

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

Case No. 12 of 2021

In the matter of :-

St. Anthony's Convent School, Sirumalai Road, Thottanuthu Village, Reddiyapatty P.O., Dindigul East Taluk, District Dindigul, Tamil Nadu-624003

..... Petitioner

V/s

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

..... Respondent

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

ORDER

DATED 25.07.2023

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 17.12.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Anthony's Convent School, Sirumalai Road, Thottanuthu Village, Reddiyapatty P.O., Dindigul East Taluk, District Dindigul, Tamil Nadu-624003.
2. Learned counsel for the petitioner filed an affidavit of Sr. Gracy Joyce Thadathil, President of Franciscan Sisters Trust for Education 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 copy of Unique ID No. : DL/2019/0238403 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 20.08.2019 sent to the State Competent Authority i.e. Principal Secretary, School Education Department, Govt. of Tamil Nadu alongwith postal receipt and its tracking report, notarized copy of Trust Deed

dated 11.05.1982 of Franciscan Sisters Trust for Education, notarized copy of Supplementary Trust Deed dated 16.03.2019, notarized copy of Recognition Order dated 15.12.2020 issued by the Director of School Education, Chennai to the unaided petitioner institution from 01.04.2020 to 31.03.2023 from LKG to 8th Std. and resolution of the General Body of the Trust in favour of Sr. Gracy Joyce Thadathil, President of Franciscan Sisters Trust for Education for obtaining MSC from this Commission. Learned Counsel for the petitioner has also filed the affidavit of Sr. Gracy Joyce Thadathil, President of Franciscan Sisters Trust stating 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, Certificate dated 12.06.2023 issued by the Registrar / Sub Registrar, Hauz Khans, New Delhi stating that the Supplementary Trust Deed of the Trust is registered on 16.03.2019 and downloaded copy of Affiliation Order dated 11.06.2023 issued by the Deputy Secretary / Joint Secretary (Aff), CBSE to the unaided petitioner institution from 01.04.2023 to 31.03.2028 for Secondary School Examination Class 1 to 10.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 01.07.2020, it is mentioned that out of the total 163 students, 92 students are from the Christian minority community, 1 student is from Muslim minority community and 71 students are Hindus. It is relevant to mention here that out of total 12 teachers, 11 teachers are from Christian 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 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 Tamil Nadu as per the census of 2011 is 6.12%.

5. It is stated in the petition that on dated 20.08.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.08.2019 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 01.10.2021, 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 11.05.2022, after service of letters, reminder / emails to the physical inspection committee dated 19.05.2022, 18.08.2022, 13.10.2022 and 13.12.2022, Physical Inspection Committee, Dindigul has sent physical inspection report dated Nov. 22 and 30.12.2022 which were received in the Commission's Office on dated 22.11.2022 and 05.01.2023 respectively wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner

and affidavit of Sr. Gracy Joyce Thadathil, President of Franciscan Sisters Trust for Education.

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 Christian minority community and is being administered by Franciscan Sisters Trust for Education 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. Gracy Joyce Thadathil, President of Franciscan Sisters Trust for Education.
9. The Supplementary Trust Deed dated 16.03.2019 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.
10. We have perused the Supplementary Trust Deed of the petitioner institution and the Trust Deed was executed on 16.03.2019 which was registered before the Sub Registrar, SR V A. Hauz Khas, New Delhi at S.No. 3213 on dated 16.03.2019. The petitioner has deposited the registration fee, coping fee etc. before the Government of National Capital Territory of Delhi on dated 12.03.2019. The petitioner institution has applied for grant of NOC before the State Competent Authority U/s 10 of the NCMEI Act, 2004 on dated 20.08.2019 and petition for grant of MSC before this Commission on dated 17.12.2020. 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. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that St. Anthony's Convent School, Sirumalai Road, Thottanuthu Village, Reddiyapatty P.O., Dindigul East Taluk, District Dindigul, Tamil Nadu-624003 run by Franciscan Sisters Trust for Education 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.
12. Consequently, St. Anthony's Convent School, Sirumalai Road, Thottanuthu Village, Reddiyapatty P.O., Dindigul East Taluk, District Dindigul, Tamil Nadu-624003, which is now from LKG to 10th, 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.
13. 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 **Tuesday, 25th Day of July, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

VB