

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

**Madrasa Aazad Model School, Village & Post - Banethu, Santkabir
Nagar District, Uttar Pradesh - 272152.**

Vs.

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

Case No. 170 of 2020

22.08.2023

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

1. Learned Counsel for the petitioner seeks leave to withdraw the petition with liberty to file a fresh petition for the same relief.
2. Leave and liberty is granted.
3. The petition is disposed of as withdrawn.
4. Office is directed to return the envelope to the learned counsel for the petitioner.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

SR

**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, MultiStoreyed Building,
Bengaluru, Karnataka – 560 001.**

Case No. 241 of 2020

22.08.2023

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

1. Despite sending reminder letter by email from the personal id of one clerk Mr. Harsh Chawla to the members of Physical Inspection Committee, we have not received any response/ physical inspection report from the Physical Inspection Committee till now.
2. During the hearing and on perusal of the file it is found that office has attached a letter dated 10.07.2023 which is not pertaining to this case file. So it is not clear that whether office has sent letter to the members of the physical inspection Committee by post or not.
3. Office is directed to check papers properly before placing them in the concerned file, in future.
4. Learned counsel for the petitioner submitted that members of Physical Inspection Committee have already inspected their institution.
5. Office is directed that if Physical Inspection Report is not received, then 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.
6. Learned counsel for the petitioner prayed for time to file an application.
7. Office is also directed to send a letter to the State Competent Authority that whether, petitioner institution has even applied for grant of MSC before the State of Karnataka or not.

In the interest of justice, list on 11.10.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**Madarsa Faroge Idrisiya, Barauni Ashraf Tola, Post - Sandila, District -
Hardoi, Uttar Pradesh - 241204.**

Vs.

- 1. Additional Chief Secretary, Department of Higher Education,
Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow,
Uttar Pradesh - 226001.**
- 2. Additional Chief Secretary, Minority Welfare and Waqf Department,
Bahu Khandi, Secretariat, Lucknow, UP- 226001.**

Case No. 399 of 2020

22.08.2023

Present: Mr. Saleem for the petitioner.

None for the respondents.

1. 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.

2. Mr. Saleem appeared on behalf of the petitioner submitted that members of Physical Inspection Committee have already inspected their institution and also sent the copy of the inspection report by email today itself and original copy of the inspection report would reach before the Commission by next week.

3. We have perused the file and at the time of registering the case on dated 29.10.2020, it is specifically mentioned in the Order sheet dated 29.10.2020 that Mr. Saleem, President of the applicant institute was present in person before the Commission and filed the tracking report as proof of service of letter dated 18.07.2020 sent to the State Competent Authority for grant of No Objection Certificate, which was taken on record. But the above matter document is not available on file, Secretary of the Commission is directed to search that document and place before the Court of Commission, before next date of hearing.

4. We have also perused the amended Memorandum of Association (MOA) in Clause NO. 12 of the amended MOA, it is not specifically mentioned that the petitioner institution is established primarily for the benefit of Muslim Minority Community students and general in all.

5. We have also perused the Recognition Order issued by District Minority Welfare Officer, Hardoi, which is temporary.

6. Mr. Saleem appeared on behalf of the petitioner institution submitted that he has filed an application before the District Minority Officer, Hardoi for giving permanent Affiliation but till now they have not given any such Order.

7. Mr. Saleem prayed for time to file updated Recognition issued from Madarsa, which is up to Tahtania (1st to 5th Class).

Contd...2/-

8. Office is directed that if Physical Inspection Report is not received, then 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.

In the interest of justice, list on 11.10.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Joseph's Nursery and Primary School, Nagamalai, Madurai District,
Tamil Nadu - 625019.**

Vs.

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

Case No. 117 of 2021

22.08.2023

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

1. Learned counsel for the petitioner filed two documents by hand, before the Commission's Office on dated 17.08.2023, which are taken on record.

Now, fix the case for final arguments on 12.10.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Bastin's Matriculation School, Railway Station Road, Papanasam,
Thanjavur District, Tamil Nadu - 614205.**

Vs.

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

Case No. 118 of 2021

22.08.2023

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

1. Learned counsel for the petitioner filed one document i.e. Clarification Affidavit by hand, before the Commission's Office on dated 17.08.2023, which is taken on record.
2. Learned counsel for the petitioner prayed for time to comply with the Commission's earlier Order.
List on 12.10.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

SR

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

St. Mary Convent School, Rajoula Village, Deori P.O., Sagar District , Madhya Pradesh.

Vs.

Secretary, Backward Classes and Minority Welfare Department, Govt. of Madhya Pradesh, Mantralaya, Room No. 339, Bhopal, Madhya Pradesh - 462004.

Case No. 162 of 2022

22.08.2023

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

Heard, learned counsel for the petitioner.

Reserved for Orders.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. Joseph's High School, Barmasia, Barmasia P.O., Pathergama P.S.,
Godda District, Jharkhand**

Vs.

**Director, Secondary Education Department of School Education &
Literacy (S.E & L. Department), MDI Building, Post Dhurwa, Dist-
Ranchi-834004.**

Case No. 183 of 2022

22.08.2023

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

1. Learned counsel for the petitioner filed five documents by hand, before the Commission's Office on dated 18.08.2023, which are taken on record.

Now, fix the case for final arguments on 25.10.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

SR

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

**St. John's High School, Dakaria, Lalmatia Colliery P.O., Godda District,
Jharkhand - 814165.**

Vs.

**Director, Secondary Education, Department of School Education &
Literacy, S.E & L. Department, MDI Building, Post - Dhurwa, District -
Ranchi, Jharkhand - 834004.**

Case No. 184 of 2022

22.08.2023

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

1. 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.
2. Office is directed that if Physical Inspection Report is not received, then 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.
3. Learned counsel for the petitioner filed five documents by hand, before the Commission's Office on dated 18.08.2023, which are taken on record.

In the interest of justice, list on 26.10.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

SR

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

St. Joseph's Special School, Alampatti Village, Saidapatti Road, Thirali Post, Tirumangalam Taluk, Madurai District, Tamil Nadu - 625706.

Vs.

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

Case No. 208 of 2022

22.08.2023.

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

1. Despite sending 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.
2. Learned counsel for the petitioner submitted that the members of the Physical Inspection Committee have already inspected the petitioner institution.
3. 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.
4. Learned Counsel for the petitioner has filed two documents before the Commission's office on dated 17.08.2023, which are taken on record. In the interest of justice, list on 31.10.2023 .

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**St. Joseph's Matriculation School, Alampatti Village, Saidapatti Road,
Thirali Post, Tirumangalam Taluk, Madurai District, Tamil Nadu -
625706.**

Vs.

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

Case No. 209 of 2022

22.08.2023.

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

1. Despite sending 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.
2. Learned counsel for the petitioner submitted that the members of the Physical Inspection Committee have already inspected the petitioner institution.
3. 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.
4. Learned Counsel for the petitioner has filed two documents before the Commission's office on dated 17.08.2023, which are taken on record.
5. Learned counsel for the petitioner prayed for time to file updated recognition/ affiliation order issued by State Board or CBSE. Time prayed for is allowed.

In the interest of justice, list on 31.10.2023 .

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

**St. Joseph's Convent Nursery & Primary School, Indira Nagar,
Palamdadai, Tirunelveli District, Tamil Nadu - 627359.**

Vs.

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

Case No. 210 of 2022

22.08.2023.

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

1. In compliance of the Commission's earlier Order dated 02.03.2023, the Physical Inspection Committee has sent by post, its inspection report along with the covering letter dated 07.06.2023 which is received in the Commission's Office on dated 12.06.2023 and is taken on record.
2. District Minorities Welfare Officer again sent by post, the photocopy of the same above said report along with the covering letter dated 30.06.2023 which is received in the Commission's Office on dated 10.07.2023 and is also taken on record.
3. Learned Counsel for the petitioner has filed two documents before the Commission's office on dated 17.08.2023, which are taken on record.
4. Learned counsel for the petitioner has also filed an application under Order VIII Rule 9 of Section 151 C.P.C. read with Section 12(2) of the NCMEI Act, 2004, to accept the Rejoinder Affidavit. He has also filed rejoinder, a copy of the application and rejoinder along with an envelope and postal stamp for sending notice to the respondent, submitted by hand before the Commission's Office on dated 17.08.2023, which are also taken on record.
5. Office is directed to issue notice of the above application to the respondent by registered AD and e-mail also.

In the interest of justice, list on 31.10.2023 .

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

St. Dominic's Primary School (English Medium), Nicol Bhavan, Bodeli Road, Kawant Taluk, Chhotaudepur, Vadodara District, Gujarat - 391170.

Vs.

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

Case No. 63 of 2023

22.08.2023

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

1. Learned counsel for the petitioner has filed an application under Order VIII Rule 9 of Section 151 C.P.C. read with Section 12(2) of the NCMEI Act, 2004, to accept the Rejoinder Affidavit. He has also filed rejoinder, a copy of the application and rejoinder along with an envelope and postal stamp for sending notice to the respondent, submitted by hand before the Commission's Office on dated 18.08.2023, which are taken on record.
2. Office is directed to issue notice of the above application to the respondent by registered AD and e-mail also.
In the interest of justice, list on 02.11.2023 .

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

St. Paul School, Chhibramau, Kannoj, Uttar Pradesh - 209721.

Vs.

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

Case No. 64 of 2023

22.08.2023

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

1. In compliance of the Commission's earlier Order dated 16.05.2023, Office has issued a letter alongwith copy of order dated 16.05.2023 to the respondent but despite service of letter by registered post we have not received any response/ reply from the said authority till now.
2. Learned Counsel for the petitioner has filed four documents before the Commission's office on dated 17.08.2023, which are taken on record.
3. We have not constituted any Physical inspection Committee in this case for sending the inspection report but District Inspector of Schools, Kannauj has sent by post the inspection report signed by District Collector, District Inspector of Schools and District Social Welfare Officer alongwith covering letter dated 25.04.2023, which was received in the Commission's Office on dated 16.05.2023 and is taken on record.
4. When we have not constituted any Committee then why the Officers of State Government of Uttar Pradesh are sending such report. Keeping in view such instances, we can say clearly that the Officers of State Government of Uttar Pradesh are not working appropriately and are not considering the matter of the letter in spirit as per NCMEI Act, 2004.
5. Office is directed to send a copy of the earlier Order dated 16.05.2023 and today's order to the respondent and also a letter alongwith copy of the said Orders to the Chief Secretary, State of Uttar Pradesh mentioning therein that in what manner the State Government of Uttar Pradesh is working.

In the interest of justice, list on 02.11.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

St. Anne's Academy Matriculation School, Vembarpatti P.O., Dindigul District, Tamil Nadu - 624308.

Vs.

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

Case No. 65 of 2023

22.08.2023

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

Learned counsel for the petitioner again prayed for time to comply with the Commission's earlier Order dated 28.02.2023. In the interest of justice, time prayed for is allowed.

List on 07.11.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

St. Peter Academy, Chhatarpur Road, Mamna, Mahoba District, Uttar Pradesh.

Vs.

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

Case No. 76 of 2023

22.08.2023.

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

1. In compliance of the Commission's earlier Order dated 23.05.2023, the members of the Physical Inspection Committee have sent their inspection report earlier by e-mail which was received in the Commission on dated 01.08.2023 and later by post along with the covering letter dated 28.07.2023 by post, which was received in the Commission's Office on dated 08.08.2023. Both are taken on record.
2. Learned Counsel for the petitioner has filed ten documents before the Commission's office on dated 16.08.2023, which are taken on record.
3. Learned counsel for the petitioner submitted that petitioner has filed certified copies of all the relevant documents which are already on record. In the interest of justice, fix the case for final arguments on 07.11.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

RS

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

22.08.2023

St. Haris Public School, Mala Road, Rampur, Uttar Pradesh - 244901.

Vs.

**Additional Chief Secretary, Secondary Education Department,
Government of Uttar Pradesh, Babu Bhawan, 7th Floor, Lucknow, Uttar
Pradesh - 226001.**

Present: None.

1. An application has been received by hand on 10.08.2023 from St. Haris Public School, Mala Road, Rampur, Uttar Pradesh - 244901 for grant of minority status certificate. It be registered.
2. It transpires from the petition that on 27.04.2023, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. Additional Chief Secretary, Secondary Education Department, Government of Uttar Pradesh, Babu Bhawan, 7th Floor, Lucknow, Uttar Pradesh - 226001, which was received by the respondent on 01.05.2023. The said petition is still pending. The petitioner has waited sufficiently for period of 90 days, before filing this petition.
3. The petitioner has already filed the proof of delivery of the registered AD to the respondent.
4. 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.
5. It also transpires from the petition that the petitioner Institute is Un-aided School (Middle Level) and of the 459 enrolled students 450 are from the Muslim Minority Community.
6. 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.
7. 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.
8. Petitioner has mentioned against the column no. 4 of the MSC application that petitioner Institute has applied for grant of No Objection Certificate to the State Competent Authority on 10.05.2019 instead of 27.04.2023. So this is the contradictory statement in filing the application for grant of No Objection Certificate before the State Competent Authority.
9. Petitioner has filed recognition certificate which was valid for three years from 11.01.2019.
10. 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.
11. In the interest of justice, list on 09.11.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

A.K

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

22.08.2023

Holy Angels School, Galhiya Road, Rath, Hamirpur District, Uttar Pradesh - 210431.

Vs.

Additional Chief Secretary, Basic Education Department, Government of Uttar Pradesh, Bapu Bhawan, 7th Floor, Lucknow, Uttar Pradesh - 226001.

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

1. An application has been received by hand on 09.08.2023 from Holy Angels School, Galhiya Road, Rath, Hamirpur District, Uttar Pradesh - 210431 for grant of minority status certificate. It be registered.
2. It transpires from the petition that on 05.12.2022, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. Additional Chief Secretary, Basic Education Department, Government of Uttar Pradesh, Bapu Bhawan, 7th Floor, Lucknow, Uttar Pradesh - 226001, which was received by the respondent on 09.12.2022. The said petition is still pending. The petitioner has waited sufficiently for period of 90 days, before filing this petition.
3. The petitioner has already filed the proof of delivery of the registered AD to the respondent.
4. 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.
5. It also transpires from the petition that the petitioner Institute is Un-aided School (Middle Level). During the academic year 2020-21 of the 139 enrolled students 10 are from the Christian Minority Community, in 2021-22 of the 172 enrolled students 10 are from the Christian Minority Community, in 2022-23 of the 204 enrolled students 12 are from the Christian Minority Community.
6. In this petition Amendment in Memorandum of Association of the Society 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.
7. Office is directed to issue notice by registered Ad and e-mail to the respondent.
8. In the interest of justice, list on 09.11.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

A.K

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

22.08.2023

**Holy Family English Medium High School, Santari Road, Joida, Uttara
Kannada District, Karnataka - 581186.**

Vs.

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

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

1. An application has been received by hand on 09.08.2023 from Holy Family English Medium High School, Santari Road, Joida, Uttara Kannada District, Karnataka - 581186 for grant of minority status certificate. It be registered.
2. It transpires from the petition that on 17.04.2023, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. Additional Chief Secretary, Education Department (Higher Education), Government of Karnataka, Sixth Floor, Multi Storeyed Building, Bengaluru, Karnataka - 560001, which was received by the respondent on 20.04.2023. The said petition is still pending. The petitioner has waited sufficiently for period of 90 days, before filing this petition.
3. The petitioner has already filed the proof of delivery of the registered AD to the respondent.
4. 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.
5. It also transpires from the petition that the petitioner Institute is Un-aided School (Secondary Level). During the academic year 2020-21 of the 173 enrolled students 32 are from the Christian Minority Community, in 2021-22 of the 187 enrolled students 34 are from the Christian Minority Community, in 2022-23 of the 200 enrolled students 36 are from the Christian Minority Community.
6. In this petition Amendment in Memorandum of Association of the Society 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.
7. Office is directed to tag the previous file no. 284 of 2020 with this case and issue notice by registered Ad and e-mail to the respondent.
8. In the interest of justice, list on 09.11.2023..

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

A.K

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

22.08.2023

Sun Valley School, Dehradun, 24, Teg Bahadur Road, Dehradun, Uttarakhand - 248001.

Vs.

Incharge Secretary, Higher Education, Uttarakhand Government, Room No. 7, Ground Floor, Late Soban Singh Jeena Bhawan (SBI Bank Building), Uttarakhand Secretariat.

Present: None.

1. An application has been received by hand on 09.08.2023 from Sun Valley School, Dehradun, 24, Teg Bahadur Road, Dehradun, Uttarakhand - 248001 for grant of minority status certificate. It be registered.
2. Perused the office report and it transpires from record that petitioner has not applied for grant of No Objection Certificate before 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. It also transpires from the petition that the petitioner Institute is Un-aided School (Primary Level). During the academic year 2023-24 of the 1510 enrolled students 310 are from the Sikh Minority Community.
8. In this case office has reported that petitioner has not filed UID issued by Niti Ayog and Beneficiary clause is also not available in the MoA.
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.
10. In the interest of justice, list on 09.11.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

A.K