

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

Case No. 101 of 2024

In the matter of :-

**St. Joseph's School, Peratta, Kootupuzha P.O., Iritty (Via),
District Kannur, Kerala-670706**

.....Petitioner

V/s

**Director, Directorate of Minority Welfare, Government of Kerala,
4th Floor, Vikas Bhavan, Thiruvananthapuram, Kerala**

..... Respondent

Present: Mr. Jose Abraham, Advocate for the petitioner

ORDER

DATED 28.03.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 28.02.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Joseph's School, Peratta, Kootupuzha P.O., Iritty (Via), District Kannur, Kerala-670706.
2. Learned counsel for the petitioner filed an affidavit of Sr. Rose, President of Educational Society of the Sisters of St. Joseph of Annecy (India) 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 and also stating 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.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : AP/2018/0205536 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 16.09.2021 sent to the State Competent Authority i.e. Director, Directorate of Minority Welfare, Government of Kerala, 4th Floor, Vikas Bhavan, Thiruvananthapuram, Kerala, notarized copy of order no.

6245/MSA/2021/DMW dated 18.07.2022 passed by the State Competent Authority, notarized copy of Certificate of Registration of Educational Society of the Sisters of St. Joseph of Annecy (India), certified copy of Memorandum of Association alongwith list of founding members of the Society, certified copy of Amended Memorandum of Association dated 22.11.2009 alongwith list of present members of the Society, notarized copy of the Recognition Order dated 15.02.2021 issued by the Secretary, General Education (N) Department, Govt. of Kerala to the unaided petitioner institution from the academic year 2019-2020 from 1st to 10th Std. and resolution of the General Body of the Society in favour of Sr. Rose, President of Educational Society of the Sisters of St. Joseph of Annecy (India) for obtaining MSA from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in the year 2021-22, it is mentioned that out of total 210 students, 106 students were from the Christian minority community, 75 students were from the Muslim minority community and 29 students were Hindus, in the year 2022-23, it is mentioned that out of total 213 students, 104 students were from the Christian minority community, 80 students were from the Muslim minority community and 29 students were Hindus and in the year 2023-24, it is mentioned that out of total 209 students, 95 students are from the Christian minority community, 86 students are from the Muslim minority community and 28 students are Hindus. It is relevant to mention here that in the year 2021-22, out of the total 17 teachers, 13 teachers were from the Christian Minority community, in the year 2022-23, out of the total 18 teachers, 15 teachers were from the Christian Minority community and in the year 2023-24, out of the total 19 teachers, 16 teachers are from the Christian Minority community.
5. The petitioner institution has filed application for grant of NOC before the State Competent Authority on dated 16.09.2021 and that application was accepted by the State Competent Authority and the following order dated 05.09.2023 has been passed :-

“The application alongwith the supporting documents were examined in detail and the applicant was heard on 25.03.2022. The District Collector as per the reference 4th cited after conducting Physical verification of the institution and after scrutiny of records and registers has recommended for grant of No Objection Certificate to the institution. On hearing the applicant institution and upon scrutiny of relevant records and after perusing the report of the District Collector, Kannur it has been found that the institution is functioning with the objective of subserving the interest of the minority community and hence eligible to be granted No Objection Certificate. In the circumstances No Objection Certificate is granted to the Secondary Section of St. Joseph’s School, Peratta, Kootupuzha P.O., Iritty (Via), District Kannur for the purpose of applying for Minority Status Certificate.”

6. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Sr. Rose, President of Educational Society of the Sisters of St. Joseph of Annecy (India). In fact and circumstances of the case, need not to give notice of this petition, because respondent has granted NOC in favour of the petitioner institution.
7. 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 Educational Society of the Sisters of St. Joseph of Annecy (India) 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. Rose, President of Educational Society of the Sisters of St. Joseph of Annecy (India).
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 Kerala as per the census of 2011 is 18.38%.

9. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Office of the District Registrar, Visakhapatnam on dated 22.11.2009 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 16.09.2021 and petition for grant of MSC on dated 28.02.2024. 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.
10. The Amended Memorandum of Association dated 22.11.2009 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily members of the Christian minority community. In addition, the said facts are 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.
11. I have perused the order No. 6245/MS/2021/DMW dated 18.07.2022 passed by the State Competent Authority. By the above order State Competent Authority of Kerala has granted NOC in favour of the petitioner institution.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Joseph's School, Peratta, Kootupuzha P.O., Iritty (Via), District Kannur, Kerala-670706 run by Educational Society of the Sisters of St. Joseph of Annecy (India) 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, St. Joseph's School, Peratta, Kootupuzha P.O., Iritty (Via), District Kannur, Kerala-670706 is declared as a minority unaided 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.
14. A minority status certificate be issued accordingly.
15. However, it is made clear that if State Govt. has any objection in granting MSC in favour of the petitioner institution i.e. St. Joseph's School, Peratta, Kootupuzha P.O., Iritty (Via), District Kannur, Kerala-670706, is free to file an application for cancellation of MSC under section 12(c) of the NCMEI Act, 2004.
16. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Thursday, 28th Day of March, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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