

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

**Case No. 415 of 2020**

**In the matter of :-**

**Sacred Heart Central School, No. 486, East Pandy Road, V.  
Maruthur, Villupuram, Tamil Nadu-605602**

**..... Petitioner**

**V/s**

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

**..... Respondent**

Present: Mr. Junais P, Advocate for the petitioner  
None for the respondent

**ORDER**

**DATED 24.01.2024**

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

1. This petition has been received on 23.10.2020 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Sacred Heart Central School, No. 486, East Pandy Road, V. Maruthur, Villupuram, Tamil Nadu-605602.
2. Learned counsel for the petitioner filed an affidavit of Sr. Pauline Mary, Secretary of St. Joseph Educational Society – Villupuram 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. : TN/2018/0185371 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 31.12.2019 sent to the State Competent Authority i.e. Principal Secretary, School Education Department, Govt. of Tamil Nadu alongwith postal receipt and its acknowledgement receipt, notarized copy of Certificate of Registration of St. Joseph Educational Society – Villupuram, notarized copy of Memorandum

of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 12.07.2017 alongwith list of present members of the Society, notarized copy of the affiliation order dated 13.07.2021 issued by the Deputy Secretary / Joint Secretary (Aff), CBSE to the unaided petitioner institution for Secondary / Senior Secondary Level from 01.04.2022 to 31.03.2027 and resolution of the General Body of the Society in favour of Sr. Pauline Mary, Secretary of St. Joseph Educational Society – Villupuram for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in Academic Year 2017-20, it is mentioned that out of the total 1745 students, 174 students are from the Christian minority community, 91 students are from the Muslim minority community, 33 students are from the Jain minority community and 1447 students are Hindus. It is relevant to mention here that in Academic Year 2017-20, it is mentioned that out of the total 94 teachers, 68 teachers are from Christian Minority community.
5. It is stated in the petition that on dated 31.12.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 03.01.2020 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 to the respondent dated 03.06.2022, Director of Private Schools, Chennai on behalf of the respondent has sent reply dated Dec. 2023 by post which was

received by the Commission on dated 22.12.2023 where it is stated that the petitioner institution has not filed application for grant of MSC and petitioner institution is an unaided private schools.

7. 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 18.08.2022. After service of letters/emails/reminders to the physical inspection committee dated 08.09.2022, 03.11.2022, 22.12.2022, 16.02.2023, 18.04.2023, 14.06.2023, 06.09.2023 and 11.10.2023, Physical Inspection Committee, Villupuram District has sent physical inspection report dated 02.11.2023 which was received in the Commission's Office on dated 07.11.2023 wherein they have recommended to grant MSC to the petitioner institution.
8. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Sr. Pauline Mary, Secretary of St. Joseph Educational Society – Villupuram.
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 St. Joseph Educational Society – Villupuram 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. Pauline Mary, Secretary of St. Joseph Educational Society – Villupuram.
10. 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%.

11. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the office of the District Registrar (Society), Villupuram on dated 12.07.2017 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 31.12.2019 and petition for grant of MSC on dated 23.10.2020. 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.
12. The Amended Memorandum of Association dated 12.07.2017 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.
13. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Sacred Heart Central School, No. 486, East Pandy Road, V. Maruthur, Villupuram, Tamil Nadu-605602 run by St. Joseph Educational Society – Villupuram 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.

14. Consequently, Sacred Heart Central School, No. 486, East Pondy Road, V. Maruthur, Villupuram, Tamil Nadu-605602 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.
15. After compliance of the above order, a minority status certificate be issued accordingly.
16. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 24<sup>th</sup> Day of January, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB