

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

Case No. 49 of 2021

In the matter of :-

**St. Maria De Mattias School, Ring Road Junction, Srirampura,
Mysore, Karnataka-570008**

..... Petitioner

V/s

**1. Principal Secretary, Education Deptt. (Primary &
Secondary Education, Govt. of Karnataka, Sixth Floor,
Multi-Storeyed Building, Bengaluru-560001**

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

..... Respondents

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

ORDER

DATED 18.07.2023

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 29.01.2021 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Maria De Mattias School, Ring Road Junction, Srirampura, Mysore, Karnataka-570008.
2. Learned counsel for the petitioner filed an affidavit of Sr. Mini P, President of The Precious Blood Educational Society in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Christian minority community.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : KA/2017/0177221 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, notarized copy of application dated 15.11.2018 sent to the State Competent Authority i.e. Principal Secretary, Education Deptt. (Primary & Secondary Education) alongwith postal receipt and its tracking

report, notarized copy of Certificate of Registration of The Precious Blood Educational Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 04.02.2013 alongwith list of present members of the Society, downloaded copy of Affiliation Order dated 28.12.2020 issued by the Joint Secretary, CBSE to the unaided petitioner institution for the Secondary School Examination Class 1 to 10 from 01.04.2021 to 31.03.2024 and resolution of the General Body of the Society in favour of Sr. Mini Pallipadon ASC, President of The Precious Blood Educational Society for obtaining MSC from this Commission. Learned Counsel for the petitioner also filed the affidavit of Sr. Mini Pallipadon ASC, President of The Precious Blood Educational Society stating that Sr. Maini P and Sr. Mini Pallipadon ASC are one person.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 01.06.2019, it is mentioned that out of the total 147 students, 19 students are from the Christian minority community, 1 student is from Muslim minority community, 1 student is from Buddhist minority community and 126 students are Hindus. It is relevant to mention here that as pm 01.06.2019, it is mentioned that out of the total 12 teachers, 6 teachers are from Christian Minority community.
5. It is stated in the petition that on dated 15.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 17.11.2018 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 10.02.2021, no reply has been received from the respondents. 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 09.03.2022. After service of letters, reminder / emails to the physical inspection committee dated 25.03.2022, 03.06.2022, 13.12.2022 and 13.02.2023, Physical Inspection Committee, Mysuru has sent physical inspection report dated 14.12.2022 and 04.03.2023 which were received in the Commission's Office on dated 21.12.2022 and 20.03.2023 and in the report said committee members have stated that this institution has not admitted 25% students belonging to minority group. In this regard, the Committee has come to the opinion that the said school cannot be considered as minority school.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Sr. Mini P, President of The Precious Blood Educational Society. Learned Counsel for the petitioner has submitted that the Hon'ble Apex Court, various High Courts as well as this Commission have categorically held that percentage governing admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution.
8. 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 the 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 that there

must be reasonable strength of students of particular minority community in a minority educational institution. The percentage could be determined based on the actual proportion of specific minority community in the State population as per prevailing census. Population of Christian minority community in the State of Karnataka as per the census of 2011 is 1.87%.

9. 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 Christian minority community and is being administered by The Precious Blood Educational Society which is managed and run by the members of the Christian 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 Sr. Mini P, President of The Precious Blood Educational Society.
10. We have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar of Societies on dated 04.02.2013 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 15.11.2018 and petition for grant of MSC on dated 29.01.2021. 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.
11. The Amended Memorandum of Association dated 04.02.2013 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Christian 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.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Maria De Mattias School,

Ring Road Junction, Srirampura, Mysore, Karnataka-570008 run by The Precious Blood Educational Society 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 Christian minority community.

13. Consequently, St. Maria De Mattias School, Ring Road Junction, Srirampura, Mysore, Karnataka-570008, which is for Secondary School Examination Class 1 to 10, 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 Christian 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.
14. After compliance of the above order, a minority status certificate be issued accordingly.
15. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 18th Day of July, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

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