

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

Case No. 174 of 2022

In the matter of :-

**St. Lasalle English Medium High School, Keesara Post,
Kanchikacheria Mandal, Krishna District, Andhra Pradesh-
521185**

..... Petitioner

V/s

**Secretary, Department of Minorities Welfare Department,
Government of Andhra Pradesh, 3rd Floor, Andhra Pradesh
Secretariat, Velagagapudi, Amaravati, Andhra
Pradesh-521185**

..... Respondent

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

ORDER

DATED 30.01.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 26.09.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Lasalle English Medium High School, Keesara Post, Kanchikacheria Mandal, Krishna District, Andhra Pradesh-521185.
2. Learned counsel for the petitioner filed an affidavit of Mr. Polavarapu Sudheer, Secretary of Lasalle Telugu 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 copy of Unique ID No. : AP/2020/0264551 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 14.08.2020 sent to the State Competent Authority i.e. Secretary, Minorities Welfare Department alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Lasalle Telugu Educational Society, notarized copy of Memorandum of

Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 06.07.2020 alongwith list of present members of the Society, notarized copy of Recognition Order dated 21.05.2022 issued by the Regional Joint Director of School Education Zone-II, Kakinda to the unaided petitioner institution for the academic year 2022-23 for 6th to 10th Std., notarized copy of the Recognition Certificate dated 22.06.2022 issued by the Addl. Joint Secretary, Office of the Director of Government Examinations, Andhra Pradesh, Amaravathi from the Academic Session 2022-23 to 2024-25 stating that the petitioner institution is recognized high school in Andhra Pradesh and the students are appeared for SSC Public Examinations conducted by Director of Government Examinations, Andhra Pradesh, Amaravathi and resolution of the General Body of the Society in favour of Mr. Polavarapu Sudheer, Secretary of Lasalle Telugu Educational Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength as on Academic Year 2020-21, it is mentioned that out of total 255 students, 223 students were from the Christian minority community and 32 students were from the Muslim minority community, in the year 2021-22, it is mentioned that out of total 254 students, 226 students were from the Christian minority community and 28 students were from the Muslim minority community and in the year 2022-23, it is mentioned that out of total 405 students, 325 students are from the Christian minority community and 80 students are from the Muslim minority community. It is relevant to mention here that in the year 2020-21, out of the total 16 teachers, 3 teachers were from Christian Minority community, in the year 2021-22, out of the total 17 teachers, 4 teachers were from Christian Minority community and in the year 2022-23, out of the total 18 teachers, 4 teachers are from Christian Minority community.

5. It is stated in the petition that on dated 14.08.2020, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.08.2020 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 petition 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. After service of registered notice dated 01.11.2022 and 22.06.2023, Secretary to Govt., Minority Welfare Department on behalf of the respondent sent replies dated 17.11.2022 and 13.07.2023 by post which were received by the Commission on dated 05.12.2022 and 31.07.2023 respectively wherein it is stated that the NOC application filed by the petitioner institution dated 14.08.2020 is not received alongwith necessary information / documents called by the Govt. vide Govt. letter dated 07.09.2020 and request the Commission to dismiss the case accordingly.
7. Learned Counsel for the petitioner filed subsequent pleadings and contended that the petitioner institution is a religious minority institution and run by Lasalle Telugu Educational Society which is a registered Society constituted by the members of the Christian minority community primarily for the benefit of Christian minority community. On dated 14.08.2020, the petitioner institution had submitted an application for grant of NOC under section 10 of the NCMEI Act, 2004 before the respondent. After the completion of 90 days from the date of receipt of the said application the petitioner institution applied for MSC before this Commission and this case is a fit case of intervention by this Commission. This Commission is functioning as per the NCMEI Act, 2004 read with the judicial pronouncements of the Apex Court for the purpose of

declaration of MSC. Petitioner institution had applied for grant NOC whereas the reply filed by the respondent does not even murmured a single word with regard to the receipt and further process of the said application for NOC which is duly received by the respondent. Hon'ble Supreme Court in Sisters of St. Joseph of Cluny Vs. The State of West Bengal (Civil Appeal No. 3945 of 2018) decision dated 18.04.2018 has settled the law with regard to the applicability of Section 10 and 11 of the NCMEI Act, 2004 and in view of the said pronouncement of the Hon'ble Supreme Court the stand taken by the respondent will not survive in the eye of law and, therefore, prayed that this Commission may issue MSC to the petitioner institution in the interest of justice and equity.

8. 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 01.12.2022. After service of letters, reminder / emails to the physical inspection committee dated 29.12.2022, 23.03.2023, Physical Inspection Committee, Vijaywada has sent physical inspection report dated 10.03.2023 which was received in the Commission's Office on dated 13.03.2023 wherein they have recommended to grant MSC to the petitioner institution.
9. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mr. Polavarapu Sudheer, Secretary of Lasalle Telugu Educational Society.
10. 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 Lasalle Telugu 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 Mr. Polavarapu Sudheer, Secretary of Lasalle Telugu Educational Society.

11. 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 Andhra Pradesh as per the census of 2011 is 1.34%.
12. We have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar on dated 06.07.2020 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 14.08.2020 and petition for grant of MSC on dated 26.09.2022. 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.
13. The Amended Memorandum of Association dated 06.07.2020 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.

14. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Lasalle English Medium High School, Keesara Post, Kanchikacheria Mandal, Krishna District, Andhra Pradesh-521185 run by Lasalle Telugu 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.
15. Consequently, St. Lasalle English Medium High School, Keesara Post, Kanchikacheria Mandal, Krishna District, Andhra Pradesh-521185, 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.
16. After compliance of the above order, a minority status certificate be issued accordingly.
17. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 30th Day of January, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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