

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

**S.A.H. International School, Chak Badhiya, Buily Khas, District -  
Mirzapur, Uttar Pradesh.**

**Vs.**

**Additional Chief Secretary, Department of School Education, Govt. of  
Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, U.P.**

**Case No. 485 of 2019**

**23.05.2023.**

Present: Mr. Akash Garg, Advocate for the petitioner.  
None for the respondent.

Mr. Akash Garg, Advocate appeared on behalf of the arguing  
counsel Mr. Shubham Singh.

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 members till now.

Learned Counsel for the petitioner prayed for time to file updated  
recognition/ affiliation order issued by State Board or CBSE and proper  
Memorandum of Association in which date is mentioned by the Registrar of  
Societies.

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

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.

In the interest of justice, list on 02.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

RS

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

**S.A.H. Educational Centre, Village - Ratanpur, Post - Katesar, District  
- Chandauli, Uttar Pradesh.**

**Vs.**

**Additional Chief Secretary, Department of School Education, Govt. of  
Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, U.P.**

**Case No. 486 of 2019**

**23.05.2023.**

Present: Mr. Akash Garg, Advocate for the petitioner.

None for the respondent.

Mr. Akash Garg, Advocate appeared on behalf of the arguing counsel Mr. Shubham Singh.

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 members till now.

Learned Counsel for the petitioner prayed for time to file updated recognition/ affiliation order issued by State Board or CBSE and proper Memorandum of Association in which date is mentioned by the Registrar of Societies.

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

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.

In the interest of justice, list on 02.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

RS

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

**Al-Haneef Educational Centre, Chak Badhiya, Bhuiy Khas, Adalhat,  
Mirzapur, Uttar Pradesh.**

**Vs.**

**Additional Chief Secretary, Department of School Education, Govt. of  
Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, U.P.**

**Case No. 487 of 2019**

**23.05.2023.**

Present: Mr. Akash Garg, Advocate for the petitioner.  
None for the respondent.

Mr. Akash Garg, Advocate appeared on behalf of the arguing counsel Mr. Shubham Singh.

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 members till now.

Learned Counsel for the petitioner prayed for time to file updated recognition/ affiliation order issued by State Board or CBSE and proper Memorandum of Association in which date is mentioned by the Registrar of Societies.

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

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.

In the interest of justice, list on 02.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

RS

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

**St. Mary's Girls U.P School, Via - Naugada, Badapada P.O., Gajapati  
District, Odisha - 761214.**

**Vs.**

**Director, Secondary Education, 6th Floor, HOD Building, Unit - V,  
Bhubaneswar, Khordha, Odisha - 751001.**

**CASE NO. 444 of 2020**

**23.05.2023.**

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

In compliance of the Commission's earlier Order dated 23.03.2023, Office has sent a letter to Sub- Registrar, Office of the Inspector General of Registration (I.G.R), Odisha. Despite service of the said letter by registered post, we have not received any reply/response till now.

Learned Counsel for the petitioner is directed to submit envelope and postage charges for sending letter again to the above said authority for sending clarification about the date of registration of Memorandum of Association of The Daughters of Charity of St. Vincent de Paul Society.

After compliance of the above order by the learned Counsel for the petitioner, Office is directed to send letter to Sub- Registrar, Office of the Inspector General of Registration (I.G.R), Odisha by registered Ad and e-mail.

In the interest of justice, list on 09.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

RS

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

**Sacred Heart Nursery & Primary School, East Pandy Road,  
Villupuram, Tamil Nadu - 605602.**

**Vs.**

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

**Case No. 416 of 2020**

**23.05.2023.**

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

Learned counsel for the petitioner has filed notarized copy of amended Memorandum of Association before the Commission's Office on dated 16.05.2023, which is taken on record.

Learned counsel for the petitioner has given the original Memorandum of Association of Sacred Heart Convent Educational Society to us in open Court wherein on the backside of third page seal of District registrar and signature are mentioned with date 07.07.17. Earlier petitioner has not filed photocopy of backside of third page and so, the controversy about the date of registration of original Memorandum of Association had arisen.

After perusal of the original Memorandum of Association of the petitioner Society, the said document is returned to the learned counsel for the petitioner.

Learned counsel for the petitioner has also filed certified copy of the recognition Order which is in Tamil language along with its true English translation, before the Commission's Office on dated 16.05.2023, which is also taken on record.

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

Heard, learned counsel for the petitioner.

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**

**Golden Independent Pre-University College, Bagur Sonnenahalli,  
Lakkur Hobli, Chikkathirupathi Post, Malur Taluk, Kolar Dist.,  
Karnataka.**

**V/s.**

**Additional Chief Secretary, Education Department (Higher  
Education), Government of Karnataka, Sixth Floor, Multi Storeyed  
Building, Bangaluru – 560 001.**

**CASE NO. 178 OF 2022**

**Date: 23.05.2023**

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

None for the respondent.

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

The Director, Department of Pre-University Education, 18<sup>th</sup> Cross, Malleshwaram, Bengaluru, Karnataka, has sent unsigned letter dated 13.03.2023, alongwith some annexures, which were received by the Commission by post on dated 21.03.2023. The said letter alongwith it's enclosures are taken on record.

The Director, Department of Pre-University Education, 18<sup>th</sup> Cross, Malleshwaram, Bengaluru, Karnataka, has stated in the afore-mentioned letter that you are requested to drop the appeal/case being premature since the proposal submitted to this office after filing case before this Commission and the said proposal dated 04.02.2022 is under consideration by this Department.

Officer of the State Government is not aware about the provisions of Section 10 of the National Commission for Minorities Educational Institutions (NCMEI) Act, 2004.

Learned counsel for the petitioner submitted that the petitioner has filed application for grant of NOC to the State Competent Authority under Section 10 of the NCMEI Act, 2004 on dated 17.09.2019 and after waited sufficiently for a period of 90 days, petitioner has filed petition for grant of minority status certificate before this Commission but due to some mistake they have withdrawal earlier petition No. 132 of 2020 and then again filed this petition before this Commission on dated 27.09.2022 for grant of minority status certificate.

We have also received a reply by same authority and provided them all the relevant documents but now again they have submitted that proposal dated 04.02.2022 is under consideration by their department. They have not submitted copy of application dated 04.02.2022 for perusal of this Commission that at what type of application has been submitted before the State Competent Authority on dated 04.02.2022.

Contd.....2/-

**CASE NO. 178 OF 2022**

**Date: 23.05.2023**

The State Competent Authority should have decided application for grant of NOC within 90 days but as per the contention of learned counsel for the petitioner neither the said authority have not decided and nor communicated to the petitioner institution so the petitioner institution have filed petition for grant of minority status certificate straightway before this Commission and the said authority have filed reply wrongly.

Office is directed to send again letter to the respondent for filing proper reply of the petition filed by the petitioner.

Office is also directed to supply copy of reply dated 13.03.2023 to learned counsel for the petitioner.

Office is further directed to send reminder letter by post and also by e-mail to the members of the Physical Inspection Committee, for sending the inspection report positively by 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 also directed to provide a copy of reminder letter to the learned counsel for the petitioner.

Learned Counsel for the petitioner is also 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 17.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

Ks

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

**St. Alphonsa College of Arts and Science, Soosaipuram,  
Kanyakumari Dist., T.N. – 629 157.**

**V/s.**

**Principal Secretary, School Education Department, Government of  
T.N., Rina Road, Fort St. George, Secretariat, Chennai, T.N. – 600 009.**

**CASE NO. 179 OF 2022**

**Date: 23.05.2023**

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

None for the respondent.

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

Learned Counsel for the petitioner submitted that the members of the said Committee have already inspected their institution.

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

Office is also directed to provide a copy of reminder letter to the Learned Counsel for the petitioner.

Learned counsel for the petitioner submitted that all the certified copies of the relevant documents are already on record.

In the interest of justice, list on 17.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

Ks



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

**St. Peter Academy, Chhatarpur Road, Mamna, Mahoba Dist., U.P.**

**V/s.**

**Additional Chief Secretary, Department of Secondary Education,  
Lucknow, Government of U.P.**

**CASE NO. 76 OF 2023**

**Date: 23.05.2023**

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

None for the respondent.

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

Despite registered notice and e-mail to the respondent, we have not received any response/reply from the State Competent Authority. 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).

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

List the matter on 22.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

Ks

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

**Samta Vidhyapeeth H.S. School, Javad, Acharya Shri Nanesh Bhawan, Khor Darwaja Jawad, Neemuch Dist., M.P. – 458 330.**

**V/s.**

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

**CASE NO. 77 OF 2023**

**Date: 23.05.2023**

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

Learned counsel for the petitioner again prayed for time to comply with the order dated 02.03.2023. Time prayed for is allowed.

In the interest of justice, list the matter on 23.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

Ks

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

**Sobtis Public School, Green Park, Bisalpur Road, Bareilly, Uttar Pradesh – 243 001.**

**V/s.**

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

**CASE NO. 78 OF 2023**

**Date: 23.05.2023**

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

Mr. Vikas Kumar, Block Education Officer, Bareilly for the respondents.

Mr. Vikas Kumar, Block Education Officer, Bareilly, appeared on behalf of the respondents and submitted that he is not aware about the law of NCMEI Act, 2004. He further stated that the District Basic Education Officer, Rampur Garden, Bareilly, has deputed Mr. Vikas Kumar for filing reply and he is unable to file reply on behalf of the respondents.

Mr. Santosh Kumar Gangwar, Member of Parliament (Lok Sabha), has requested this commission for the issuance of minority status certificate to the petitioner institution. Mr. Dharmendra Kashyap, Member of Parliament, Aonla (U.P.) Constituency and Dr. Arun Kumar, State Minister of Uttar Pradesh have also recommended by their letters dated 18.03.2023, and 20.05.2023, which were received by post and are taken on record.

Learned counsel for the petitioner filed five documents before the Commission's office on dated 03.03.2023, which are also taken on record.

Mr. Vikas Kumar is directed to file proper reply on behalf of the respondents. He prayed for time to file reply. Time prayed for is allowed.

In the interest of justice, list on 06.07.2023.

Looking to the recommendations of all the three dignitaries, we have fixed the early date in this case.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

Ks

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

**Devmatha English Medium High School, Amtoor, Karingana Post,  
Bantwal Taluk, Dakshina Kannada Dist., Karnataka – 574 222.**

**V/s.**

**Additional Chief Secretary, Education Department (Higher  
Education), Government of Karnataka, Sixth Floor, Multi Storeyed  
Building, Bangaluru – 560 001.**

**CASE NO. 79 OF 2023**

**Date: 23.05.2023**

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

None for the respondent.

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

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 four 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.

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), Government of Karnataka. Instead of this, it should have been the Commissioner of Schools 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 1<sup>st</sup> to 12<sup>th</sup>.

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: [dpminority2010@gmail.com](mailto:dpminority2010@gmail.com).

As per our record for grant of NOC, Additional Chief Secretary, Education Department (Higher Education), Government 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/-

**Case No. 79 of 2023**

**23.05.2023**

Secretary, NCMEI is directed that a Television and other related equipments should be affixed 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.

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.

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.

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).

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

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 24.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

Ks

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

**Ebenezer Higher Secondary School, Bhagat Singh Nagar, Airport Road, Deendayal Nagar, Gwalior, M.P. – 474 020.**

**V/s.**

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

**CASE NO. 25 OF 2022**

**Date: 23.05.2023**

Present: None.

None appeared on behalf of both the parties even in second round.

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

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

In the interest of justice, list on 16.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

Ks

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

**Ebenezer Higher Secondary School, Bhagat Singh Nagar, Airport Road, Deendayal Nagar, Gwalior, M.P. – 474 020.**

**V/s.**

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

**CASE NO. 26 OF 2022**

**Date: 23.05.2023**

Present: None.

None appeared on behalf of both the parties even in second round.

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

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

In the interest of justice, list on 16.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

Ks

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

**Mary Immaculate Matriculation School, K. Rasimangalam, Alangudi  
T.K., Pudukkottai District, Tamil Nadu – 622 301.**

**V/s.**

**Principal Secretary, School Education Department, Government of  
T.N., Rina Road, Fort St. George, Secretariat, Chennai, T.N.**

**CASE NO. 80 OF 2023**

**Date: 23.05.2023**

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

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

Ms. Tulsi Negi, Under Secretary, Department of Higher Education, Minority Cell, Ministry of Education, Government of India, has forwarded three letters for necessary action to this Commission alongwith some letters, which was received by this Commission on dated 24.04.2023 and are taken on record.

At the time of hearing this case in the court of Commission, we have perused a letter dated 05.04.2023, received from Ms. Tulsi Negi, Under Secretary, Department of Higher Education, Minority Cell, Ministry of Education, Government of India, in which she has forwarded a photocopy of letter dated 17.03.2023 of Special Secretary, Backward Classes, Most Backward Classes and Minorities Welfare (MW1) Department, Government of T.N, Secretariat, Chennai, in which it is stated that to the reference cited and to inform you that the Director of Minorities Welfare has been designated as State Nodal Office to confer minority status to educational institutions as per the G.O. (Ms) No. 109, Backward Classes, Most Backward Classes and Minorities Welfare (MW1) Department, dated 29.12.2022.

Hence, the Director of Minorities Welfare has been requested to file reply affidavits to the cases mentioned in the reference cited before this Commission.

In this letter Chairman of this Commission has written to the Secretary of this Commission that we have already received letter. Put up with that letter but thereafter Commission has not complied the above order and till now not put up with that letter which already Commission has received and without any order attached this letter with the present file.

Contd....2



**CASE NO. 80 OF 2023**

**Date: 23.05.2023**

Secretary and all the officers of this Commission are directed that without order no order/ document should be attach with the Commission's case file but instead of putting up with that letter they have attached this letter in the court file.

Secretary is directed to enquire the matter and ensure to submit the enquiry report before the next date of hearing.

It is relevant to mention here that the State Government of Tamil Nadu is not aware about the provisions of NCMEI Act, 2004 and again and again file same letter not to the Commission but also unnecessary giving letter to the Ministry of Minority, Government of India. They are also sending these letters to this Commission and this Commission is also maintaining separate file saying that this is administrative file and not following the order of the Commission also.

As per the provisions of Section 2(ca) "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.

In this case as per learned counsel for the petitioner, petitioner institution has applied for grant of NOC before the State Competent Authority on dated 18.08.2022 but State Competent Authority is sitting over the tight on the said application and not decided within the framework of Section 10 of the NCMEI Act, 2004.

Under Section 10 of the NCMEI, Act, 2004 the following provisions are there: -

**"Section 10:- Right to establish a Minority Educational Institution:-**

(1) Subject to the provisions contained in any other law for the time being in force, any person, who desires to establish a Minority Educational Institution may apply to the competent authority for the grant of no objection certificate for the said purpose."

(2) The Competent authority shall,—

(a) on perusal of documents, affidavits or other evidence, if any; and

(b) after giving an opportunity of being heard to the applicant, decide every application filed under sub- section (1) as expeditiously as possible and grant or reject the application, as the case may be: Provided that where an application is rejected, the Competent authority shall communicate the same to the applicant.

(3) Where within a period of ninety days from the receipt of the application

under sub-section (1)for the grant of no objection certificate,—

(a) the Competent authority does not grant such certificate; or

(b) where an application has been rejected and the same has not been

communicated to the person who has applied for the grant of such certificate, it shall be deemed that the Competent authority has granted a no objection certificate to the applicant.

(4) The applicant shall, on the grant of a no objection certificate or where the

Competent authority has deemed to have granted the no objection certificate, be entitled to commence and proceed with the establishment of a Minority Educational Institution in accordance with the rules and regulations, as the case may be, laid down by or under any law for the time being in force.

Explanation — For the purposes of this section —

(a) “applicant” means any person who makes an application under sub-section (1) for establishment of a Minority Educational Institution;

(b) “no objection certificate” means a certificate stating therein, that the Competent authority has no objection for the establishment of a Minority Educational Institution.

Thereafter, petitioner has filed this petition before this Commission on dated 22.02.23 and on dated 06.03.23, we have issued notice to the respondent, who is the competent authority of the State Government but now on behalf of the respondent Special Secretary to the Government of T.N., submitted that Director of Minorities Welfare has been designated as State Nodal Officer to confer minority status to educational institutions as per G.O. (Ms) No. 109, Backward Classes, Most Backward Classes and Minorities Welfare (MW1) Department, dated 29.12.2022.

Hence, the Director of Minorities Welfare has been requested to file reply affidavits to the cases mentioned in the reference cited before this Commission.

By the above observations it is clear that respondent is not aware about the provisions of NOC and MSC. Office is also directed to send letter to the respondent about both the provisions and also for filing reply.

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).

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

**CASE NO. 80 OF 2023**

**Date: 23.05.2023**

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.

List the matter on 29.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

Ks

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

**23.05.2023**

**Asha Modern School, Delhi Road, Saharanpur, Uttar Pradesh - 247001.**

**Vs.**

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

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

An application has been received by hand on 15.05.2023 from Asha Modern School, Delhi Road, Saharanpur, Uttar Pradesh - 247001 for grant of minority status certificate. It be registered.

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.

The petitioner has already filed the proof of delivery of the registered AD to the respondent.

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.

It also transpires from the petition that in this Un-aided Institute (Basic Education level) during the academic year 2020-21 total 145 students were studying and out of them 04 Students were from the Jain Minority Community, during the academic year 2021-22 total 175 students were studying and out of them 04 Students were from the Jain Minority Community, during the academic year 2022-23 total 238 students were studying and out of them 06 Students were from the Jain Minority Community.

In this case Registration of Trust Deed 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.

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

In the interest of justice, list on 31.08.2023.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

A.K.