

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

Case No. 446 of 2020

In the matter of :-

**Don Bosco Higher Secondary School, Door No. 13, 10th A, East
Coast Road, Gandhi Nagar, District Vellore, Tamil Nadu-603211**

..... 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 04.04.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 10.11.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Don Bosco Higher Secondary School, Door No. 13, 10th A, East Coast Road, Gandhi Nagar, District Vellore, Tamil Nadu-603211.
2. Learned counsel for the petitioner filed an affidavit of Fr. Micheal Viyakulam, Secretary of The Katpadi Don Bosco Orphanage 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 notarized copy of Unique ID No. : TN/2017/0175112 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 03.05.2019 sent to the State Competent Authority i.e. Principal Secretary, School Education Department, Govt. of Tamil Nadu alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of The Katpadi Don Bosco Orphanage Society, notarized copy of Memorandum of Association alongwith

list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 27.07.2018 alongwith list of present members of the Society, notarized copy of the permanent recognition order dated 15.05.1992 issued by the Joint Director (Higher Secondary Education), Chennai to the aided petitioner institution from 01.06.1992 for the Higher Secondary Classes and resolution of the General Body of the Society in favour of Fr. Micheal Viyakulam, Secretary of The Katpadi Don Bosco Orphanage Society for obtaining MSC from this Commission. Learned Counsel for the petitioner has also filed an affidavit of Fr. Micheal Viyakulam, Secretary of The Katpadi Don Bosco Orphanage Society stating that the Rev. Fr. Michael Viyakulam and Rev. Fr. V. Michael are one person.

4. As per the information supplied by the aided petitioner institution with regard to students strength as on 01.01.2020, it is mentioned that out of the total 1277 students, 215 students are from the Christian minority community, 53 students are from the Muslim minority community and 1009 students are Hindus. It is relevant to mention here that as on 01.01.2020, out of the total 45 teachers, 42 teachers are from the Christian Minority community
5. It is stated in the petition that on dated 03.05.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 04.05.2019 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 to the respondent dated 05.08.2022, no reply 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 29.09.2022. After service of letters/emails to the physical inspection committee dated 10.10.2022 and 24.11.2022, Physical Inspection Committee, Vellore District has sent physical inspection report dated 16.11.2022 which was received in the Commission's Office on dated 23.11.2022 wherein they have not mentioned any adverse / negative remarks to grant MSC to the petitioner institution.

7. Heard Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Fr. Micheal Viyakulam, Secretary of The Katpadi Don Bosco Orphanage Society.
8. 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 Katpadi Don Bosco Orphanage 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 Fr. Micheal Viyakulam, Secretary of The Katpadi Don Bosco Orphanage Society.
9. 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%.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the District Registrar, Vellore on dated 27.07.2018 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 03.05.2019 and petition for grant of MSC on dated 10.11.2020. 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.
11. The Amended Memorandum of Association dated 27.07.2018 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.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Don Bosco Higher Secondary School, Door No. 13, 10th A, East Coast Road, Gandhi Nagar, District Vellore, Tamil Nadu-603211 run by The Katpadi Don Bosco Orphanage 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.
13. Consequently, Don Bosco Higher Secondary School, Door No. 13, 10th A, East Coast Road, Gandhi Nagar, District Vellore, Tamil Nadu-603211 is declared as an aided 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 **Thursday, 4th Day of April, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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