

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

**Case No. 16 of 2021**

**In the matter of :-**

**Servite English High School, Vettaikaran Street, Nehru Nagar,  
Karaikal, Pondicherry-609605**

..... **Petitioner**

**V/s**

**Secretary to Government (Education), Chief Secretariat, No. 1,  
Goubert Avenue, Beach Road, Puducherry-605001**

..... **Respondent**

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

**ORDER**

**DATED 17.01.2024**

**Dr. Shahid Akhter, Member, NCMEI**

1. This petition has been received on 25.10.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Servite English High School, Vettaikaran Street, Nehru Nagar, Karaikal, Pondicherry-609605.
2. Learned counsel for the petitioner filed an affidavit of Sr. Josephine Prema Mary, President of The Society of the Congregation of Mother of Sorrows, Servants of Mary 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. : TN/2017/0156518 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 16.01.2019 sent to the State Competent Authority i.e. Secretary to Government (Education), Chief Secretariat, No. 1, Goubert Avenue, Beach Road, Puducherry alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of The Society of the Congregation of Mother of Sorrows, Servants of Mary,

notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 05.01.2017 alongwith list of present members of the Society, notarized copy of recognition order dated 08.06.2023 issued by the Deputy Director (Elementary Education), Govt. of Puducherry, Directorate of School Education to the unaided petitioner institution for the Academic Year 2023-24 from LKG to 10<sup>th</sup> Std. and resolution of the General Body of the Society in favour of Sr. Josephine Prema Mary, President of The Society of the Congregation of Mother of Sorrows, Servants of Mary for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 01.01.2020, it is mentioned that out of the total 434 students, 302 students are from the Christian minority community, 20 students are from the Muslim minority community and 112 students are Hindus. It is relevant to mention here that as on 01.01.2020, out of the total 23 teachers, 17 teachers are from the Christian Minority community.
5. It is stated in the petition that on dated 16.01.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.01.2019 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 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. Despite service of registered notice dated 24.02.2022, 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 25.08.2022. After service of letters/emails to the physical inspection committee dated 16.09.2022, 07.11.2022, 22.12.2022 and 23.02.2023, Physical Inspection Committee, Karaikal has sent physical inspection report dated 16.02.2023 which was received in the Commission's Office on dated 27.02.2023 wherein they have recommended to grant MSC to the petitioner institution.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Sr. Josephine Prema Mary, President of The Society of the Congregation of Mother of Sorrows, Servants of Mary.
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 Puducherry as per the census of 2011 is 6.05%.
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 Society of the Congregation of Mother of Sorrows, Servants of Mary 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. Josephine Prema

Mary, President of The Society of the Congregation of Mother of Sorrows, Servants of Mary.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar of Society, Tiruchirappalli on dated 05.01.2017 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 16.01.2019 and petition for grant of MSC on dated 25.10.2022. 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.
11. The Amended Memorandum of Association dated 05.01.2017 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 Servite English High School, Vettaikaran Street, Nehru Nagar, Karaikal, Pondicherry-609605 run by The Society of the Congregation of Mother of Sorrows, Servants of Mary 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, Servite English High School, Vettaikaran Street, Nehru Nagar, Karaikal, Pondicherry-609605 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 **Wednesday, 17<sup>th</sup> Day of January, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB