

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

Case No. 393 of 2020

In the matter of :-

**Chevalier Academy Matriculation School, Kovilur Junction,
Siluvathur Road, District Dindigul, Tamil Nadu-624306**

..... **Petitioner**

V/s

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

..... **Respondent**

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

ORDER

DATED 22.02.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 12.10.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Chevalier Academy Matriculation School, Kovilur Junction, Siluvathur Road, District Dindigul, Tamil Nadu-624306.
2. Learned counsel for the petitioner filed an affidavit of Rev. Fr. Charles Babu, President of Heart of Jesus 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. : KA/2017/0174737 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 13.02.2019 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 Heart of Jesus Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended

Memorandum of Association dated 29.04.2017 alongwith list of present members of the Society, notarized copy of recognition order dated 29.06.2023 issued by the Joint Director, Directorate of Private Schools, Chennai to the unaided petitioner institution from 01.06.2023 to 31.05.2024 from LKG to 12th Std. and resolution of the General Body of the Society in favour of Rev. Fr. Charles Babu, President of Heart of Jesus 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 01.06.2020, it is mentioned that out of total 620 students, 189 students are from the Christian minority community, 18 students are from the Muslim minority community and 413 students are Hindus. It is relevant to mention here that as on 01.06.2020, out of the total 39 teachers, 34 teachers are from the Christian Minority community.
5. It is stated in the petition that on dated 13.02.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 16.02.2019 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. After service of registered notice dated 10.02.2022 and 20.10.2022, respondent has sent reply dated 13.04.2022 by post which was received by the Commission on 22.04.2022. In the reply filed by the respondent i.e. Director of Matriculation Schools submitted that petitioner institution has filed application for grant of MSC. Minority Status is being granted by the State Government as per the guidelines stipulated in GO (MS) No. 375 School Education (X2) Department dated 12.10.98 and GO (MS) No. 214 School Education

(X2) Department dated 03.11.2008. It is stated that the management of the petitioner's school failed to produce the certificate issued by the Tahsildars concerned to ascertain that the educational institution satisfy additional guidelines including the guidelines prescribed in GO (MS) No. 375 School Education (X2) Department dated 12.10.98 and GO (MS) No. 214 School Education (X2) Department dated 03.11.2008 and the claim of the petitioner is not maintainable either in law and the same is liable to be dismissed as devoid of merit. In these circumstances, it is prayed that the Commission may be pleased to take into account the objections of the respondent and suitable orders may be passed as per the Government orders.

7. Learned Counsel for the petitioner filed subsequent pleadings and contended that the petitioner institution is a religious minority institution and run by Heart of Jesus 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 13.02.2019, 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 of 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. In its reply, respondent has referred a couple of GOs like 375 dated 12.10.1998, 648 dated 03.08.1994, 270 dated 17.06.1998, and 214 dated 03.11.2018 and 144 dated 18.09.2014 with regard to the issuance of MSC by the State of Tamil Nadu. None of Govt. orders are dealing with the issuance of NOC under section 10 of the NCMEI Act, 2004, so instant case is a fit case for interference by this Commission. 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 in which Hon'ble Supreme Court 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 19.04.2022. After service of letters/emails to the physical inspection committee dated 15.06.2022, 20.10.2022 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.
9. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Rev. Fr. Charles Babu, President of Heart of Jesus 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 Heart of Jesus 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 Rev. Fr. Charles Babu, President of Heart of Jesus 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 Tamil Nadu as per the census of 2011 is 6.12%.

12. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the office of the District Registrar of Societies, Bengaluru on dated 29.04.2017 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 13.02.2019 and petition for grant of MSC on dated 12.10.2020. 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.
13. The Amended Memorandum of Association dated 29.04.2017 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.
14. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Chevalier Academy Matriculation School, Kovilur Junction, Siluvathur Road, District Dindigul, Tamil Nadu-624306 run by Heart of Jesus 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, Chevalier Academy Matriculation School, Kovilur Junction, Siluvathur Road, District Dindigul, Tamil Nadu-624306 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 **Thursday, 22nd Day of February, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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