

In the interest of justice, list on 06.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**St. Thomas School of Nursing, Jyothi Hospital Campus, Kuruda
P.O., Balasore Dt., Orissa– 756 056.**

Vs.

**Director, Secondary Education 6th Floor, HOD Building, Unit-V,
Bhubaneswar, Khordha, Odisha.**

Case No. 11 of 2022

19.04.2023

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

In compliance of the Commission's earlier Order dated 10.01.2023, Office has issued regd. letter to the respondent.

Respondent has again send same letter that the matter relates to the Health Department , Government of Odisha and exempt to the Director, Secondary Education from the proposed appearance of the hearing.

Despite giving specific regd. letter to the respondent that as per our Competent Authority List Director, Secondary Education is the state Competent Authority for grant of NOC so this Commission has issued notice of the case to the Competent Authority of the State.

As per the Section 2 C (a) "Competent authority" *means the authority appointed by the appropriate Government to grant no objection certificate for the establishment of any educational institution of their choice by the minorities.*

So the contention is not acceptable because the said authority is the Competent Authority for issuing NOC in the State of Odisha.

In the interest of justice, we have proceeded as ex-parte against the respondent.

This Commission has also send the letter to the Chief Secretary, Government of Odisha along with copy of the Commission's earlier Order dated 10.01.2023 for perusal and compliance but he has also fail to take any action in this regard.

Office has also issue letter by post to the members of to the members of Physical Inspection Committee, for sending the inspection report.

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

Office is 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.

Contd...2/-

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

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

List on 12.07.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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

**Montfort School, Hathiagonda, Kanke Road, Ranchi, Jharkhand.
Vs**

**Director Primary & Secondary Education Under School education &
literacy department 3rd floor, MDI Building, S.E & L. Department
Behind project bhawan, Post-Dhurwa, Dist-Ranchi-834004.**

Case No. 22 of 2022

19.04.2023

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

Learned counsel for the petitioner submitted that Inspection General of Registration, Bihar, Patna has issued amended address, certificate dated 17.12.2019, Amended MOA along with Rules and Regulations dated 04.01.2020 , which is prior to file NOC dated 23.09.2020.

It transpires from the record that Learned counsel for the petitioner with drawn the earlier file no. 345 of 2020 on dated 18.11.2021 because MSC petition was filed by Mr. Frederick Soreng, Secretary of the petitioner Society but NOC application dated 08.01.2019 under Section 10 of the NCMEI Act, 2004 was filed by the Principal of the petitioner institution.

Today we have called the said previous case file no. 345 of 2020.

As per the learned counsel for the petitioner, petitioner has applied for grant of NOC before the State Competent Authority on dated 23.09.2020, during the pendency of the previous case no. 345 of 2020.

In our considered view, when the petition for grant of MSC was already pending before the Commission, petitioner again avails remedy to file again application for grant of NOC before the State Competent Authority.

Learned counsel for the petitioner prayed for time to take instructions from his client.

Office is directed to tag the file no. 345 of 2020 with this case.

In the interest of justice, list on 12.07.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Baldwin PU College, No. 14, Hosur Road, Richmond Town,
Bangalore, Karnataka - 560025.**

Vs.

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

Case No. 48 of 2022

19.04.2023

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

In compliance of the Commission earlier Order, Office has issued letter to the District Education Officer, NES Office Road, Near NES Bus Stop, Suggappa Layout, East Colony, Yelahanka, Bengaluru- 560064, but this letter was received un-served and returned back to this Commission on dated 06.02.2023, which is taken on record.

Office is directed in future, send the letter with proper file, in which Commission has given Order and not open other separate administration file. All original letters should be attached in the Court file.

District Education Officer, Yelahanka sent a letter in kannada language is taken on record.

Despite again and again giving direction to please send all communications in English or Hindi because nobody can read kannada language.

This Commission's language is English/ Hindi.

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

Office is directed to send letter to the Respondent as well as Chief Secretary, State of Karnataka that in future all correspondence should be in English or Hindi language.

Office is 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 13.07.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Baldwin Methodist College, No. 14, Hosur Road, Richmond Town,
Bangalore, Karnataka - 560025.**

Vs.

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

Case No. 49 of 2022

19.04.2023

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.

District Education Officer, Karnataka has again sent a letter, which is in kannada language along with Commission's letter issued to The District Education Officer, Karnataka and we have enable to read this letter and is taken on record.

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

Office is 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 13.07.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Baldwin International School, No. 14, Hosur Road, Richmond Town,
Bangalore, Karnataka - 560025.**

Vs.

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

Case No. 50 of 2022

19.04.2023

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 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 13.07.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

M.W.M. Junior High School, Village - Dehra, District - Moradabad, Uttar Pradesh - 246745.

Vs.

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

Case No. 139 of 2022

19.04.2023

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

Learned counsel for the petitioner filed by hand five documents, before the Commission's Office on dated 12.04.2023, which are taken on record.

In compliance of the Commission's earlier Order Physical Inspection Committee has sent by post, physical inspection report along with covering letter dated 24.01.2023, which was received in the Commission's Office on dated 31.01.2023 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 25.07.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**National Educational Institute Intermediate College, Village - Rayapur
Majre Saraiyapure Visen Post: Aliganj Bazar, PS - Kudwar, District -
Sultanpur, Uttar Pradesh.**

Vs.

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

Case No. 140 of 2022

19.04.2023

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

Despite sending 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.

Office is 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.

Learned counsel for the petitioner prayed for a copy of the reminder 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 reminder letter to the learned counsel for the petitioner.

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

List on 18.07.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Anurag Agriculture, Education & Research Institute, 125, Yamini
nagar, Vijapur Road, Solapur.**

Vs.

**Joint Secretary, Minorities Development Department, Room No. 715,
Mantralaya (Annexe), Mumbai-32**

Un-registered Case

19.04.2023

Present: None.

In compliance of the Commission's earlier Order dated 22.03.2023, Mr. Jay Prakash, Under Secretary, NCMEI has filed his explanation that the documents were received in the Commission's Office on dated 06.02.2023, one day prior to the receipt of the MSC petition for grant of MSC so they have filed six documents in the file after the Order of Court of the Commission.

Explanation dated 27.03.2023 is taken on record.

In compliance of the Commission's earlier Order of this Commission, Office has attached un-dated report.

Office is directed in future mention the date on which they have report.

Office is again directed to file proper Office report mentioning therein the proper date.

In the interest of justice, list on 31.05.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

19.04.2023

**Madresah Taiyebiyah English Primary School, Begumpura, Surat,
Gujarat - 395003.**

- Appellant

Vs.

**Director, Primary Education, Dr. Jivraj Mehta Bhavan, 2nd Floor,
12/1, Gandhinagar, Gujarat - 382010**

- Respondent

Appeal u/s 12-B of NCMEI Act – 2004

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

An appeal under section 12-B of NCMEI Act 2004 has been received by hand on 05.04.2023 in the Commission filed by Mr. Murtuza Mohammed Basrai, Joint Treasurer, Madresah Taiyebiyah Society through his advocate Mr. Junais P., against the impugned Order No. PRASHINI/KHA-2/LA.SHA./FA.NO.88/2019/5964-65 dated 18.06.2019.

On perusal of the application filed by appellant, it is found that the appellant has not filed the certified copy of the impugned Order No. PRASHINI/KHA-2/LA.SHA./FA.NO.88/2019/5964-65 dated 18.06.2019.

Learned counsel for the appellant prayed for time to take instructions from his client and to file certain relevant documents.

At the request of the learned counsel for the appellant and in the interest of justice, list the matter on 26.07.2023

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

A.K.

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

19.04.2023

Providence School, Jyoti Niketan, Sahibganj P.O. & District, Jharkhand - 816109.

Vs.

- 1. District Education Officer, Sahibganj P.O & District, Jharkhand - 816109.**
- 2. Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh**

Present: None.

An application has been received by post on 11.04.2023, from Providence School, Jyoti Niketan, Sahibganj P.O. & District, Jharkhand - 816109, for grant of minority status certificate. It be registered.

Perused the office report and it transpires from record that the petitioner has not applied for grant of No Objection Certificate before the State Competent Authority.

The Hon'ble Supreme Court in Civil Appeal No. 3945 of 2018 in case of Sisters of St. Joseph of Cluny vs. The State of West Bengal and Ors. vide order dated 18.04.2018, has held that any person who desires to establish a minority educational institution after the amendment Act of 2006 came into force, must apply only to the competent authority for grant of No Objection Certificate for the said purpose.

All applications for the establishment of a minority educational institution after the amendment Act of 2006 must go to the competent authority set up under the statute.

It also transpires from the records, that petitioner has applied before the State Competent Authority for grant of Minority Status Certificate also and that application is still pending.

So as per the law and settle procedure, petitioner cannot apply before this Commission until unless the disposal of that application which is still pending before the State Competent Authority. So this application is not maintainable at this stage.

In this case Office has also reported that petitioner has not filed Affidavit, General Body Resolution to obtain Minority Status Certificate from this Commission, Envelope with postage for sending notice to the Respondent and Beneficiary clause is also not available in the MoA.

Office is directed to issue show cause notice by post and e-mail to the petitioner as to why this petition may not be dismissed at this stage.

In the interest of justice, list on 26.07.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

A.K.

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

19.04.2023

**Santa Maria English Medium School, Santhome, Mundamveli P.O.,
Kochi, Ernakulam District, Kerala - 682507.**

Vs.

**Director, Directorate of Minority Welfare, Government of Kerala, 4th
Floor, Vikas Bhavan, Thiruvananthapuram, Kerala - 695033.**

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

An application has been received by hand on 12.04.2023 from Santa Maria English Medium School, Santhome, Mundamveli P.O., Kochi, Ernakulam District, Kerala – 682507 for grant of minority status certificate. It be registered.

It transpires from the petition that the petitioner has applied on dated 03.08.2022 for grant of No Objection Certificate to the State Competent Authority i.e. Director, Directorate of Minority Welfare, Government of Kerala, 4th Floor, Vikas Bhavan, Thiruvananthapuram, Kerala – 695033.

Thereafter, State Competent Authority vide its order No. 4896/MSC/2022/DMW dated 29.03.2023 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 (Higher Secondary Level) during the academic year 2022-23 total 1163 students were studying and out of them 910 were belong to the Christian Minority Community.

After perusal of the record, we found that Sr. Kunjamma, has filed this application before this Commission for grant of Minority Status Certificate as Managing Trustee, Society of Sisters Servants of Our Lady of Sorrows and her name is available in the Trust Deed 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 Sisters Servants of Our Lady of Sorrows, 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 Sr. Kunjamma.

Contd..

Santa Maria English Medium School, Kerala - 682507.

Vs.

Director, Kerala – 695033

Continued from pre-page

We have perused the Amended Trust Deed of the Petitioner Institute which was registered before the Sub – Registrar on dated 12.12.2018 which is well before the filing of No Objection Certificate (NOC) application u/s 10 of NCMEI Act., 2004 dated 05.08.2022 and application for grant of Minority Status Certificate (MSC) on dated 12.04.2023. 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 Kerala 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**

**DR. SHAHID AKHTER
MEMBER**

A.K.

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

**Indore Public School, NH-59, Kishanpuri, Gram Gadwada, Jhabua,
Madhya Pradesh-457661**

V/s

**Secretary, Backward Classes and Minority Welfare Department, Govt. of
MP, Room No. 339, Mantralaya, Bhopal, MP**

Case No. 01 of 2023

19.04.2023

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

Order dictated separately and pronounced, which reads as under:

“Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Indore Public School, NH-59, Kishanpuri, Gram Gadwada, Jhabua, Madhya Pradesh-457661 run by Indo Education and Services 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 Jain minority community.

Consequently, Indore Public School, NH-59, Kishanpuri, Gram Gadwada, Jhabua, Madhya Pradesh-457661, which is for Secondary / Senior Secondary Level, 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 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 Jain minority community subject to the eligibility of the students and availability of the accommodation in the 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.”

After compliance of the above order, a minority status certificate be issued accordingly.

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**

**DR. SHAHID AKHTER
MEMBER**

VB

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

**Oxford English School, Mutlur Bypass, Thillainayagapuram, Near
Vandigate, Chidambaram Taluk, District Cuddalore, Tamil Nadu-608001**

V/s

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

Case No. 50 of 2020

19.04.2023

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

Order dictated separately and pronounced, which reads as under:

“Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Oxford English School, Mutlur Bypass, Thillainayagapuram, Near Vandigate, Chidambaram Taluk, District Cuddalore, Tamil Nadu-608001 run by Asian Educational Trust 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 Muslim minority community.

Consequently, Oxford English School, Mutlur Bypass, Thillainayagapuram, Near Vandigate, Chidambaram Taluk, District Cuddalore, Tamil Nadu-608001, which is for Secondary Level, 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 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 Muslim minority community subject to the eligibility of the students and availability of the accommodation in the 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.”

After compliance of the above order, a minority status certificate be issued accordingly.

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**

**DR. SHAHID AKHTER
MEMBER**

VB

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

**National Public School, Whitefield, ¼, KG&S and SRB Gurukul, Kumbena
Agrahara, Kadugodi Post, Whitefield, Bangalore, Karnataka-560067**

V/s

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

Case No. 104 of 2020

19.04.2023

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

Order dictated separately and pronounced, which reads as under:

“Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that National Public School, Whitefield, ¼, KG&S and SRB Gurukul, Kumbena Agrahara, Kadugodi Post, Whitefield, Bangalore, Karnataka-560067 run by KG and S Quality Educational Trust 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 Jain minority community.

Consequently, National Public School, Whitefield, ¼, KG&S and SRB Gurukul, Kumbena Agrahara, Kadugodi Post, Whitefield, Bangalore, Karnataka-560067, which is for Senior Secondary School Examination Class 1 to 12, 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 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 Jain minority community subject to the eligibility of the students and availability of the accommodation in the 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.”

After compliance of the above order, a minority status certificate be issued accordingly.

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**

**DR. SHAHID AKHTER
MEMBER**

VB

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

Jamiatul Iqra Arabic Institute, Gandhi Nagar, Zaidpur Dehat, Nawabganj, District Barabanki, Uttar Pradesh-225414

V/s

- 1. Additional Chief Secretary, Department of School Education, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh**
- 2. Additional Chief Secretary, Department of Higher Education, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh**
- 3. Principal Secretary, Department of School Education, Govt. of Uttar Pradesh**
- 4. Additional Chief Secretary, Minority Welfare and Waqf Department, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh**

..... Respondents

Case No. 749 of 2019

19.04.2023

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

Order dictated separately and pronounced, which reads as under:

“Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Jamiatul Iqra Arabic Institute, Gandhi Nagar, Zaidpur Dehat, Nawabganj, District Barabanki, Uttar Pradesh-225414 run by Iqra Educational 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 Muslim minority community.

Consequently, Jamiatul Iqra Arabic Institute, Gandhi Nagar, Zaidpur Dehat, Nawabganj, District Barabanki, Uttar Pradesh-225414, which is for Tahtania (Class 1st to 5th), Fokania (Class 6th to 8th) and Aaliya(Munshi and Molvi Class 9th to 10th), 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 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 Muslim minority community subject to the eligibility of the students and availability of the accommodation in the 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.”

After compliance of the above order, a minority status certificate be issued accordingly.

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**

**DR. SHAHID AKHTER
MEMBER**

VB