

F. No. 7-8/2019-NCMEI
Government of Bharat
National Commission for Minority Educational Institutions

Gate no.4, 1st Floor, Jeevan Tara Building,
5-Sansad Marg, New Delhi-110001.

Dated: 25.10.2023

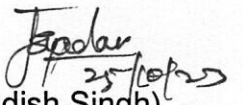
Office Memorandum

Sub: Minutes of the Meeting held at NCMEI, New Delhi on 16.10.2023-Reg.

The undersigned is directed to forward the Minutes of the meeting held on 16.10.2023 with the representatives from Tamil Nadu, Karnataka, Andhra Pradesh and Telangana with the request to confirm the contents of the minutes by the return mail.


To:

1. Tmt Reeta Harish Thakkar, IAS, Secretary, Backward Classes, Most Backward Classes and Minorities Welfare Department, Chennai- 600 009, Tamil Nadu. Email: bcsec@tn.gov.in
2. Sh. K. Veera Raghava Rao, IAS, Commissioner of Technical Education, Directorate of Technical Education, Guindy, Chennai, Tamil Nadu 600025. Email: tndote@gmail.com
3. Principal Secretary Higher Education, Department, Government of Tamil Nadu, Rina Road Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009
4. Secretary, Law Education Department, Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009
5. Commissioner and Principal Secretary, Agriculture Department, Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009
6. Secretary to the Government, Health & Welfare Department, Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009.
7. Sh. Raghuvveera BS, Director, Minority Department, Karnataka, . Email: dpiminority@gmail.com
8. Additional Chief Secretary, Govt. of Karnataka, ACS Establishment, Higher Education Dept., 2nd Gate, 6th Floor, M.S. Building, Bengaluru-560001;
Email: prshhigh-edu@karnataka.gov.in
9. Sh. Mohd. Chand Pasha, Assistant Commissioner, Minority Welfare Department, Telangana Secretariat, B. R. K. Bhawan, Adarsh Nagar, Hyderabad-500022, Telangana.
Email: peshimwdept@gmail.com.


(Jagdish Singh)
Deputy Secretary

Copy for information:

1. The Principal Secretary, School Education Department, Government of Tamil Nadu, Rina Road, Fort St. George Road, Tamil Nadu - Chennai-600009.
Email: schsec@tn.gov.in .
2. Principal Secretary, Primary and Secondary Education, Room No.641, 6th floor, Gate No-2 MS Building, Dr Ambedkar Veedhi, Government of Karnataka, Bangalore 560001.
Email : secyprim-edu@karnataka.gov.in.
3. Sh. Syed Omer Jaleel, IAS (Retd.), Secretary, Minorities Welfare Department, "D" Block, Ground Floor, Telangana Secretariat, Hyderabad-500022.
Email: secy.mwts@gmail.com; cmwtg1@gmail.com
4. Shri A Md Imtiaz, IAS, Secretary, Minorities Welfare Department, Govt. of Andhra Pradesh, 3rd Block, 1st Floor, Room No:216, A.P. Secretariat Office, Velagapudi, District Guntur-522503, Andhra Pradesh.
E-Mail: prlsecy_mw@ap.gov.in


(Jagdish Singh)
Deputy Secretary

F. No. 7-8/2019 NCMEI/-
Government of Bharat
National Commission for Minority Educational Institutions

Minutes of the meeting with the State Competent Authorities of Tamil Nadu, Andhra Pradesh, Telangana and Karnataka held on 16th October, 2023 at 11:00 a.m. under the Chairmanship of Dr. Shahid Akhter, Member NCMEI

Present: **National Commission for Minority Educational Institutions**

1. Dr. Shahid Akhter, Hon'ble Member(in Chair)
2. Shri Manoj Kumar Kejrewal, Secretary
3. Shri Jagdish Sigh, Deputy Secretary
4. Shri Jayprakash, Under Secretary
5. Smt. Priyanka Kapoor, Section Officer

State Attendees

1. Smt. Reeta H. Thakkar IAS, Secretary BC, MBC and Minority Welfare Department, Tamil Nadu.
2. Shri K. Veera Raghava Rao, IAS, Commissioner of Technical Education, Tamil Nadu
3. Shri T. Sreenivasulu, Dy. Secretary to Govt- Minority Welfare Department, Andhra Pradesh.
4. Shri Shaik Masthan Vali – Deputy Director, CMW, Andhra Pradesh.
5. Shri K. Fayaz, Minority Welfare Department, Government of Andhra Pradesh.
6. Shri Raghuvendra B S, Director Minority Bangalore, Karnataka
7. Mohd. Chand Pasha, Assistant Commissioner, Telangana

Advocates

1. Shri Jose Abraham.
2. Shri Junais P.

The discussions on agenda items and its action points are given below:

1. TAMIL NADU

- At the outset, the State informed that as per the Government Orders, the Chief Education Officer and the District Authorities are authorised to issue recognition certificate to all the private schools and the recognition certificate is a sufficient document to prove that the institution is affiliated to a State Education Board.
- In context of the 23rd May, 2023 meeting, regarding the 42 Institutions that were granted conditional MSC for want of recognition certificate issued by the State Board, the State responded that the above issue would be resolved on priority basis

and also informed that the State is developing an online mechanism for issuance of Affiliation / Recognition Certificate to the private schools.

- Director, Technical Education enquired about the provisions of the Section 10 of the NCMEI Act 2004, and sought views of the Commission with regard to the mechanism for deciding on the NOC application submitted by the Minority Educational Institutions.
- State informed that the Government has capped the admission of minority students to maximum 50%.
- State also informed that the sensitization workshops would be held by the end of the current financial year.

COMMISSION'S OBSERVATIONS

- **The State has to inform the Commission about the Authority, competent to issue the Recognition/Affiliation Certificate to the private Schools and to see that the affiliation Certificate is in proper format.**
- **The NOC application to be decided within 90 days as per Section 10 of the NCMEI Act, 2004. Further, the State should communicate the decision to the Minority Educational Institution within the stipulated period, failing which it is deemed NOC.**
- **Considering the State demography, educational needs and level of education, the State should fix the minimum percentage of the Minority students to be admitted in the Minority Educational Institutions during the academic year.**
- **The State should hold workshops to sensitize its functionaries and the Stake holders with regards to the various provisions of the NCMEI Act 2004.**

2. KARNATAKA

- The State informed that the mechanism for issuance of NOC and grant of MSC is well established and the Government has capped admission of Minority Students to 25% during an academic year. Further, they also informed that the Government has issued notice for cancellation of Minority Status of 92 Institutions which were not fulfilling the criteria of admitting 25% students from the Minority Community.
- The State committed to hold workshops shortly.

- The State informed that as per the Government Orders, the Chief Educational Officer and the District functionaries are authorised to issue recognition certificate to all the private schools.

COMMISSION’S OBSERVATIONS

- **The State was requested to refer to the Commission’s Judgment dated 23.11.2021, in case No. 217 of 2019 wherein it has been clearly mentioned that**

“The State Government can prescribe percentage of the minority community to be admitted in a minority educational institution taking into account the population and educational needs of the area in which the institution is located. There cannot be a common rule or regulation or order in respect of types of educational institutions from primary to college level and for the entire State fixing the uniform ceiling in the matter of admission of students in minority educational institutions. Thus a balance has to be kept between two objectives – preserving the right of the minorities to admit students of their own community and that of admitting “sprinkling of outsiders” in their institutions subject to the condition that the manner and number of such admissions should not be violative of the minority character of the institution. It is significant to mention here that Section 12C (b) of the Act also empowers the State Government to prescribe percentage governing admissions in a minority educational institution. Thus the State Government has to prescribe percentage governing admissions of students in the minority educational institutions in accordance with the aforesaid principles of law enunciated by their lordships of the Supreme Court in the cases of T.M.A. Pai Foundation and P.A. Inamdar (supra).”

- **The State has to inform the Commission about the Authority, competent to issue the Recognition/Affiliation Certificate to the private Schools and to see that the affiliation Certificate is in proper format.**

3. ANDHRA PRADESH AND TELANGANA

- The States informed that they are not issuing NOC to an existing Minority Educational Institution and for the new Minority Educational Institution they issue NOC after obtaining physical inspection report by the field functionaries.
- They also informed that the Minority Educational Institutions are required to admit minimum 75% students from Minority Community.
- The State also mentioned that they are granting Minority Status Certificate to the Minority Educational Institutions for a period of one year and it is reviewed/ renewed annually.

COMMISSION'S OBSERVATIONS

- **The States should adhere to Section 10 of the NCMEI Act 2004 and NOC should be issued to both existing and new Minority Institutions.**
- **The States were suggested that in order to avoid delay in issue of NOC, it could explore the possibility of seeking necessary documents alongwith NOC application which could help the State in scrutinizing the NOC application on merits.**
- **The States were requested to refer to the Commission's Judgment dated 23.11.2021, in case No. 217 of 2019, in order to fix the percentage of minority students to be admitted in a minority educational institution.**

The following action points emerged during the meeting:

1. Each State to inform the Commission about the Authority who is competent to issue the recognition/affiliation certificate to the private Schools and to see that the recognition/affiliation Certificate is in proper format.
2. Issuance of NOC as per Section 10 of the NCMEI Act 2004.
3. Commission's Judgment dated 23.11.2021 in case No. 217 of 2019 be referred to, in order to fix the percentage of minority students to be admitted in a minority educational institution.(Copy enclosed)
4. Judgment of Hon'ble High Court of Judicature at Madras dated 29.09.2023 in W. P. No. 10973 of 2022, wherein it is decided that “ *The Minority Status is not a tenure status, ergo is not for a limited period*” . (Copy enclosed)
5. The State of Tamil Nadu to conduct workshop by the end of this financial year and the other states to share the dates of the workshops shortly. The state be considered inviting representative of NCMEI for handholding.
6. States to share details of the MEI's which have been granted MSC by them and NCMEI to share the details of the minority educational institutions which have been granted MSC by the Commission and the list of ongoing cases.

The meeting ended with vote of thanks to the Chair