

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS (NCMEI)**

Case No. 50 of 2020

In the matter of :-

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

..... Petitioner

V/s

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

..... Respondent

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

ORDER

DATED 19.04.2023

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 26.11.2019 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Oxford English School, Mutlur Bypass, Thillainayagapuram, Near Vandigate, Chidambaram Taluk, District Cuddalore, Tamil Nadu-608001.
2. Learned counsel for the petitioner filed an affidavit of Dr. Mohamed Ilyas, Chairman of the Asian Educational Trust in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Muslim minority community.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : TN/2017/0233157 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 29.11.2018 sent to the State Competent Authority i.e. Principal Secretary, School Education Department alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 05.08.2015 of Asian Educational Trust, notarized copy of

Supplementary Trust Deed dated 09.01.2018, notarized copy of Affiliation Order dated 13.05.2020 issued by the Joint Secretary (Affiliation), CBSE to the unaided petitioner institution for the Secondary Level from 01.04.2019 to 31.03.2024 and resolution of the General Body of the Trust in favour of Dr. Mohamed Ilyas, Chairman of the Asian Educational Trust for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength in the Academic Year 2019, it is mentioned that out of the total 1091 students, 210 students are from the Muslim minority community, 21 students are from Christian minority community, 3 students are from the Jain minority community and 857 students are Hindus. It is relevant to mention here that in the Academic Year 2019, it is mentioned that out of the total 64 teachers, only 1 teacher is from Muslim Minority community. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by this Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution. This Commission has also decided in many cases as per the judgement of Hon'ble Apex Court in T.M.A. Pai Foundation Vs The State of Karnataka (2002) 8 SCC 481, a minority whether linguistic or religious is determinable only by reference to demography of the State and not by taking into consideration the population of the country as a whole. We are aware of the Buckley Judgement passed by this Commission but there must be reasonable strength of students of minority community in a minority institution and in our considered opinion the percentage could be determined based on the actual proportion of specific minority community in the State population as per prevailing census.

5. It is stated in the petition that on dated 29.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 04.12.2018 and the said application is still pending before the State Competent Authority. The State Competent Authority has not granted NOC in favour of the petitioner institution till now and also not rejected the said application and not communicated the same to the petitioner. After 90 days from the receipt of the application for grant of NOC, the petitioner has filed this application for grant of MSC to this Commission straightway as per the provisions of Section 10 and 11(f) of National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004.
6. Despite service of registered notice/email dated 20.01.2020, 09.03.2021 and 05.07.2022, no reply / response has been received from the respondent. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained from the Committee constituted by this Commission for issuance of MSC to the petitioner institution vide order dated 13.07.2022, after service of letters, reminder / emails to the physical inspection committee dated 03.08.2022, 12.10.2022, 17.11.2022 and 05.01.2023, Physical Inspection Committee, Cuddalore has sent physical inspection report dated 02.02.2023 which was received in the Commission's Office on dated 07.02.2023 in which Physical Inspection Committee has given remarks that as per the Trust Deed, the main object did not concern to promote the interest of the minority concerned and not subserve the interests of the minority community concerned. We have perused the Physical Inspection Committee Report. In the Supplementary Trust Deed dated 09.01.2018, it is specifically mentioned that this institution is established primarily for the benefits of Muslim Minority Community and also the society at large.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Dr. Mohamed Iliyas, Chairman of the Asian Educational Trust.
8. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Muslim minority community and is being administered by Asian Educational Trust which is managed and run by the members of the Muslim minority 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 Dr. Mohamed Iliyas, Chairman of the Asian Educational Trust.
9. We have perused the Supplementary Trust Deed of the petitioner institution which was registered before the Sub Registrar on dated 09.01.2018 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 29.11.2018 and petition for grant of MSC on dated 26.11.2019. So it is clear that the amendment has been done before the application filed before the State Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.
10. The Supplementary Trust Deed dated 09.01.2018 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Muslim minority community. In addition, the said facts also stands proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.
11. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Oxford English School, Mutlur Bypass, Thillainayagapuram, Near Vandigate, Chidambaram Taluk, District Cuddalore, Tamil Nadu-608001 run by Asian Educational Trust is eligible for grant of minority status on

religious basis. The evidence also proves that the said educational institution was established with the main objective of sub-serving the interests of the Muslim minority community.

12. Consequently, Oxford English School, Mutlur Bypass, Thillainayagapuram, Near Vandigate, Chidambaram Taluk, District Cuddalore, Tamil Nadu-608001, which is for Secondary Level, is declared as an unaided minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004 subject to the condition that the petitioner would file an affidavit or undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of the Muslim minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution. If the petitioner institution failed to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.
13. After compliance of the above order, a minority status certificate be issued accordingly.
14. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 19th Day of April, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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