

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

**Case No. 167 of 2023**

**In the matter of :-**

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

.....**Petitioner**

**V/s**

**Director, Directorate of Minority Welfare, Government of Kerala, 4<sup>th</sup>  
Floor, Vikas Bhavan, Thiruvananthapuram, Kerala**

..... **Respondent**

Present: Mr. Jose Abraham, Advocate for the petitioner

**ORDER**

**DATED 12.07.2023**

**Justice Narendra Kumar Jain, Chairman, NCMEI**

1. This petition has been received on 05.06.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Angels High School, Poovar P.O., Poovar, District Thiruvananthapuram, Kerala-695525.
2. Learned counsel for the petitioner filed an affidavit of Sr. Beena Kakkanattu, Secretary of Sisters of Dorothy Daughters of the Sacred Heart Charitable 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 and 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.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : KL/2019/0239987 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 27.06.2022 sent to the State Competent Authority i.e. Director, Directorate of Minority Welfare, Government of Kerala, 4<sup>th</sup> Floor, Vikas Bhavan, Thiruvananthapuram, Kerala, copy of earlier application dated 16.08.2019 sent to State Competent Authority i.e. Secretary, General Education Department, Govt. of Kerala, notarized copy of order no. 4472/MSC/2022/DMW dated 17.05.2023 passed by the State Competent Authority, notarized copy of notarized copy of Certificate of Registration of Sisters of Dorothy

Daughters of the Sacred Heart Charitable Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 27.02.2023 alongwith list of present members of the Society, copy of Affiliation Certificate No. CGL(1) 52897/2023/CGE dated 23.02.2023 issued by the Secretary, Board of Public Examination to the unaided petitioner institution for the Secondary Level and resolution of the General Body of the Society in favour of Sr. Beena Kakkanattu, Secretary of Sisters of Dorothy Daughters of the Sacred Heart Charitable Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in the year 2020-21, it is mentioned that out of total 695 students, 612 students were from the Christian minority community, 60 students were from the Muslim minority community and 23 students were Hindus, in the year 2021-22, it is mentioned that out of total 567 students, 478 students were from the Christian minority community, 51 students were from the Muslim minority community and 38 students were Hindus and in the year 2022-23, it is mentioned that out of total 569 students, 501 students are from the Christian minority community, 53 students are from the Muslim minority community and 15 students are Hindus. It is relevant to mention here that in the year 2020-21, out of the total 29 teachers, 25 teachers were from Christian Minority community, in the year 2021-22, out of the total 29 teachers, 24 teachers were from Christian Minority community, in the year 2022-23, out of the total 34 teachers, 29 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 Kerala as per the census of 2011 is 18.38%.

5. Earlier the petitioner institution has filed petition for grant of MSC which was registered as Case No. 329 of 2020 and the case was withdrawn by the Learned Counsel for the petitioner with liberty to file a fresh petition for the same relief.

Thereafter, the petitioner institution has filed application for grant of NOC before the State Competent Authority on dated 27.06.2022 and that application was accepted by the State Competent Authority and the following order dated 17.05.2023 has been passed :-

*“The application alongwith the supporting documents has been examined in detail and also heard the applicant on 11.10.2022. As the application for NOC has been found prima facie admissible, the application has been referred to the District Collector, Thiruvananthapuram for inspection in the institution and report.*

*As per the reference 4 cited, The District Collector, Thiruvananthapuram after conducting physical verification of the institution and scrutiny of records and registers, has reported the eligibility of the educational institution of the applicant for Minority Status and also recommended for grant of No Objection Certificate for the purpose to the Secondary level of the Institution.*

*In these circumstances, on the facts revealed in hearing the applicant on institution and by the scrutiny of all relevant records in original submitted while hearing and after considering the report and recommendation of the District Collector, Thiruvananthapuram, it has been found that the Secondary Section of Angels High School, Poovar P.O., Poovar, District Thiruvananthapuram has been functioning with the objective of subserving the interest of the Christian minority community and the institution satisfies all other eligibility conditions for becoming a minority educational institution. Therefore, the Angels High School, Poovar P.O., Poovar, District Thiruvananthapuram has been granted No Objection Certificate for the purpose of obtaining Minority Status Certificate, under Section 10 of the National Commission for Minority Educational Institution Act, 2004.”*

6. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Sr. Beena Kakkanattu, Secretary of Sisters of Dorothy Daughters of the Sacred Heart Charitable Society. In fact and circumstances of the case, need not to give notice of this petition, because respondent has granted NOC in favour of the petitioner institution.
7. 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 Sisters of Dorothy Daughters of the Sacred Heart Charitable 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. Beena Kakkanattu, Secretary of Sisters of Dorothy Daughters of the Sacred Heart Charitable Society.

8. We have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Office of the District Registrar (General) on dated 27.02.2021 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 27.06.2022 and petition for grant of MSC on dated 05.06.2023. 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.
9. The Amended Memorandum of Association dated 27.02.2021 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily members of the Christian minority community. In addition, the said facts are 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 order No. 4472/MSC/2022/DMW dated 17.05.2023 passed by the State Competent Authority. By the above order State Competent Authority of Kerala has granted NOC in favour of the petitioner institution.
11. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Angels High School, Poovar P.O., Poovar, District Thiruvananthapuram, Kerala-695525 run by Sisters of Dorothy Daughters of the Sacred Heart Charitable 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 subserving the interests of the Christian minority community.
12. Consequently, Angels High School, Poovar P.O., Poovar, District Thiruvananthapuram, Kerala-695525, which is for Secondary Level, is declared as a minority unaided 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. However, it is made clear that if State Govt. has any objection in granting MSC in favour of the petitioner institution i.e. Angels High School, Poovar P.O., Poovar, District Thiruvananthapuram, Kerala-695525, is free to file an application for cancellation of MSC under section 12(c) of the NCMEI Act, 2004.
15. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 12<sup>th</sup> Day of July, 2023.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. SHAHID AKHTER  
MEMBER**

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