

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

Case No. 825 of 2019

In the matter of :-

**St. Anne's Arts and Science College, G.N.T. Road,
Ponnaimmanmedu, Madavavaram, Chennai, Tamil Nadu-
600110**

..... **Petitioner**

V/s

**Principal Secretary, Higher 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 05.03.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 29.10.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Anne's Arts and Science College, G.N.T. Road, Ponnaimmanmedu, Madavavaram, Chennai, Tamil Nadu-600110.
2. Learned counsel for the petitioner filed an affidavit of Sr. Sagaya Mary, President of The Madras Society of Sisters of St. Anne's Madras Province 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/2017/0155533 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 19.02.2019 sent to the State Competent Authority i.e. Principal Secretary, Higher Education Department, Govt. of Tamil Nadu alongwith postal receipt and its acknowledgement receipt,

notarized copy of Certificate of Registration of The Madras Society of Sisters of St. Anne's Madras Province, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 05.10.2018 alongwith list of present members of the Society, notarized copy of the English translation of Back side of last page of Amended Memorandum of Association dated 05.10.2018, notarized copy of the affiliation order dated 04.09.2023 issued by the Registrar, University of Madras to the unaided petitioner institution for the academic year 2023-24 for Bachelor and Master Courses and resolution of the General Body of the Society in favour of Sr. Sagaya Mary, President of The Madras Society of Sisters of St. Anne's Madras Province for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength as on 01.01.2019, it is mentioned that out of the total 1555 students, 371 students are from the Christian minority community, 123 students are from the Muslim minority community and 1061 students are Hindus. It is relevant to mention here that as on 01.01.2019, it is mentioned that out of the total 80 teachers, 35 teachers are from Christian Minority community
5. It is stated in the petition that on dated 19.02.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 20.02.2019 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 to the respondent dated 10.12.2019, 02.02.2021, 18.05.2022, 19.09.2022, 01.11.2022, 27.12.2022, 19.04.2023, 06.06.2023, 02.08.2023 and 21.09.2023, Director of Collegiate Education, Chennai on behalf of the respondent has sent reply dated 08.10.2021, by post which was received by the Commission on dated 12.10.2021. In the reply filed on behalf of respondent i.e. Director of Collegiate Education wherein it is mentioned that the petitioner institution submitted a proposal to the Govt. on 05.11.2014, the details and documents submitted by the petitioner is incomplete and did not fulfill the requirements for scrutiny of the proposal and request the Commission to dismiss the application as devoid of merits and thus render justice.
7. Learned Counsel for the petitioner filed subsequent pleadings and contended that the petitioner institution is a religious minority institution and run by The Madras Society of Sisters of St. Anne's Madras Province which is a registered Society constituted by the members of the Christian minority community primarily for the benefit of Christian minority community. On dated 19.02.2019, 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 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. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Sr. Sagaya Mary, President of The Madras Society of Sisters of St. Anne's Madras Province.
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 Madras Society of Sisters of St. Anne's Madras Province 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. Sagaya Mary, President of The Madras Society of Sisters of St. Anne's Madras Province.
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 Registrar of Societies, Chennai on dated 05.10.2018 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 19.02.2019 and petition for grant of MSC on dated 29.10.2019. 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 05.10.2018 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Anne's Arts and Science College, G.N.T. Road, Ponnaimmanmedu, Madavavaram, Chennai, Tamil Nadu-600110 run by The Madras Society of Sisters of St. Anne's Madras Province 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, St. Anne's Arts and Science College, G.N.T. Road, Ponnaimmanmedu, Madavavaram, Chennai, Tamil Nadu-600110 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 **Tuesday, 5th Day of March, 2024.**

**DR. SHAHID AKHTER
MEMBER**

VB