

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

**Global Public School, No. 26/7-1, 17th Cross, 1st Main Road,
Bapuji Nagar, Mysore Road, Bangalore, Karnataka - 560026**

V/s.

- 1. Principal Secretary, Education deptt. Government of Karnataka, Sixth Floor, Multi-storied Building , Bengaluru-560001.**
- 2. The Additional Chief Secretary to Government, Education Department, (Higher Education), Government of Karnataka, Sixth Floor, Multi-Storeyed Building, Bengaluru – 560001**

Case No. 742 of 2019

25.05.2023.

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

Despite service of notices by registered post and e-mail also, none appeared on behalf of both the respondents, even in the second round.

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**

**Global Public School, No. 74, 1st Main Road, Nayandabahalli,
Near Chandra Layout, Bangalore, Karnataka**

V/s.

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

Case No. 751 of 2019

25.05.2023.

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

Despite service of notices by registered post and e-mail also, none appeared on behalf of both the respondents, even in the second round.

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**

**MAM Al Qalam Nursery and Primary School, Masjid Campus,
Naidupuram, Kodaikannal, Tamil Nadu - 624101.**

Vs.

**Principal Secretary, School Education Department, Government
of Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu
– 9.**

Case No. 60 of 2020

25.05.2023.

Present: Mr. Prasanth.K, Advocate for the petitioner.
None for the respondent.

Mr. Prasanth. K appeared on behalf of the arguing counsel
Mr. Junais P.

Learned Counsel for the petitioner 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**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Little Flower School, Jungle Ekla No. 2, Gulariha, P.O.,
Gorakhpur District, Uttar Pradesh - 273013.**

Vs.

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

Case No. 119 of 2020

25.05.2023.

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

1. 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 till now.

2. Office is directed to issue reminder letter by post and e-mail to the members of the Physical Inspection Committee for sending the report and also a copy of reminder to the Chief Secretary of the State of Uttar Pradesh with the request to send the clarification by the said authorities positively before the next date of hearing.

In the interest of justice, list on 08.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Good Samaritan School, Village - Bhelwabhata, Post -
Bademurma, Block - Tokapal, Bastar District, Chhattisgarh -
494001.**

Vs.

**Commissioner, ST&SC Development Department, Indrawati
Bhawan, Nava Raipur Atal Nagar, Chhattisgarh – 492101.**

Case No. 232 of 2022

25.05.2023.

Present: Mr. Prasanth.K, Advocate for the petitioner.
None for the respondent.

1. Mr. Prasanth. K appeared on behalf of the arguing counsel Mr. Junais P.
2. Despite 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 till now.
3. Office is directed to issue reminder letter by post and e-mail to the members of the Physical Inspection Committee for sending the report positively before the next date of hearing and also to provide a copy of the reminder letter to the learned counsel for the petitioner.
4. 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.

List on 23.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Good Samaritan School, Village - Chhindawada, Mendabhata,
Block - Darbha, District - Bastar, Chhattisgarh - 494115.**

Vs.

**Commissioner, ST&SC Development Department, Indrawati
Bhawan, Nava Raipur Atal Nagar, Chhattisgarh – 492101.**

Case No. 233 of 2022

25.05.2023.

Present: Mr. Prasanth.K, Advocate for the petitioner.
None for the respondent.

1. Mr. Prasanth. K appeared on behalf of the arguing counsel Mr. Junais P.
2. Despite 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 till now.
3. Office is directed to issue reminder letter by post and e-mail to the members of the Physical Inspection Committee for sending the report positively before the next date of hearing and also to provide a copy of the reminder letter to the learned counsel for the petitioner.
4. 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.
5. Learned Counsel for the petitioner has filed true notarized copy of the recognition order of the petitioner institution before the Commission's Office on dated 04.05.2023, which is taken on record.
6. We have perused the above said recognition order which is upto year 2022-23 and has been expired.

List on 23.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Good Samaritan School, Bhejripadar, Village - Rautpara,
Bhejripadar (Errakot), Block - Tokapal, Bastar District,
Chhattisgarh - 494442.**

Vs.

**Commissioner, ST&SC Development Department, Indrawati
Bhawan, Nava Raipur Atal Nagar, Chhattisgarh – 492101.**

Case No. 234 of 2022

25.05.2023.

Present: Mr. Prasanth.K, Advocate for the petitioner.
None for the respondent.

1. Mr. Prasanth. K appeared on behalf of the arguing counsel Mr. Junais P.
2. Despite 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 till now.
3. Office is directed to issue reminder letter by post and e-mail to the members of the Physical Inspection Committee for sending the report positively before the next date of hearing and also to provide a copy of the reminder letter to the learned counsel for the petitioner.
4. 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.

List on 23.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**St. Mark's High School, No. 28, Mohanapuri, 2nd Street,
Brindavan Nagar, Wes Velachery, Chennai, Tamil Nadu - 600088.**

Vs.

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

Case No. 87 of 2023

25.05.2023

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

None for the respondent.

1. Despite service of notice by registered post and e-mail also, none appeared on behalf of the respondent even in the second round.

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

3. 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)

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

5. 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.

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

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

List on 29.08.2023

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**R.C.M. Primary School, St. Thomas Mount, Chennai, Tamil Nadu
- 600016.**

Vs.

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

Case No. 88 of 2023

25.05.2023

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

1. Despite service of notice by registered post and e-mail also, none appeared on behalf of the respondent even in the second round.
2. Respondent has sent by post, a copy of the internal communication dated 28.03.2023, which was received in the Commission's Office on dated 19.04.2023 and is taken on record.
3. Respondent has sent by post, Counter Affidavit along with covering letter dated 26.04.2023 before the Commission's Office on dated 10.05.2023, which is taken on record.
4. Office is directed to supply copy of the Counter Affidavit to the learned counsel for the petitioner.

List on 29.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Mark's Primary School, No. 28, Mohanapuri, 2nd Street,
Brindavan Nagar, West Velachery, Chennai, Tamil Nadu -
600088.**

Vs.

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

Case No. 89 of 2023

25.05.2023

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

None for the respondent.

1. Despite service of notice by registered post and e-mail also, none appeared on behalf of the respondent even in the second round.
2. Respondent has sent by post, a copy of the internal communication dated 28.03.2023, which was received in the Commission's Office on dated 19.04.2023 and is taken on record.
3. Respondent has sent by post, Counter Affidavit along with covering letter dated 26.04.2023 before the Commission's Office on dated 10.05.2023, which is taken on record.
4. Office is directed to supply copy of the Counter Affidavit to the learned counsel for the petitioner.

List on 29.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Holy Saviour English Medium School, Agrar - Batwal, Dakshina
Kannada District, Karnataka - 574211.**

Vs.

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

Case No. 90 of 2023

25.05.2023

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

1. Despite service of notice by registered post and e-mail also, none appeared on behalf of the respondent even in the second round.
2. Commissioner, Directorate of Urdu and other Linguistic Minority Schools, Office of Commissioner for School Education, Nrupathunga Road, Bangalore, Karnataka has sent by post a joint reply dated 12.04.2023 in 04 cases including the present case, which was received in the Commission's Office on dated 24.04.2023, photocopy of the above letter is taken on record.
3. By the said letter Commissioner, Directorate of Urdu and other Linguistic Minority Schools, Office of Commissioner for School Education has submitted that all the petitioners have directly filed the petition for grant of MSC to the Commission. They have also submitted that all the cases are filed against the Additional Chief Secretary, Education Department (Higher Education). Instead of this, it should have been the Commissioner of school Education, Bengaluru who functions under the Principal Secretary, Department of School Education and Literacy, which is the administrative department dealing with the declaration of an educational institution as a Minority one for classes 1st to 12th.
4. In view of the aforesaid information, they are requested to dismiss the petition and also requested to provide an opportunity to observe the proceedings of the cases through video conference and link may kindly be sent to this office e-mail id: dminority2010@gmail.com.
5. As per our record for grant of NOC, Additional Chief Secretary, Education Department (Higher Education), Govt. of Karnataka, Bengaluru, Karnataka is declared State Competent Authority by the State of Karnataka. So this Commission had issued notice to the right Competent Authority and as per the request of Commissioner, Directorate of Urdu and other Linguistic Minority Schools, Office of Commissioner for School Education, Nrupathunga Road, Bangalore, Karnataka to hear the proceeding through video conferencing, we also find it is appropriate suggestion.

Contd...2/-

6. Secretary, NCMEI is directed that a Television and other related equipments should affix in the court room during the course of hearing to start the proceeding through video conferencing as per the suggestion of Commissioner, Directorate of Urdu and other Linguistic Minority Schools, Office of Commissioner for School Education, Nrupathunga Road, Bangalore, Karnataka.

7. Office is directed to send a letter to the said authority that filing applications for grant of NOC under Section 10 of NCMEI, Act, 2004 is separate matter and application for grant of MSC to the State Competent Authority is another matter.

8. Petitioner is free to approach one method out of above two. In the present case petitioner has filed an application for grant of NOC to the State Competent Authority and as per Section 10 of NCMEI Act, 2004, Competent Authority should have disposed of the application within prescribed period of 90 days otherwise as per the prescribed provisions deemed to be granted NOC.

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

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

10. Office is directed to issue letter to the above authorities by post and email and also to provide a copy of the letter to the learned counsel for the petitioner.

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

In the interest of justice, list on 30.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

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

25.05.2023

Taha School, 446/5, Musahib Ganj, Lucknow, Uttar Pradesh - 226003.

Vs.

Additional Chief Secretary, Department of Basic Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh.

Present: Mr. Prasanth K., Advocate for the petitioner.

1. Mr. Prasanth K., Advocate, appeared on behalf of the arguing counsel Mr. Junais P.
2. An application has been received by hand on 15.05.2023 from Taha School, 446/5, Musahib Ganj, Lucknow, Uttar Pradesh - 226003 for grant of minority status certificate. It be registered.
3. It transpires from the petition that on 13.12.2022, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. Additional Chief Secretary, Department of Basic Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh, which was received by the respondent on 16.12.2022. The said petition is still pending. The petitioner has waited sufficiently for period of 90 days, before filing this petition.
4. The petitioner has already filed the proof of delivery of the registered AD to the respondent.
5. Petitioner has filed Resolution Passed by the Governing Body to obtain Minority Status Certificate from this Commission and envelope with postage for sending notice to the State Competent Authority.
6. It also transpires from the petition that in this Un-aided Institute (Middle level) during the academic year 2020-21 total 120 students were studying and out of them 118 Students were from the Muslim Minority Community, during the academic year 2021-22 total 169 students were studying and out of them 165 Students were from the Muslim Minority Community, during the academic year 2022-23 total 369 students were studying and out of them 365 Students were from the Muslim Minority Community.
7. In this petition Registration of Memorandum of Association is prior to the filing application u/s 10 of NCMEI Act. 2004 before the State Competent Authority and also petition before this Commission for grant of Minority Status Certificate.
8. In this case office has reported that petitioner has not filed Recognition / Permission letter with this petition.
9. Learned counsel for the petitioner prayed for time to file permission letter issued by the State Competent Authority.
10. On perusal of the petition it is found that level of this school is upto Middle. So in the interest of justice, Office is directed to issue notice by registered AD and e-mail to the respondent.

In the interest of justice, list on 05.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

A.K.

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

25.05.2023

Israr Ali UVM Kabirpur, Post - Saurikh, District - Kannauj, Uttar Pradesh - 209728.

Vs.

Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh.

Present: None.

1. An application has been received by post on 16.05.2023 from Israr Ali UVM Kabirpur, Post - Saurikh, District - Kannauj, Uttar Pradesh - 209728 for grant of minority status certificate. It be registered.
2. It transpires from the petition that on 18.02.2020, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh, which was received by hand by an unknown person on 19.02.2020 and affixed the seal of Joint Secretary, Deptt. of Secondary Education, Uttar Pradesh. The said petition is still pending. The petitioner has waited sufficiently for period of 90 days, before filing this petition.
3. Petitioner has not filed Resolution Passed by the Governing Body to obtain Minority Status Certificate from this Commission and envelope with postage for sending notice to the State Competent Authority.
4. It also transpires from the petition that in this Un-aided Institute (Higher Secondary level) total 298 students were studying and out of them 203 Students were from the Muslim Minority Community.
5. On perusal of the petition, it is found that copy of Amended MoA filed by the petitioner is not certified by the Registrar of the Society and beneficiary clause is also not proper.
6. In this case office has reported that name of the society is different in MSC application form and Society Registration Certificate.
7. 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 05.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

A.K.

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

25.05.2023

Nimra Institute of Dental Sciences (NIDS), Nimra Nagar, Jupudi, Ibrahimptnam, Vijayawada, NTR District, Andhra Pradesh - 521456.

Vs.

- 1. Principal Secretary, Minorities Welfare (SDM) Department, Secretariat Office, Andhra Pradesh Secretariat, Amaravathi - 522503, A.P.**
- 2. Commissioner, Minorities Welfare Department, Tadepalli, Guntur, Dt.**
- 3. Secretary to Government, Govt. of Andhra Pradesh, Minorities Welfare Department, 3rd Floor, A.P. Secretariat, Velagapudi, Amravati**

Present: None.

- 1 An application has been received by post on 16.05.2023 from Nimra Institute of Dental Sciences (NIDS), Nimra Nagar, Jupudi, Ibrahimptnam, Vijayawada, NTR District, Andhra Pradesh for grant of minority status certificate. It be registered.
- 2 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.
- 3 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.
- 4 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.
- 5 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.
- 6 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.
- 7 Petitioner has not filed Original Resolution Passed by the Governing Body to obtain Minority Status Certificate from this Commission and filed envelope for sending notice to the respondent but not of A-4 size.
8. It also transpires from the petition that against the column no. 6(a) petitioner has mentioned that this is a New Institution, so presently there are no students studying in this Institute.
9. Office is directed to issue show cause notice by registered Ad 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 05.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

A.K.