

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

Baldwin Opportunity School, No. 3, Rhenius Street, Richmond Town, Bangalore, Karnataka – 560 025.

V/s.

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

Case No. 241 of 2020

06.07.2023.

Present: Ms. Sarah Shaji, Advocate for petitioner.

None for the Respondent.

1. Ms. Sarah Shaji, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

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.

3. Learned counsel for the petitioner has submitted that they have approached the members of the Physical inspection Committee and provided copies of all the relevant documents to the said Committee but the members of the Physical Inspection Committee have not inspected the petitioner institution till now.

4. Learned counsel for the petitioner prayed for time to comply with the Commission's earlier Orders.

5. Respondent has sent by post a letter dated 18.03.2023, which is received in the Commission's Office on dated 05.04.2023 and is taken on record.

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

7. Office is also 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.

In the interest of justice, list on 22.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**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

06.07.2023.

Present: Ms. Sarah Shaji, Advocate for petitioner.
None for the Respondent.

1. Ms. Sarah Shaji, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.
2. Learned counsel for the petitioner again prayed for time to comply with the Commission's earlier Order dated 04.08.2022. Time prayed for is allowed.

In the interest of justice, list on 23.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**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

06.07.2023.

Present: Ms. Sarah Shaji, Advocate for petitioner.

None for the Respondent.

1. Ms. Sarah Shaji, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

2. In compliance of the Commission's earlier Order dated 19.04.2023, office has sent letter by post but we have not received any response/reply/ Joint Physical inspection report from the Representative of the concerned District Collector(Chairperson).

3. Learned counsel for the petitioner has submitted that the petitioner has approached the members of the Physical inspection Committee and sent copies of all the relevant documents to the said Committee members.

4. Learned Counsel for the petitioner is directed to approach the members of the Physical inspection Committee and request them to send the Joint Physical inspection report duly signed by all the members of the inspection Committee .

In the interest of justice, list on 24.08.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**Gyan Deep School, Tilaiboni, Ahliyapur P.O., Giridih Dt.,
Jharkhand - 815312.**

Vs.

- 1. Director Secondary Education Under school education & literacy department 3 rd floor, MDI Building, S.E & L. Department Behind project bhawan, Post-Dhurwa, Dist-Ranchi-834004.**
- 2. Director, Primary Education Department of School Education & Literacy Government of Jharkhand MDI Building, S.E & L. Department Behind project bhawan, PostDhurwa, Dist-Ranchi-834004.**

Case No. 131 of 2021

06.07.2023.

Present: Ms. Sarah Shaji, Advocate for petitioner.

None for the Respondent.

1. Ms. Sarah Shaji, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.
2. Despite service of notices by registered post and e-mails, none appeared on behalf of the respondents even in the second round and we have not received any response/reply from the State Competent Authority till now .
3. 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).
4. 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.
5. 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 on 30.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**St. Joseph's School, Lakhari, Pachambi P.O., Giridih Dt.,
Jharkhand - 815316.**

Vs.

- 1. Director Secondary Education Under school education & literacy department 3 rd floor, MDI Building, S.E & L. Department Behind project bhawan, Post-Dhurwa, Dist-Ranchi-834004.**
- 2. Director, Primary Education Department of School Education & Literacy Government of Jharkhand MDI Building, S.E & L. Department Behind project bhawan, PostDhurwa, Dist-Ranchi834004.**

Case No. 132 of 2021

06.07.2023.

Present: Ms. Sarah Shaji, Advocate for petitioner.

None for the Respondent.

1. Ms. Sarah Shaji, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

2. Despite service of notices by registered post and e-mails, none appeared on behalf of the respondents even in the second round and we have not received any response/reply from the State Competent Authority till now .

3. 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).

4. 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.

5. 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 on 30.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**St. Paul's School, Tilaiya, Bengabad P.O., & P.S., Giridih Dt.,
Jharkhand - 815312.**

Vs.

- 1. Director Secondary Education Under school education & literacy department 3 rd floor, MDI Building, S.E & L. Department Behind project bhawan, Post-Dhurwa, Dist-Ranchi-834004.**
- 2. Director, Primary Education Department of School Education & Literacy Government of Jharkhand MDI Building, S.E & L. Department Behind project bhawan, PostDhurwa, Dist-Ranchi834004.**

Case No. 133 of 2021

06.07.2023.

Present: Ms. Sarah Shaji, Advocate for petitioner.
None for the Respondent.

1. Ms. Sarah Shaji, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

2. Despite service of notices by registered post and e-mails, none appeared on behalf of the respondents even in the second round and we have not received any response/reply from the State Competent Authority till now .

3. 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).

4. 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.

5. 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 on 30.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

St. John Britto High School, Maheshmunda, Gandey P.O., & P.S., Giridih Dt., Jharkhand - 815312.

Vs.

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

Case No. 134 of 2021

06.07.2023.

Present: Ms. Sarah Shaji, Advocate for petitioner.

None for the Respondent.

1. Ms. Sarah Shaji, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

2. Despite service of notices by registered post and e-mails, none appeared on behalf of the respondents even in the second round and we have not received any response/reply from the State Competent Authority till now .

3. 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).

4. 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.

5. 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.

6. Learned counsel for the petitioner prayed for time to file updated recognition/ affiliation order issued by State Board or CBSE. List on 30.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**St. Joseph's School, Tickamagha, Mirzaganj P.O., Giridih Dt.,
Jharkhand - 815315.**

Vs.

- 1. Director Secondary Education Under school education & literacy department 3 rd floor, MDI Building, S.E & L. Department Behind project bhawan, Post- Dhurwa, Dist-Ranchi-834004.**
- 2. Director, Primary Education Department of School Education & Literacy Government of Jharkhand MDI Building, S.E & L. Department Behind project bhawan, PostDhurwa, Dist-Ranchi-834004.**

Case No. 135 of 2021

06.07.2023.

Present: Ms. Sarah Shaji, Advocate for petitioner.

None for the Respondent.

1. Ms. Sarah Shaji, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

2. Despite service of notices by registered post and e-mails, none appeared on behalf of the respondents even in the second round and we have not received any response/reply from the State Competent Authority till now .

3. 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).

4. 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.

5. 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 on 30.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

Safa Public School, Mawana, Meerut District, Uttar Pradesh - 250401.

Vs.

1. Additional Chief Secretary, Department of School Education, Government of U.P., Bahu Khandi, Secretariat, Lucknow, U.P. – 226001. 2. Additional Chief Secretary, Department of Basic Education, Government of U.P., Bahu Khandi, Secretariat, Lucknow, U.P. – 226001.

Case No. 249 of 2022

06.07.2023

Present: Ms. Sarah Shaji, Advocate for petitioner.
None for the Respondents.

1. Ms. Sarah Shaji, Advocate appeared on behalf of the arguing counsel Mr. Junais P.
2. None appeared on behalf of the respondents even the second round.
3. In the interest of justice, list on 05.09.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

Sobtis Public School, Green Park, Bisalpur Road, Bareilly, Uttar Pradesh - 243001.

Vs.

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

Case No. 78 of 2023

06.07.2023

Present: Ms. Sarah Shaji, Advocate for petitioner.
None for the Respondents.

1. Ms. Sarah Shaji, Advocate appeared on behalf of the arguing counsel Mr. Junais P.
2. None appeared on behalf of the respondents even the second round.
3. District Basic Education Officer, Bareilly has filed a letter dated 20.05.2023 alongwith covering letter dated 18.05.2023, before the Commission's Office on dated 23.05.2023 alongwith some papers which are taken on record.
4. As per the letter dated 20.05.2023, the District Basic Education Officer, Bareilly stated that there is no minority student studying in the petitioner institution but as per the petition the petitioner institution is giving the information that some minority students from Sikh minority community are studying in the petitioner institution .
5. Looking into the contradictory statement of both the parties, and 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).
6. 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.
7. 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 31.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

06.07.2023

**Angels High School, Poovar P.O., Poovar, Thiruvananthapuram
District, Kerala - 695525.**

Vs.

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

Present: Ms. Sarah, Advocate for the petitioner.

1. Ms. Sarah, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.
2. An application has been received by hand on 05.06.2023 from Angels High School, Poovar P.O., Poovar, Thiruvananthapuram District, Kerala - 695525 for grant of minority status certificate. It be registered.
3. It transpires from the petition that the petitioner has applied on dated 27.06.2022 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.
4. Thereafter, State Competent Authority vide its order No. 4472/MSC/2022/DMW dated 17.05.2023 grant No Objection Certificate to the petitioner Institute.
5. Petitioner has filed Resolution passed by the Governing Body to obtain Minority Status Certificate from this Commission.
6. It also transpires from the petition that in this Un-aided School (Secondary Level) during the academic year 2022-23 of the 569 enrolled students 501 students are from the Christian Minority Community.
7. After perusal of the record, we found that Sr. Beena Kakkanattu has filed this application before this Commission for grant of Minority Status Certificate as Secretary, Sisters of St. Dorothy Daughters of the Sacred Hearts Charitable Society and her name is available in the MoA of the Society which is duly certified by the Registrar of the Societies.
8. 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 Sisters of St. Dorothy Daughters of the Sacred Hearts Charitable Society, 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. Beena Kakkanattu.

Contd..

Angels High School, Kerala - 682507.

Vs.

Director, Kerala – 695033

06.07.2023

Continued from pre-page

- 9 We have perused the Memorandum of Association of the Petitioner Institute which was registered before the Registrar of the Societies on dated 27.02.2021 which is well before the filing of No Objection Certificate (NOC) application u/s 10 of NCMEI Act., 2004 and application for grant of Minority Status Certificate (MSC) on dated 05.06.2023. So it is clear that the amendment in the MoA is before the filling of No Objection Certificate (NOC) application u/s 10 of NCMEI Act., 2004 dated 27.06.2022 and application for grant of Minority Status Certificate (MSC) on dated 05.06.2023 before the Commission.
- 10 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.
- 11 Office is directed to return Envelope and postage charges to the petitioner.
- 12 Heard learned counsel for the petitioner, Reserved for order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

A.K

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

06.07.2023

**St. Joseph's University, #36, Lalbagh Road, P.B. No. 27094,
Bangalore - 560027.**

Vs.

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

Present: None.

1. An application has been received by post on 09.06.2023, from St. Joseph's University, #36, Lalbagh Road, P.B. No. 27094, Bangalore - 560027, 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 has been rejected by the State Competent Authority.
6. So as per the law and settle procedure, petitioner cannot apply before this Commission for grant of MSC when once the MSC application has been rejected by the State Competent Authority. So this application is not maintainable at this stage.
7. It also transpires from the petition that the petitioner Institute is Un-aided (University). During the academic year 2022-23 of the 9200 enrolled students, 3197 students are from the Christian Minority Community.
8. In this case office has reported that Fr. Joy Rodrigues SJ is the signatory of this MSC application but his name appears different in affidavit and his name is also not available in the list of Governing Body certified by the Registrar.
9. Office has also reported that petitioner has not filed complete UID issued by Niti Ayog, Affiliation Certificate, General Body Resolution, Envelope with postage charges for sending notice to the Respondent and proper beneficiary clause for the concerned Minority Community is not available in the MoA.
10. 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.
11. In the interest of justice, list on 21.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

A.K

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

06.07.2023

**CSI, KND, BMHEC'S Kittle Arts College, P.B. Road, Dharwad,
Karnataka.**

Vs.

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

Present: None.

1. An application has been received by hand on 23.06.2023, from CSI, KND, BMHEC'S Kittle Arts College, P.B. Road, Dharwad, Karnataka, for grant of minority status certificate, which is in old format. 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. In this case Office has reported that petitioner has not filed affidavit, UID issued by Niti Ayog, General Body Resolution, MoA, Envelopes with postage for sending notice to the respondent with this petition.
6. It also transpires from the records, that petitioner has mentioned against the column No. 5 of the application that the State Competent Authority has granted MSC to the petitioner Institute.
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.
8. In the interest of justice, list on 21.09.2023

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

A.K.