

CHAPTER 1 – INTRODUCTION

1.1 OVERVIEW

“Education is the single most important instrument for social and economic transformation. A well educated population, adequately equipped with knowledge and skill is not only essential to support economic growth, but is also a precondition for growth to be inclusive since it is the educated and skilled person who can stand to benefit most from the employment opportunities which growth will provide.” (Para 10.1 of ‘An approach to the Twelfth Five year Plan’). The Ministry of Education is focussing on an inclusive agenda, with a vision of realizing India’s human resource potential to its fullest with equity and excellence. Government is committed to address the backwardness in education of all minorities.

Constitution of India has provided protection to the rights of the minorities in the country considering the fact pluralistic character of our country can be benefitted by such protection. The idea of giving some special rights to the minorities is not to treat them as privileged section of the population but to give them a sense of security. These special rights for minorities were designed to bring about equality by ensuring preservation of the minority institutions and by guaranteeing autonomy in its day to day functioning. Article 30 provides for right of minorities to establish and administer educational institutions and it also provides for-

- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- (1A) In making any law providing for the compulsory acquisition of any property of any educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.]
- (2)The State shall not, in granting aid to educational institutions, discriminate against any educational institutions on the ground that it is under the management of a minority, whether based on religion or language.

The National Commission for Minority Educational Institutions (NCMEI) Act, 2004 was enacted by the Parliament in order to safeguard the educational rights enshrined in Article 30 (1) of the Constitution of India. The “minority” for the purpose of this Act, means a community notified as such by the Central Government. The Central Government has notified six minority communities (MCs) viz. Muslim, Christian, Sikh, Buddhist, Jain and Parsi.

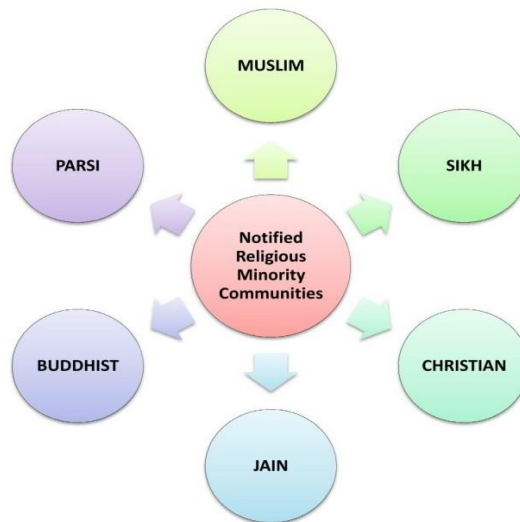


Fig. 1.1: Minority Communities notified by the Gol

As per 2011 Census, the percentage and number of people from different communities including minority communities are:

- ❖ Hindus : 79.8% (966.3 million),
- ❖ Muslims : 14.23% (172.2 million)
- ❖ Christians : 2.30% (28.7 million).
- ❖ Sikh : 1.72% (20.8 million)
- ❖ Buddhists : 0.7% (8.5 million)
- ❖ Jains : 0.37% (4.48 million)
- ❖ Parsis : 57,264
- ❖ Others : 0.9% (10.9 million)

1.2 HISTORICAL BACKGROUND

Demand to establish a Commission for the Minority Educational Institutions was raised in series of meetings held by Ministry of Education with educationists, eminent citizens and community leaders and other stakeholders associated with minority education. Similar demands were made by experts in a meeting of the National Monitoring Committee for Minority Education held in August, 2004.

In view of such demands, the National Commission for Minority Educational Institutions Ordinance was promulgated in November, 2004. To replace the said Ordinance by an Act of Parliament, the National Commission for Minority Educational Institutions Bill 2004, was introduced in the Parliament in December, 2004. The NCMEI Act was notified in January 2005. The Department of Secondary and Higher Education, Ministry of HRD, Government of India, notified the National Commission for Minority Educational Institutions on 11th November 2004 and constituted the Commission on 16th November 2004, with its Headquarters situated in New Delhi. Since 2005, the Commission is working from a rented accommodation at Jeevan Tara Building, Sansad Marg, Patel Chowk, New Delhi.

1.3 ABOUT THE COMMISSION:

This Commission is a quasi-judicial body and has been endowed with the powers of a Civil Court. The Commission consists of a Chairperson and three members who are nominated by the Central Government. The Chairperson is a member of a minority community and has been a Judge of a High Court and the Members are from a minority community and persons of eminence, ability and integrity. Major roles of the Commission are (i) to decide all questions relating to the status of any institution as a Minority Educational Institutions and declare its status as such (ii) to advise the Central and State Governments on any question relating to the education of minorities that may be referred to it (iii) to investigate into the complaints relating to deprivation of the educational rights of minorities (iv) to do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission etc.

1.4 FUNCTIONS OF THE COMMISSION:

The functions of the Commission as per Section 11 of NCMEI Act, 2004 (2 of 2005) and as amended by The National Commission for Minority Educational Institutions (Amendment) Act, 2006 (18 of 2006) and The National Commission for Minority Educational Institutions (Amendment) Act, 2010 (20 of 2010) are given in the box below:

- (a) Advise the Central Government or any State Government on any question relating to the education of minorities that may be referred to it.
- (b) Enquire, *suo-motu*, or on a petition presented to it by any Minority Educational Institution, or any person on its behalf into complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice and any dispute relating to affiliation to a University and report its finding to the appropriate Government for its implementation.
- (c) Intervene in any proceeding involving any deprivation or violation of the educational rights of the minorities before a court with the leave of such court.
- (d) Review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation.
- (e) Specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities.
- (f) Decide all questions relating to the status of any institution as a MEI and declare its status as such.
- (g) Make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the MEI and
- (h) Do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission.

1.5 NCMEI (Amendment) Act, 2006:

For effective functioning of the Commission, recommendations were made to the Government to carry out amendments in the Act. The Government introduced the National Commission for Minority Educational Institutions (Amendment) Bill 2005 in the Parliament. However, in the wake of 93rd amendment of the Constitution which added

clause (5) in Article 15, it became expedient to carry out the amendments in the NCMEI Act through an Ordinance. Accordingly an Ordinance was notified by the Government on 23rd January, 2006 which was replaced by the National Commission for Minority Educational Institutions (Amendment) Act, 2006 and notified on 29th March, 2006.

1.6 NCMEI (Amendment) Act 2010:

Besides others, the major change in the NCMEI Amendment Act, 2010 was amendment in Section 10(1) of the Act, which states that “Subject to the provisions contained in any other law for the time being in force, any person, who desires to establish a Minority Educational Institution may apply to the competent authority for the grant of No Objection Certificate for the said purpose.” To broad base Commission’s representation, Section 3 (2) of the Act was amended by making provision for an additional Member in the Commission.

CHAPTER 2 – CONSTITUTION OF THE COMMISSION

2.1 COMPOSITION OF THE COMMISSION & OTHER STAFF

The Commission is headed by a Chairperson and there are three members who are nominated by the Central Government.

Justice Narendra Kumar Jain assumed charge as Chairperson of the Commission on 01/10/2018. Dr. Jaspal Singh joined on 15/06/2018, as Member of the Commission. Dr. Shahid Akhtar joined the Commission on 24/8/2021.

The Commission started functioning from Shastri Bhavan, New Delhi and shifted to Jeevan Tara Building, Patel Chowk, New Delhi in August 2005. In 2004, 22 posts were sanctioned initially for carrying out necessary administrative work and providing office support. In 2005 and 2006, additional one and 10 posts were sanctioned respectively. The Commission has a total strength of 33 including one post each of Secretary, Deputy Secretary, Sr. PPS, Under Secretary and Section Officer.

At present the post of Secretary, Deputy Secretary, Under Secretary and one MTS have been filled on deputation. Services of the supporting staff have been outsourced through EdCIL (an undertaking of Government of India, Ministry of Education).

2.2. POWERS OF THE COMMISSION

The powers of the Commission as enshrined in Section 12 are:

- 1) If any dispute arises between a MEI and a University relating to its affiliation to such University, the decision of the Commission thereon shall be final.
- (2) The Commission shall, for the purposes of discharging its functions under this Act, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath,
 - (b) requiring the discovery and production of any document,
 - (c) receiving evidence on affidavits,

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, (1 of 1872) requisitioning any public record or document or copy of such record or document from any office,

(e) issuing summons for the examination of witnesses or documents, and

(f) any other matter which may be prescribed.

(3) Every proceeding before the Commission is deemed to be a judicial proceeding within the meaning of Sections 193 and 228 and for the purpose of Section 196 of the Indian Penal Code (45 of 1860). The Commission is deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

2.2.1. APPEAL AGAINST THE ORDERS OF THE COMPETENT AUTHORITY

As enshrined in Section 12-A of the Commission:

(1) Any person aggrieved by the order of refusal to grant NOC under sub-section (2) of section 10 by the Competent Authority for establishing a MEI, may prefer an appeal against such order to the Commission.

(2) An appeal under sub-section (1) shall be filed within thirty days from the date of the order referred to in sub-section (1) communicated to the applicant.

Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) The Commission, after hearing the parties, shall pass an order as soon as may be practicable, and give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

(5) An order made by the Commission under sub-section (4) shall be executable by the Commission as a decree of a civil court and the provisions of the Code of Civil Procedure, 1908 (5 of 1908), so far as may be, shall apply as they apply in respect of a decree of a civil court.

2.2.2. POWER OF COMMISSION TO DECIDE ON THE MINORITY STATUS OF AN EDUCATIONAL INSTITUTION

The powers to decide on the Minority Status of a MEI have been covered under Section 12 B of the Act. The powers are given as under:

- (1) Without prejudice to the provisions contained in the National Commission for Minorities Act, 1992 (19 of 1992), where an authority established by the Central Government or any State Government, as the case may be, for grant of minority status to any educational institution rejects the application for the grant of such status, the aggrieved person may appeal against such order of the authority to the Commission.
- (2) An appeal under sub- section (1) shall be preferred within thirty days from the date of the order communicated to the applicant: Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.
- (3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.
- (4) On receipt of the appeal under sub-section (3), the Commission may, after giving the parties to the appeal an opportunity of being heard, decide on the minority status of the educational institution and shall proceed to give such direction as it may deem fit and, all such directions shall be binding on the parties.

2.2.3: POWER TO CANCEL MINORITY STATUS

Section-12C of the NCMEI Act 2004 deals with the Power to Cancel. The Commission may, after giving a reasonable opportunity of being heard to an MEI to which minority status has been granted by an authority or Commission, as the case may be, cancel such status under the following circumstances, namely:

- (a) if the constitution, aims and objects of the educational institution, which has enabled it to obtain minority status has subsequently been amended in such a way that it no longer reflects the purpose or character of a MEI,
- (b) if, on verification of the records during the inspection or investigation, it is found that the MEI has failed to admit students belonging to the minority community in the

institution as per rules and prescribed percentage governing admissions during any academic year.

2.2.4: POWER OF COMMISSION TO INVESTIGATE MATTERS RELATING TO DEPRIVATION OF EDUCATIONAL RIGHTS OF MINORITIES

The power to investigate matters relating to deprivation of educational rights of minorities is covered under Section 12-D of the Act.

- (1) The Commission shall have the power to investigate into the complaints relating to deprivation of the educational rights of minorities.
- (2) The Commission may, for the purpose of conducting any investigation pertaining to a complaint under this Act, utilize the services of any officer of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.
- (3) For the purpose of investigation under sub-section (1), the officer whose services are utilized may, subject to the direction and control of the Commission,
 - (a) summon and enforce the attendance of any person and examine him;
 - (b) require the discovery and production of any document; and
 - (c) requisition any public record or copy thereof from any office.
- (4) The officer whose services are utilized under sub-section (2) shall investigate into any matter entrusted to it by the Commission and submit a report thereon to it within such period as may be specified by the Commission in this behalf.
- (5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such further inquiry as it may think fit.

2.2.5. POWER OF COMMISSION TO CALL FOR INFORMATION

The power is proviso in Section 12-E of the Act and stipulates that:

- (1) The Commission, while enquiring into the complaints of violation or deprivation of educational rights of minorities shall call for information or report from the Central Government or any State Government or any other authority or organization subordinate thereto, within such time as may be specified by it:

Provided that:

(a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint;

(b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required, or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

(2) Where the inquiry establishes violation or deprivation of the educational rights of the minorities by a public servant, the Commission may recommend to the concerned Government or authority, the initiation of disciplinary proceedings or such other action against the concerned person or persons as may be deemed fit.

(3) The Commission shall send a copy of the inquiry report, together with its recommendations to the concerned Government or authority and the concerned Government authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken, or proposed to be taken thereon, to the Commission.

(4) The Commission shall publish its inquiry report and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

2.2.6 BAR OF JURISDICTION

As enshrined in Section 12F, of the NCMEI Act 2004, no court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) shall entertain any suit, application or other proceedings in respect of any order made under this Chapter.

2.3. FINANCE, ACCOUNTS AND AUDIT:

2.3.1. GRANT BY CENTRAL GOVERNMENT:

(1) The Central Government shall, after due appropriation made by the Parliament by law, provide grant to the Commission such sum of money as the Government may think fit for being utilized for the purposes under the Act.

(2) The Commission may spend the grant for performing the functions under this Act and such sum shall be treated as an expenditure payable from the grant referred to in sub-section (1).

2.3.2. ACCOUNTS AND AUDIT

(1) The Commission shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such a form as may be prescribed by the Central Government.

(2) The accounts of the Commission shall be audited by the CAG at such intervals as may be specified by them and any expenditure incurred in connection with such audit shall be payable by the Commission to the CAG.

(3) The CAG and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the CAG generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

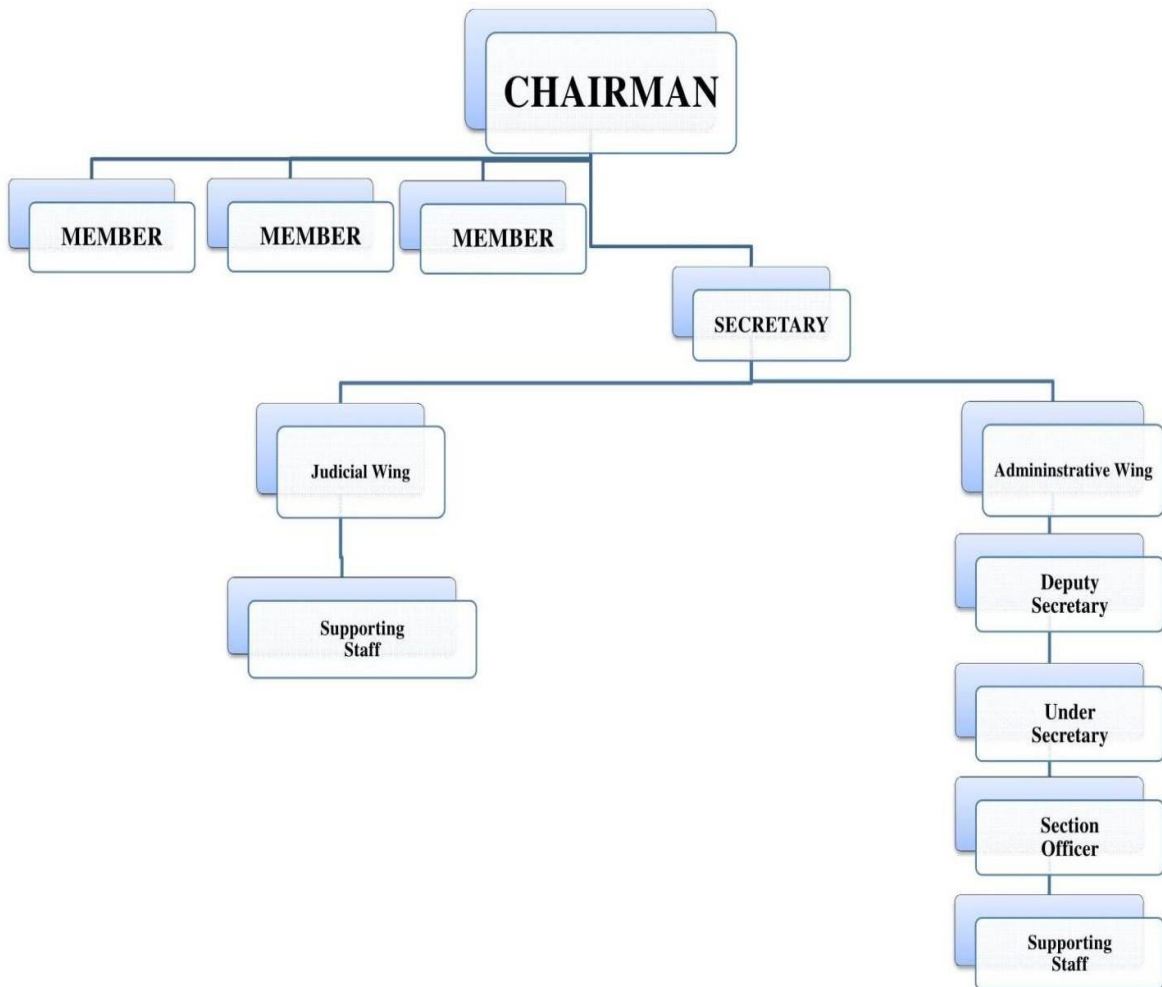
2.3.3. ANNUAL REPORT

The Commission shall prepare annual report for each financial year with complete details of its activities undertaken during the previous financial year and forward a copy thereof to the Central Government.

2.3.4. ANNUAL REPORT AND AUDIT REPORT TO BE LAID BEFORE PARLIAMENT

The audit report and the annual report together with the memorandum of action taken on the advice tendered by the Commission under section 11 and the reasons for non-acceptance, if any, of any such advice, to be laid before each House of Parliament by the Central Government. The Annual Report and Annual Accounts of the Commission for the year 2020-21 were laid in Lok Sabha on 28/3/2022 and in Rajya Sabha on 30/3/2022.

ORGANIZATION CHART



CHAPTER 3: MEETINGS OF THE COMMISSION

In terms of Section 12(3) of the NCMEI Act, every proceeding before the Commission is deemed to be a judicial proceeding within the meaning of section 193 and section 228 and for the purpose of section 196 of the Indian Penal Code. The Commission is deemed to be a civil court for the purpose of Section 195 Chapter XXVI of the Code of Criminal Procedure, 1973. Being a quasi-judicial body, the Commission conducts formal court sittings on a day to day basis. The Commission has a formal court room for the purpose.

3.1 WORKING OF THE COMMISSION

According to the cause list, the Commission takes up legacy cases and registers fresh petitions and passes orders. In order to ensure expeditious disposal of the cases and to minimize backlog, the Commission lists requisite number of cases in each sitting. Notices to different parties including show cause notice to the applicant is issued as per the direction of the Court. Adequate notice period is given to all the parties. In the first hearing of fresh petition, presence of the petitioner or respondent is not necessary. Notices requiring their appearance, are issued on the second date of hearing.

In case where the petitioners plead for urgency, the Commission gives an early date, based on merits. The Commission also takes into consideration, the inconvenience shown by the petitioners/parties to appear on a particular date and accordingly adjournments are granted to enable the petitioners/ parties to plead their cases effectively in consonance with the principle of natural justice. Commission has never insisted on engagement of a counsel to represent the petitioner i.e. any petitioner who wants to argue his/her case personally is at liberty to do so.

With a view to expedite disposal of cases no quorum has been fixed by the Commission for the court sittings. Even if only Chairman or one of the Member is present, court proceedings can be conducted and cases taken up for appropriate decision.

The Commission endeavours to provide a cost-free forum to the members of the minority communities for redressal of their grievances regarding deprivation of educational rights enshrined in the Constitution. The Commission has not prescribed any

court fee either for processing and deciding on all questions relating to the status of any institution as a Minority Educational Institution (MEI) and declare its status as such or deciding on appeal made by the MEI against the order of the State Governments/UT Administrations on being denied the Minority Status Certificate (MSC) or NOC. Since a large number of petitioners are not conversant with the court procedures, the Commission has even accepted petitions which are not in conformity with the law of pleadings and gives appropriate directions to such petitioners.

3.2 THE SITTINGS AND HEARINGS OF THE COMMISSION

The Court of the Commission decides cases regarding grant of Minority Status Certificate and also appeals under Section 12A and 12B. The Court also decides cases relating to cancelation of MSC under Section 12C. For the purpose, the Court of Commission has sittings wherein cases are taken up as per the cause list. Year-wise numbers of sittings by the Court of the Commission are given in figure-3.1.



Fig. 3.1: Year-wise sittings of the Commission since 2007-08

The Commission held 130 sittings during 2022-23 as compared to 115 during 2021-22. In the months of June and December, 2022 the Court of the Commission had only two and seven sittings respectively as the Court observes summer and winter vacations in these months.

3.3 THE NUMBER OF MSCs GRANTED BY THE COMMISSION SINCE ITS INCEPTION

The Commission grants Minority Status Certificate (MSC) to the eligible Minority Educational Institutions (MEIs). 13828 MSCs have been granted since the inception of the Commission. Year-wise, number of MSCs granted by the Court of the Commission is given in table 3.1.

S. No.	Year	Number of MSCs granted
1.	2005-06	48
2.	2006-07	622
3.	2007-08	674
4.	2008-09	397
5.	2009-10	1039
6.	2010-11	1342
7.	2011-12	1854
8.	2012-13	1791
9.	2013-14	1674
10.	2014-15	1372
11.	2015-16	1022
12.	2016-17	1094
13.	2017-18	466
14.	2018-19	158
15.	2019-20	12
16.	2020-21	15
17.	2021-22	86
18.	2022-23	162
Total		13828

Table 3.1: Number of MSCs granted since 2005-06

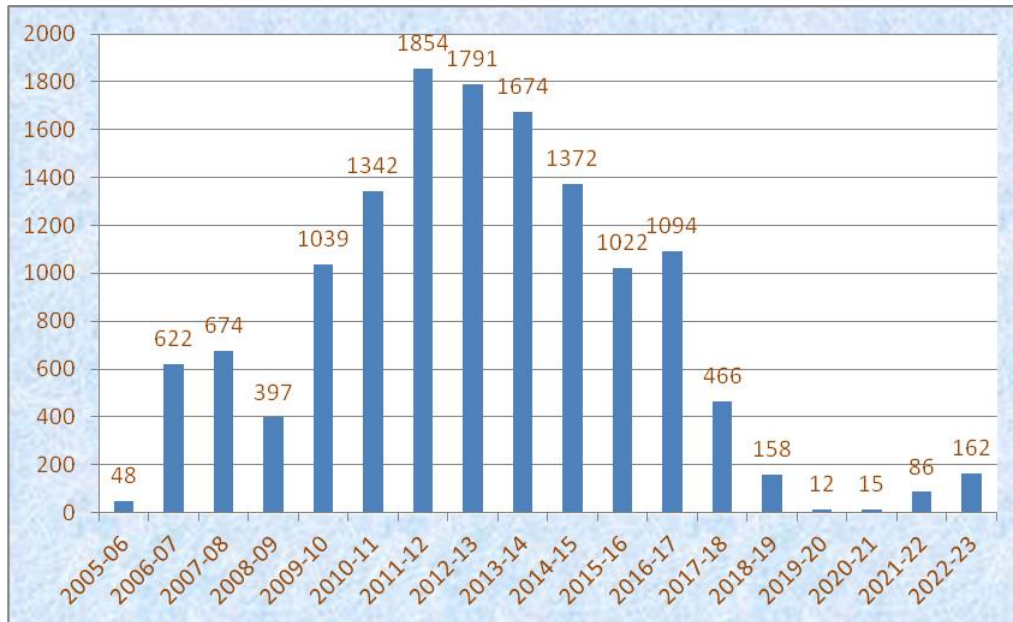


Fig. 3.2.: Year-wise Number of MSCs granted by the Commission

State/UT-wise, number of Minority Status Certificates granted from 2005-06 to 31.03.2023, are given in the table 3.2.

S. No.	State	Total MSCs granted till 31/03/2023
1.	Andaman & Nicobar Island	9
2.	Andhra Pradesh	238
3.	Arunachal Pradesh	24
4.	Assam	221
5.	Bihar	157
6.	Chandigarh	21
7.	Chhattisgarh	232
8.	Dadra & Nagar Haveli	4
9.	Daman & Diu	1
10.	Delhi	257
11.	Goa	165
12.	Gujarat	62
13.	Haryana	181
14.	Himachal Pradesh	28
15.	Jharkhand	108
16.	Karnataka	727
17.	Kerala	4711
18.	Madhya Pradesh	571
19.	Maharashtra	201
20.	Manipur	37
21.	Meghalaya	8
22.	Nagaland	1
23.	Odisha	122
24.	Puduchery	30
25.	Punjab	123
26.	Rajasthan	104
27.	Sikkim	18
28.	Tamil Nadu	1077
29.	Telangana	347
30.	Tripura	13
31.	Uttar Pradesh	3208
32.	Uttarakhand	126
33.	West Bengal	696
Total		13828

Table 3.2 State-wise number of MSCs granted since 2005-06

The data reveals that maximum number of MSCs have been granted to MEIs from the States of Kerala, followed by Uttar Pradesh, Tamil Nadu, Karnataka, West Bengal and Madhya Pradesh. More than 80% of the total MSCs have been granted to MEIs from these States. No MSC has been issued to MEIs from Jammu and Kashmir, Ladakh, Lakshadweep and Mizoram.

CHAPTER 4 – HIGHLIGHTS OF THE YEAR

The Commission completed 18 years in November, 2022. The Commission functions as per the mandate and the same are reflected in its Annual Report. The highlights of the Commission's functioning during 2022-23 are given as under:

4.1 COURT SITTINGS

Date-wise, number of cases heard in the court, during the financial year 2022-23, are in the table given below:

S. No.	Date	No. of Cases Heard	Remanded to State Competent Authority	Disposed of as withdrawn	Dismissed and rejected	MSC Granted	Cancelled/ Duplicate/ Surrendered MSC	Notices Issued	Letters for clarification /Physical Inspection Committee
1.	05-4-2022	36	1	--	4	--	--	3	7
2.	06-4-2022	35	--	7	3	--	--	6	6
3.	07-4-2022	30	--	3	1	3	--	3	11
4.	12-4-2022	43	1	3	2	4		6	7
5.	13-4-2022	35	--	8	4	4	--	7	2
6.	19-4-2022	33	--	7	--	3	--	3	9
7.	20-4-2022	32	--	7	2	--	--	7	7
8.	21-4-2022	30	--	6	--	--	--	6	4
9.	26-4-2022	35		2	--	4		3	13
10.	27-4-2022	36	--	9	2	3	--	5	7
11.	28-4-2022	29	--	3	4	--	--	7	3
	April: Total	374	2	55	22	21	--	56	76
12.	4-5-2022	40	--	7	2	6	--	9	2
13.	5-5-2022	37	--	3	3	3		2	18
14.	10-5-2022	36	--	12	--	3	--	6	
15.	11-5-2022	32		4	--	4	--	4	9
16.	12-5-2022	29	--	3	--	--	--	13	5
17.	17-5-2022	34	--	4	--	--	--	2	6
18.	18-5-2022	27	--	6	--	--		5	1
19.	19-5-2022	32	--	9	1	4	--	2	1
20.	24-5-2022	36		3	1	5	--	2	12
21.	25-5-2022	33	--	2	8	4	--	2	4
22.	26-5-2022	33	--	5	1	5	--	4	3
23.	31-5-2022	28	--	4	--	4		1	4
	May: Total	397	--	62	16	38	--	52	67
24.	1-6-2022	27		1	1	3	--	2	11
25.	2-6-2022	23	--	2	--	8	--		8
	June: Total	50	--	3	1	11	--	2	19
26.	5-7-2022	25	--		--	--		6	7
27.	6-7-2022	26	--	5	1	--	--	8	6
28.	7-7-2022	26		8	1	--	--	10	2
29.	12-7-2022	24	--	3	1		--	4	5

30.	13-7-2022	26	--	4	--	--	--	4	6
31.	14-7-2022	24	--	7	--	--	--	4	6
32.	19-7-2022	30	--	--	--	--	--	6	4
33.	20-7-2022	34	--	9	--	2	--	1	7
34.	21-7-2022	30	--	1	--	2	--	5	
35.	26-7-2022	27	--	--	1	--	--		16
36.	27-7-2022	24	--	3	1	--	--	2	7
37.	28-7-2022	23	--	5	--	--	--	1	8
	July: Total	319	--	45	5	4	--	51	74
38.	2-8-2022	33	--	--	--	--	--	10	5
39.	3-8-2022	35	--	3	--	--	--	3	10
40.	4-8-2022	34	--	2	--	--	--	8	6
41.	10-8-2022	26	--	2	--	--	--	5	11
42.	11-8-2022	13	--	2	--	--	--	2	5
43.	16-8-2022	30	--	3	--	--	--	4	7
44.	17-8-2022	30	--	12	--	--	--	5	7
45.	18-8-2022	29	--	1	4	--	--	4	11
46.	23-8-2022	33	--	5	--	--	--	10	9
47.	24-8-2022	33	--	2	--	4	--	7	8
48.	25-8-2022	23	--	2	1	3	--	2	5
49.	30-8-2022	29	--	--	--	--	--	4	5
50.	31-8-2022	28	--	5	--	--	--	7	6
	August-Total	376	--	39	5	7	--	71	95
51.	1-9-2022	25	--	7	1	2	--	3	7
52.	6-9-2022	22	--	5	5	1	1 (Duplicate)	1	3
53.	7-9-2022	26	--	4	2	2	--	1	13
54.	8-9-2022	22	--	3	1	--	--	7	4
55.	13-9-2022	31	--	11	--	4	--	3	11
56.	14-9-2022	26	--	6	--	--	--	3	7
57.	15-9-2022	27	--	12	6	--	--	4	1
58.	20-9-2022	21	--	2	1	1	--	4	7
59.	21-9-2022	27	--	3	2	4	--	2	7
60.	22-9-2022	23	--	4	1	--	--		4
61.	27-9-2022	24	--	7	--	--	--		10
62.	28-9-2022	24	--	4	--	--	--	5	8
63.	29-9-2022	21	--	1	--	--	--	3	11
	September Total	319	--	69	19	14	1	36	93
64.	4-10-2022	28	--	3	--	--	--	6	10
65.	6-10-2022	28	--	22	--	--	--	4	
66.	11-10-2022	27	--	7	--	--	--	6	1
67.	12-10-2022	27	--	2	--	--	--	5	6
68.	13-10-2022	29	--	8	--	--	--	8	6
69.	18-10-2022	26	--	3	--	--	--	3	11
70.	19-10-2022	27	--		--	--	--	6	13
71.	20-10-2022	28	--	3	1	--	--	4	13
72.	25-10-2022	22	--	2	--	--	--	2	14

73.	26-10-2022	23	--	3	--	--	--	3	5
74.	27-10-2022	29	1	1	--	--	--	7	10
	Total October	294	1	54	1	--	--	54	89
75.	1-11-2022	27	--	3	--	--	--	1	5
76.	2-11-2022	26	--	3	--	--	--	1	6
77.	3-11-2022	21	--		--	--	--	4	5
78.	9-11-2022	15		--	--	--	--	--	6
79.	10-11-2022	22	--	3	--	--	--	2	10
80.	15-11-2022	25	--	1	--	--	--	3	4
81.	16-11-2022	28	--	--	--	2	--	10	7
82.	17-11-2022	33	--	--	2	4	--	7	8
83.	22-11-2022	25	--	1	--	--	--	8	7
84.	23-11-2022	18	--	1	--	--	--	4	9
85.	24-11-2022	23	--	1	--	--	--	10	2
86.	29-11-2022	25		--		11			8
87.	30-11-2022	22	--	--	--	--	--	3	9
	November Total	310	--	13	2	17	--	53	86
88.	1-12-2022	20	--	--	--	--	--		13
89.	6-12-2022	21	--	--	--	--	--	3	10
90.	7-12-2022	21	--	--	--	--	--	2	10
91.	8-12-2022	22	--	--	--	3	--	5	8
92.	13-12-2022	20	1	1	--	6	--	2	4
93.	14-12-2022	15	--	--	--		--	4	5
94.	15-12-2022	15	--	--	--	1	1(Duplicate)	1	1
	December Total	134	1	1	--	10	1	17	51
95.	3-1-2023	16	--	2	4	1	--	2	1
96.	4-1-2023	16	--	2	1	--	--	3	5
97.	5-1-2022	16	--	4	--	--	--	2	6
98.	10-1-2023	23	--	--	--	2		4	8
99.	11-1-2023	20	--	--	2	--	--	6	3
100.	12-1-2023	19	--	--	--	--	--	1	9
101.	17-1-2023	20	--		--	--	--	3	4
102.	18-1-2023	20	--	--	--	--	--	3	5
103.	19-1-2023	20		--	--	--	--	4	7
104.	24-1-2023	21	--	1	--	3	--		2
105.	25-1-2023	17	--	--	--	--	--	7	6
106.	31-1-2023	20	--	--	--	--	--	1	2
	January Total	228	--	9	7	6	--	36	58
107.	1-2-2023	14	--	--	--			1	2
108.	2-2-2023	30	--	--	1	9	--		6
109.	7-2-2023	21	--	1	--	--	--	3	9
110.	8-2-2023	22		6	--	1	--	4	4
111.	9-2-2023	20	--	2	--	--	--	5	7
112.	14-2-2023	20	--	4		--	--	1	6
113.	15-2-2023	19	--	1	--	4	--		10
114.	16-2-2023	21	--	2	--	1	--	4	5

115.	21-2-2023	19		--	--	--	--	5	4
116.	22-2-2023	16	--	--	--	--	--	6	
117.	23-2-2023	18	--	2	--	4	--	1	3
118.	28-2-2023	21	--	--	1	--	--	5	5
	February Total	241	--	18	2	19	--	35	61
119.	2-3-2023	22	--	--	--	--	--	7	4
120.	3-3-2023	25	--	3	--	--	--	10	4
121.	7-3-2023	24	--	--	--	--	--	3	14
122.	9-3-2023	35	--	18	--	6	--	6	2
123.	14-3-2023	27	--	1	--	1	--	3	11
124.	15-3-2023	20	--	1	2	1	--	3	6
125.	16-3-2023	19	--	1	--		--	6	8
126.	21-3-2023	21	--	--	--	2	--	2	10
127.	22-3-2023	21		2	--	1		2	9
128.	23-3-2023	21	--	--	--	--	--	5	6
129.	28-3-2023	23	1	1	--	1	--	5	3
130.	29-3-2023	20	--	--	--	--	--	1	7
	March Total	279	1	27	2	12	--	53	84
130	G. Total	3321	7	395	82	159	2	516	853

Note: In addition to the above, the MSCs were issued to three institutions which were granted MSC by the Commission in the previous years but had not submitted Unique ID then. Also, one MSC was cancelled as per the orders of Hon'ble High Court of Haryana and Punjab.

Table 4.1: Date-wise Court sittings and number of cases heard during 2022-23

During the year 2022-23, 162 MSCs were issued and in addition the Hon'ble Court of the Commission passed order for granting of duplicate MSC to two institutions and cancellation of one MSC.

During 2022-23, the Commission held 130 sittings and heard 3321 cases as compared to 3052 cases in the previous year. Month-wise number of cases heard by the Commission is given in figure 4.1.

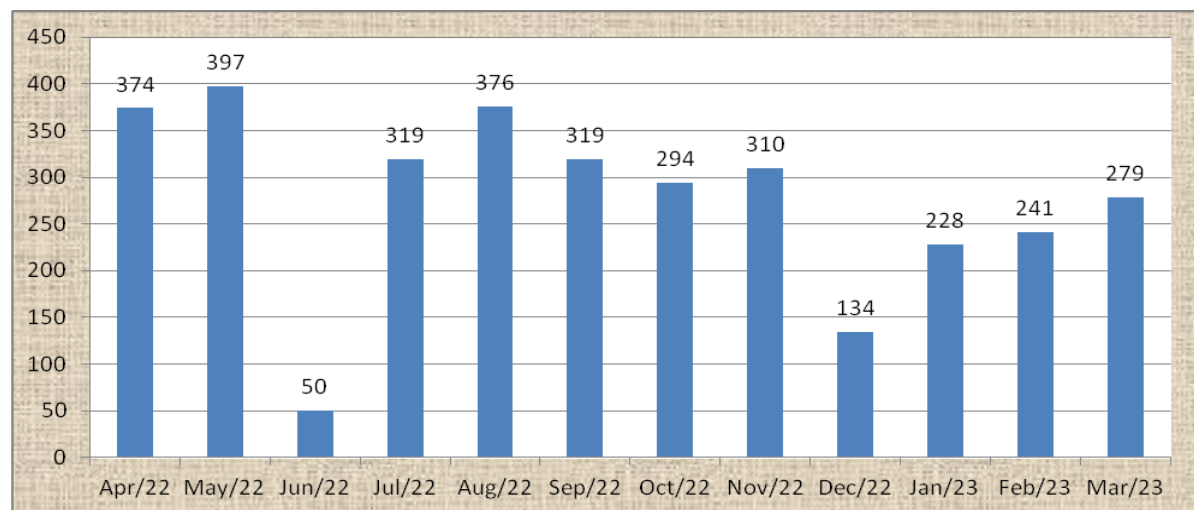


Figure 4.1: Month-wise Number of cases heard from April 2022 to March 2023

Of the 3321 cases heard during 2022-23, 82 were dismissed/rejected, 395 cases were dismissed as withdrawn and seven cases were remanded to State Competent Authority for deciding MEI's application for grant of MSC/NOC. As per the order of the Court of Commission, notice to the respondent and show cause notice to the applicants were served in 516 cases. As ordered by the Commission, letters were sent to the State Government and members of the physical inspection committee of the concerned districts and also to the applicants, in 853 cases.

4.2 GRANT OF MINORITY STATUS CERTIFICATE

The eligible Minority Educational Institution can apply to the NCMEI and also to the State Authority for grant of MSC. As per the requirement of the Commission, the Minority Status Certificate (MSC) application form (**Annexure-1**) is revised from time to time. This is available on the NCMEI website (<https://ncmei.gov.in>). For the ease of the applicants/petitioners, checklist of required mandatory documents which are to be attached with the application form, is available on the NCMEI website. As per the provisions of the NCMEI Act, 2004 (amendment, 2006), the applicant institution before applying for grant of MSC, is required to apply for 'No Objection Certificate' (NOC) to the State Competent Authority (the list of Competent Authority is at **Annexure-3**). If, the applicant institution whose NOC under Section 10 of the NCMEI Act, 2004 has been rejected by the State Competent Authority, then the applicant can appeal against the order under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal), Rules, 2006. The format of application is annexed at **Annexure-2**.

In case the MSC application is rejected by the State/UT Authority then the applicant institution can appeal under Section 12B of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal), Rules, 2006. The format of application is annexed at **Annexure-2**. The application for appeal under Section 12A and 12B are also available on NCMEI website (<https://ncmei.gov.in>).

Brief about the MSCs granted by the Commission are given as under:

- ❖ 162 MSCs were granted during 2022-23 as compared to 86 MSCs during 2021-22. In addition duplicate MSCs have been issued to two MEIs and one MSC was cancelled on the direction of Hon'ble High Court of Haryana and Punjab.
- ❖ State-wise, number of MEIs which have been granted MSC during 2022-23 is detailed in table 4.2.

Sr. No.	State /UT	Number of MSCs issued during 2022-23
1.	Andhra Pradesh	2
2.	Bihar	6
3.	Delhi	2
4.	Himachal Pradesh	1
5.	Jharkhand	2
6.	Karnataka	9
7.	Kerala	18
8.	Madhya Pradesh	21
9.	Maharashtra	2
10.	Nagaland	1
11.	Puducherry	1
12.	Tamil Nadu	69
13.	Telangana	5
14.	Uttar Pradesh	21
15.	Uttarakhand	2
	Total	162

Table 4.2: State-wise number of MEIs granted during 2022-23

- ❖ Community wise, MSCs granted during the year 2022-23 are given in the table 4.3.

Christians	Muslims	Jains	Sikhs	Buddhists	Parsis
89	49	19	4	1	0

Table 4.3: Community-wise MSCs granted during 2022-23

4.3. VERIFICATION OF SOCIETIES/TRUSTS

In order to bring transparency in the process of granting MSC, the Commission conducts random verification of the Society/Trust running a MEI. The issue relating to verification is taken up with the Chief Secretary/Administrator of the concerned State/UT who verifies the functioning of the Society/Trust and existence/working of the educational institution.

Further, pursuant to NITI Aayog's instructions in 2016, all petitioners are required to furnish the unique-ID allocated by NITI Aayog through its NGO Darpan Portal. In the unique-ID document the name and address of the society/trust which run the MEI is provided and also the name of the office bearers of the society/trust. These details are cross verified from the details provided in the MSC application.

In order to streamline and bring transparency in the process of MSC application, the Commission notified that the declaration, affidavit and valaktanama should be signed by the same person.

On 5th August 2021, it was also notified that the institute established and administered by the trust/society is also required to submit a copy of the resolution passed by the governing body of the society/trust authorising the signatory of declaration, affidavit and valaktanama for filing application for MSC.

4.4. NEW POLICY INITIATIVES TOWARDS e-GOVERNANCE

e-Governance is easy, effective and economical governance. Initiatives taken during 2017-18, for proper implementation of the concept of e-Governance has been carried forward during 2022-23 also, with the objective of enhancing transparency, accuracy and efficiency in the functioning of the Commission. Some of the initiatives are:

- (i) **Dynamic NCMEI Website:** NCMEI has its own website which is user friendly and updated with current content. Procedure for filing MSC application, checklist of mandatory documents, details of the nodal officers and State Competent Authority etc. are all available.
 - ❖ Online search of cases according to State, Year and Community
 - ❖ Daily Cause List /[Court Orders / Judgments](#) are uploaded on the NCMEI Website <http://ncmei.gov.in>
 - ❖ Details of [MSCs issued to the MEIs](#) along with Community are uploaded on the website
 - ❖ Annual reports of the Commission and important notices and circulars are also available on website.
- (ii) **Implementation of e-Office:** In order to digitize the administrative work and track record, all new receipts are scanned and uploaded on e-office. Further, online RTI disposal and online public grievance redressal of CPGRAMS is also followed in the Commission.
- (iii) **Public Finance Management System (PFMS):** Commission is on PFMS since 2017. This is a financial management platform which establishes an efficient fund flow system as well as a payment cum accounting network. This has brought in

transparency in expenditure and provides real-time information on the availability of funds and funds utilization. This system is an important tool for improving governance.

(iv) **Digitization of Records:** Keeping in view the Hon'ble Prime Minister's vision on Digital India, it was decided to digitize all the files, wherein MSCs have been granted. To ensure transparency all such records have been uploaded on the website for the general public.

(v) **One Nation One Data Initiative:** The data of MEIs which have been granted MSC by the commission has been shared with the respective State/UT governments for their record.

4.5. SWACHH BHARAT MISSION

With the aim to make India clean, Hon'ble Prime Minister desired that the Central Government Ministries and its attached offices should observe in a calendar year Swachhta Pakhwada. Swachhta Pakhwada was celebrated in the Commission from 1/9/2022 to 15/9/2022. Various activities were



undertaken in the Commission's premises which include removal of waste material from and around the office, arrangement of files in proper racks, weeding of old records etc. The Swachhta pledge was administered in the Commission during that period. A number of other initiatives have been taken for the cleanliness of the premises from time to time.

4.6. VIGILANCE OBSERVANCE WEEK



Vigilance observance week from 31st October to 6th November, 2022 was observed in the Commission and the Integrity Pledge was taken on 3rd November, 2022. The theme was "Corruption Free India for a Developed Nation".



4.7. RASHTRIYA EKTA DIWAS PLEDGE

The spirit of unification of the country was made possible by the vision and actions of late Sardar Vallabhbhai Patel. A pledge of Unity that every one of us will preserve the unity, integrity and security of the nation and contribute towards ensuring internal security of the country was administered by the Secretary of the Commission to the staff.



4.7. MEETING WITH THE COMPETENT AUTHORITIES AND MINORITY EDUCATIONAL INSTITUTIONS FROM GUJARAT, RAJASTHAN, KARNATAKA, MAHARASTRA, GOA AND DAMAN- DIU, HELD ON 01.10.2022 AT AHMEDABAD, GUJARAT

A meeting with the Competent Authorities and representatives of Educational Institutions from Gujarat, Rajasthan, Karnataka, Maharashtra, Goa and Daman-Diu, was held under the Chairmanship of Shri Rajkumar Ranjan Singh, Hon'ble Minister of State for Education, Government of India, on 01.10.2022 at Knowledge Consortium, Ahmedabad, Gujarat. The agenda of the meeting was regarding the National Education Policy 2020, sensitizing the Minority Education stakeholders about the provisions of the NCMEI



Act, 2004, challenges faced by the NCMEI and the State in grant of MSC/ NOC and the rights of Minority Educational Institutions. The Meeting was attended by Justice Narendra Kumar Jain, Hon'ble Chairman, NCMEI, Shri Kersi Kaikhushroo Deboo, Hon'ble Vice-Chairperson, NCM (National Commission for Minorities), Prof. (Dr.) Shahid Akhter, Hon'ble Member, NCMEI, Shri Dhanyakumar Jinappa Gunde, Hon'ble Member, NCM, Shri P.K. Banerjee, Joint Secretary (Minority Cell), Ministry of Education, Manoj kumar Kejrewal, Secreary, NCMEI, Shri B.C. Solanki, Joint Director, Ministry of Education, Gujarat and over 200 officers and representatives of the participating States/UTs.



Article 30 (1) of the Constitution of India and the enactment of the NCMEI Act, 2004 for safeguarding the educational rights of the minorities enshrined in Article 30(1) of the Constitution was discussed and elaborated in the meeting. It was discussed that the rights enshrined under Article 30 (1) of the Constitution are meant to benefit the minorities by protecting and promoting their interests. These rights are subject to the regulatory powers of the State for maintenance and facilitating the excellence of educational standards. The minority institutions cannot be allowed to fall below the standards of excellence.

It was discussed that, the outcome of the National Education Policy 2020 is universalization of education from early childhood to secondary level by 2030, aligning with Sustainable Development Goal (SDG IV). The education policy and education system is a very important medium in meeting the aspirations of the country. The Central government, the State government and



the local bodies, all are associated with the responsibility of the education system. The more the teachers, parents and students are involved in the education policy, its relevance and prevalence also increases.

India is entering into its 'Amrit Kaal' and its huge and young workforce need to be honed through education. The education serves as an engine for development, especially for the minorities and the rationale behind giving special rights to the minorities who face discrimination.

CHAPTER 5 – TOURS AND VISITS

Tours were undertaken by the Hon'ble Chairman and the Member, for the purpose of interacting with the stakeholders and members of the minority community and to understand the problems/ difficulties faced by them. It also gives an opportunity to the Commission to apprise the members of the minority community about their Constitutional rights as well as the role and responsibilities of NCMEI. The tours and visits also provides an opportunity to interact with the political and the State Government functionaries and also ascertain the progress made by the State Governments in ensuring the education of Minorities. The tours and visits have helped in sensitizing the officials of the State Governments about the rights of minorities enshrined in Article 30(1) of the Constitution of India.

5.1 Details of the Tours Undertaken and Meetings Attended during 2022-23, by Justice (Retd.) Narendra Kumar Jain, Hon'ble Chairman of the Commission

S. No.	Date	Place of Visit	Purpose of visit and relevant outcomes
1.	23.04.2022	Dadri, District Gautam Budh Nagar (UP)	During the tour, Hon'ble Chairman appraised the owners, trustees and managers of Minority Institutions about their educational rights enshrined in Article 30 (1) of the Constitutions of India and also educated them about the role of NCMEI in protecting their educational rights. He also highlighted the provisions of NCMEI Act, 2004 and he stressed upon the management education. He opined that the management education is one of the most widely sought career options and mushrooming institutions stand testimony to its popularity. Infrastructure and qualified faculty are prerequisite of sound Management. Hon'ble Chairman also informed managers of these minority institutions about various beneficial
2.	01.05.2022	Village Salepur, Tehsil Sadar, Gautam Budh Nagar, (UP)	
3.	12.05.2022 to 16.05.2022	Kalka (Haryana), Kasauli, Solan, Shimla, etc. (HP) and Chandigarh	
4.	21.05.2022 to 22.05.2022	Niwai (Raj)	
5.	04.06.2022 to 05.06.2022	Swai Madhopur, Uncha, etc. (Raj)	
6.	07.06.2022 to 09.06.2022	Nainwan, District Bundi (Raj)	
7.	10.06.2022 to 11.06.2022	Shivdaspura, Tehsil Chaksu (Raj)	
8.	17.06.2022 to 19.06.2022	Swai Madhopur (Raj)	
9.	29.06.2022 to 30.06.2022	Kishangarh, Deoli, (Raj)	
10.	15.07.2022 to 17.07.2022	Jaipur (Raj)	
11.	18.07.2022 to 19.07.2022	Chapaneri, District Ajmer (Raj)	
12.	26.07.2022 to 27.07.2022	Karnal (Haryana)	
13.	12.08.2022 to 15.08.2022	Omkareshwar (MP)	
14.	22.09.2022 to 24.09.2022	Mangalayatan and Aligarh (UP)	
15.	27.09.2022 to 03.10.2022	Rajkot, Junagarh, Palitana, Ahmedabad (Gujarat), Jaipur (Raj) and Gram Junpat, PS Surajpur(UP)	

16.	15.10.2022 to 16.10.2022	Dingarpur, Dist. Moradabad (UP) and Gurgaon (Haryana)	<p>schemes launched by the Central Government for the minorities.</p> <p>During the tour, the stakeholders were made aware about the National Education Policy, 2020 and the Initiatives and commitment of Government of India, towards the development of minority.</p>
17.	30.10.2022	Aligarh (UP)	
18.	14.11.2022 to 15.11.2022	Etah (UP)	
19.	20.11.2022	Badagaon, Dist. Bagpat (UP)	
20.	19.12.2022 to 26.12.2022	Patna, Gaya, Rajgir, Kundalpur, Nalanda, Champapur, Bhagalpur etc. (Bihar)	
21.	09.01.2023	Chandausi (UP)	
22.	12.01.2023 to 26.01.2023	Swai Madhopur, Nainwan, Jahajpur, Tonk, Jaipur, Deoli, Uniara, etc. (Raj)	
23.	30.01.2023 to 02.02.2023	Nouser/Dandali, Dist. Barmer and Hadechanagar, Dist. Jalore (Raj)	
24.	04.02.2023 to 06.02.2023	Gwalior, Morena (MP)	
25.	09.02.2023 to 14.02.2023	Damoh, Patharia, Kundalpur (MP)	
26.	17.02.2023 to 21.02.2023	Surat, Navsari, Valsad, Vapi (Guj)	
27.	01.03.2023 to 04.03.2023	Indore, Ratlam etc. (MP)	
28.	19.03.2023	Hapur (UP)	
29.	24.03.2023 to 26.03.2023	Jaipur (Raj)	



Meeting with Shri John Barla, the Hon'ble Minister of State for Minority Affairs, Government of India & Shri Iqbal Singh Lalpura, the Hon'ble Chairman of NCM, etc



Meeting with Shri Faggan Singh Kulaste, the Hon'ble Minister of State for Consumer Affairs, Food and Public Distribution and Rural Development, Government of India



Meeting with Hon'ble Governor of Kerala



Meeting with Dr. Dharmasthala Veerendra Heggade, Hon'ble Member, Rajya Sabh



Meeting with Shri Kersi Kaikhushroo Deboo, Vice Chairman, National Commission for Minorities, at Navsari Gujarat



Hon'ble Chairman attended a Meeting of National Commission for Minorities, at Vigyan Bhawan, New Delhi



**Hon'ble Chairman & Member NCMEI and others
Celebrating Prakash Parva at the Residence of Shri Iqbal
Singh Lalpura, the Hon'ble Chairman of NCM**



**Hon'ble Chairman and Secretary, NCMEI Taking a
Meeting of Stakeholders at Rajkot, Gujarat**



**Keynote address of Hon'ble Chairman, NCMEI at *Socrates
Social Research University* at Delhi University**



**Meeting in National Minorities Development &
Finance Corporation, New Delhi**



**Hon'ble Chairman Taking a Meeting of Stakeholders from
Minority Educational Institutions at Sawai Madhopur,
Rajasthan**



**Hon'ble Chairman as Chief Guest at Masters Convent
School at Hapur, UP**



**Hon'ble Chairman and Hon'ble Member, NCMEI
Discussing Minority related issues with Shri
Jainandu from Jharkhand**



**Hon'ble Chairman and Secretary, NCMEI Taking a
Meeting of Stakeholders at Junagarh, Gujarat**



**Hon'ble Chairman and Secretary, NCMEI with
Stakeholders in Gujarat**



**Hon'ble Chairman releasing a book in a Function
Organized by Shri Digambar Jain Trust, Gurugram,
Haryana**



**Hon'ble Chairman being facilitated at Modi School,
Rajkot, Gujarat**



**Hon'ble Chairman Taking a Meeting of the District
Officers, Swai Madhopur, Rajasthan**

5.2 Details of the Tours undertaken and Meetings attended during 2022-23 by Prof. (Dr.) Shahid Akhter, Hon'ble Member, NCMEI

S. No.	Date	Place of Visit	Purpose of visit and relevant outcomes
1	28.04.2022 to 08.05.2022	Ranchi, Jharkhand	1. The tours were meant to create awareness about the educational rights enshrined in Article 30 (1) of the Constitution of India.
2	19.05.2022 to 21.05.2022	Jaipur, Kishangarh, Ajmer, Rajasthan	2. Spoke about the rights of minority educational institutions and efforts of the government for uplifting of educational status of minorities. He also explained the role of minority institutions in nation building.
3	13.06.2022 to 01.07.2022	Katihar(Bihar), Ranchi(Jharkha nd) & Kolkata(West Bengal)	3. Explained about the powers and functions of NCMEI and also gave various suggestions to strengthen the minorities in the State.
4	29.07.2022 to 31.07.2022	Ranchi, Jharkhand	4. On 30.01.2023, met the Hon'ble President of India Smt. Droupadi Murmu. 5. On 30.04.2022, attended function as a Chief Guest on "Educational status of Muslims-Minorities in Jharkhand" on occasion of Iftar Party organized by the Muslim Rashtriya Manch, Jharkhand.
5	17.09.2022 to 18.09.2022	Patna, Bihar	6. On 04.05.2022, attended programme as Chief Guest on Alpsankhayak Sammelan at Pundag Dhupa Toli Dudugia, New Ashok Nagar, Near Sharna Asthal, Ranchi, Jharkhand on Eid Millan Samaroh organized by Being Human Panchayat, Pundag, Ranchi.
6	29.09.2022	Muzaffarnagar, U.P.	
7	30.09.2022 to 02.10.2022	Ahmedabad, Gujarat	7. During the visit to Ranchi he met with Hon'ble Governor and other Officials of Jharkhand and discussed existing condition of MEIs in the state.
8	17.10.2022 & 18.10.2022	Lucknow & Kanpur, U.P.	8. He attended meeting with minority community at Kishangarh on 20.05.2022 & Ajmer on 21.05.2022, and discussed problems being faced by them.
9	05.11.2022 to 07.11.2022	Bangalore, Ernakulam, Chennai	9. On 14.06.2022 to 19.06.2022, alongwith Secretary of the Commission attended meeting at Katihar with minority communities to discuss matter related to MEIs. During this period he visited in MEIs of different districts of Bihar like Katihar, Purnia, Kishanganj, Bhagalpur to know their educational status & received report from the concerned officers of the above-said districts regarding educational problems being faced by minorities and steps taken by the State Government to safeguard the educational rights of minorities.
10	18.11.2022 to 20.11.2022	Guwahati, Assam	
11	01.12.2022 to 04.12.2022	Ranchi, Jharkhand	

12	27.02.2023 to 28.02.2023	Kolkata, W.B.	<p>10. On 23.06.2022 & 29.06.2022, attended meeting with competent authorities & Govt. Officials of Jharkhand & received report regarding educational problems being faced by minorities and also take stock of steps taken by the State Government to safeguard the educational rights of minorities.</p> <p>11. On 30.07.2022, attended the meeting of Board of Governors of Jharkhand Rai University, Ranchi in the University campus room at Kamre Campus.</p> <p>12. On 17.09.2022, attended seminar organized by Rashtriya Suraksha Jagran Manch, Patna.</p> <p>13. On 18.09.2022, met with the Hon'ble Governor of Bihar.</p> <p>14. On 20.09.2022, attended function as Guest of Honour for grand opening of Diagnostic Centre & Awareness Programme on (Swasth Bharat Cancer Mukh Bharat) at MJ Institute of Medical Sciences & Hospital, Mansurpur Road, Muzaffarnagar, U.P.</p> <p>15. On 01.10.2022, attended a meeting under the Chairmanship of Dr. Rajkumar Ranjan Singh, Hon'ble Minister of State for Education, Govt. of India at Knowledge Consortium of Gujarat, Pragna Puram Campus, Opposite PRL, Near LD Engineering College, Navrangpura, Ahmedabad, Gujarat.</p> <p>16. On 17.10.2022, attended a meeting with District Magistrate, District Education Officer, and District Minority Welfare Officer, Kanpur, government of U.P. at State Guest House, Kanpur to discuss problems being faced by MEIs.</p> <p>17. On 17.10.2022, attended a programme to celebrate Sir Syed Day at Virendra Swaroop Public School Auditorium, Civil Lines, Kanpur.</p> <p>18. On 18.10.2022, visited on Sir Syed Public School, KDA Colony, Kanpur.</p> <p>19. On 18.10.2022, attended 5th Educators meet as a key note speaker on "Best Practices of Educational Institutions" at Halim Post Graduate College Auditorium, Kanpur.</p> <p>20. On 18.10.2022, inaugurated NCPUL Caba MDTP Centre at Akin Children Public School, Kanpur.</p> <p>21. On 05.11.2022, attended function as Special Guest to deliver a lecture in "Minority Conference" at KSBA (Karnataka State Billiards Association Club), Jasma Bhavan Road, Vasanth Nagar, Bangalore, Karnataka.</p> <p>22. On 06.11.2022, attended meeting organized by the Muslim Rashtriya Manch, Kerala at Hotel Mahanami, Aluva, Ernakulam.</p>
----	--------------------------------	---------------	---

			<p>23. On 07.11.2022, attended a meeting with the competent authorities of Tamil Nadu at State Guest House, Chennai. Principal Secretary, School Education Dept., Principal Secretary, Higher Education Dept., Secretary, Law Education Dept., and Secretary, Health & Welfare Department, Govt. of T.N. were present in the meeting and discussed the problems of MEIs.</p> <p>24. On 07.11.2022, attended meeting with minority communities at Chennai State Guest House.</p> <p>25. On 18.11.2022, attended a meeting with Joint Secretary, Department of Higher Education, Government of Assam, Deputy Commissioner, District Education Officer, District Minority Welfare Officer, Guwahati, Government of Assam, MEIs and madrasas of Guwahati at Assam Administrative Staff College Auditorium.</p> <p>26. On 19.11.2022, attended one day training camp for all District Convenor and office Bearers of Muslim Rashtriya Manch Assam Pradesh at Capital Construction Building Division, Lastgate, Dispur, Guwahati, Kamrup(M).</p> <p>27. On 20.11.2022, met some of the prominent members of minority communities to discuss their problems.</p> <p>28. On 02.12.2022, attended a programme at Jharkhand Rai University, Ranchi.</p> <p>29. On 03.12.2022, attended a function as "Chief Guest" on the occasion of First Convocation Ceremony at S.S. Education, Near Jora Talaab, Bariatu, Ranchi.</p> <p>30. On 28.02.2022, attended a function as "Special Guest" to deliver a lecture in "Minority Conference" at Lemon Tree Premier Hotel, New Town, Kolkata, W.B and also attended meeting with minority community there.</p>
--	--	--	--



Meeting with the Hon'ble President of India



Presenting Memento to the Hon'ble President of India



With Dr. Rajkumar Ranjan Singh, the Hon'ble Minister of State for Education, Govt. of India



Delivering a speech in the workshop at Ahmedabad and interacting with Competent Authorities and representatives of Minority Educational Institutions



With Sh. Ramesh Bais, the Hon'ble Governor of Jharkhand alongwith representatives of Muslim minority community



With Sh. Arjun Munda, the Hon'ble Minister for Tribal Affairs, Govt. of India



Review Meeting in Bhagalpur with District officials and members of minority communities



Meeting with Government Officials of Kanpur and discussed problems being faced by minorities' educational institutions of Kanpur at Circuit House



Review meeting with collector and district officials of Ramgarh alongwith representatives of Minority Educational Institutions



Review meeting with the District officials of Ranchi alongwith representatives of Minority Educational Institutions



With Dr. Jaspal Singh, the Hon'ble Member, NCMEI, Govt. of India and Shri Iqbal Singh Lalpura, the Hon'ble Chairman of National Commission for Minorities, Govt. of India



Dr. Montu Patel, Chairman, Pharmacy Council of India, visited to Hon'ble Member and discussed educational upliftment of minorities in the field of pharmacy



Key note speaker at the 5th Educators meet on the theme of “Best Practices of Educational Institutions” at Halim Post Graduate College Auditorium, Kanpur



Hon'ble Member during his visit to Assam met Dr. Ranaj Pegu, Education Minister of Assam



Syed Shahezadi, Hon'ble Member, National Commission for Minorities, Govt. of India visited to Hon'ble Member, NCMEI, Govt. of India to discuss educational matters pertaining to minorities.



Chief Guest address at a programme organized by Muslim Rashtriya Manch Jharkhand on the educational status of Muslim Minorities in Jharkhand

माइनोंरिटी से जुड़ी योजनाओं का करें प्रचार-प्रसार



भागलपुर. नेशनल कमीशन फॉर माइनोंरिटी एजुकेशनल इंस्टीट्यूट्स के सचिव प्रो डॉ शाहिद अख्तर ने शुक्रवार को कलेक्ट्रेट परिसर में अल्पसंख्यकों की शिक्षा से जुड़ी योजनाओं की समीक्षा की. प्रो अख्तर ने जिले के अल्पसंख्यक कल्याण के लिए चलायी जा रही योजनाओं का हाल जाना. उन्होंने कहा कि सरकारी योजनाओं को लाभुकों तक पहुंचाने की पहल करें. जानकारी के अभाव में योजनाओं का लाभ नहीं मिल रहा है. उन्होंने कहा कि अल्पसंख्यकों के शैक्षणिक संस्थानों की स्थिति अगर बर्दाहल है तो इसकी जानकारी सरकार को दें. सरकार अपने स्तर से इनका उन्नयन करेगी. समीक्षा बैठक में डीडीसी प्रतिभा रानी व डीओ संजय कुमार मौजूद थे.

केंद्र सरकार की योजनाओं का ठीक से लाभ ले तो अल्पसंख्यक वर्ग का होगा काफी फायदा : डॉ शाहिद

राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्थान अयोग के सदस्य डॉ शाहिद अख्तर ने किया रामगढ़ जिले का दौरा

स्वास्थ्य सचिव

केंद्र में बैठक के दौरान डॉ शाहिद अख्तर ने केंद्र की शिक्षा, कल्याण पदाधिकारी सहित अन्य अधिकारियों से अल्पसंख्यक वर्ग के लोगों के लिए किए जा रहे कार्यों तथा विभिन्न योजनाओं के तहतिये उन्हे लिए जा रहे कार्यों की जानकारी दी। इसमें बड़ा उद्देश्य है कि अल्पसंख्यक वर्ग के प्रतिनिधियों एवं अल्पसंख्यक शैक्षणिक संस्थानों को राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्थान अयोग द्वारा किए जा रहे कार्यों का लाभ ले सकें।



केंद्रों के लिए डॉ शाहिद अख्तर ने कहा कि अल्पसंख्यक वर्ग के लोगों को लाभ लेने के लिए सरकार की योजनाओं का ठीक से लाभ लेना होगा। डॉ शाहिद अख्तर ने कहा कि अल्पसंख्यक वर्ग के लोगों को लाभ लेने के लिए सरकार की योजनाओं का ठीक से लाभ लेना होगा। डॉ शाहिद अख्तर ने कहा कि अल्पसंख्यक वर्ग के लोगों को लाभ लेने के लिए सरकार की योजनाओं का ठीक से लाभ लेना होगा।

शिक्षा से आयेगी समाज व देश में खुशहाली : डॉ शाहिद

प्रतीति केन्द्र
केंद्रमें डॉ शाहिद अख्तर ने कहा कि अल्पसंख्यक वर्ग के लोगों को लाभ लेने के लिए सरकार की योजनाओं का ठीक से लाभ लेना होगा। डॉ शाहिद अख्तर ने कहा कि अल्पसंख्यक वर्ग के लोगों को लाभ लेने के लिए सरकार की योजनाओं का ठीक से लाभ लेना होगा।



प्रार्थना सिस्टर जूलू, वाईएमसीए के प्राचार्य सुभाशीष चौधे, गुरु गोविन्द सिंह पब्लिक स्कूल चास के प्राचार्य उमा शंकर सिंह प्राचार्य चक्रवर्ती, निदेशक एमजीएम हायर सेकेंडरी स्कूल, प्रतिनिधि एमजीएम पब्लिक स्कूल शामिल हुए। कार्यक्रम के दौरान स्वास्थ्य के क्षेत्र में महत्वपूर्ण योगदान दे रहे रेफरल अस्पताल जैनामोड़, अनुमंडल अस्पताल कुसरो, केएम मेमोरियल अस्पताल और रिसर्च सेंटर चास, मुस्कान अस्पताल और रिसर्च सेंटर चास, बोकारो जनरल अस्पताल बोकारो प्र प्राईस अस्पताल चास से आई हुई नर्सों को अंग वस्त्र दे कर सम्मानित किया गया. कार्यक्रम का संचालन अमराजय शुक्ला व नेहा ने किया.

प्रार्थना सिस्टर जूलू, वाईएमसीए के प्राचार्य सुभाशीष चौधे, गुरु गोविन्द सिंह पब्लिक स्कूल चास के प्राचार्य उमा शंकर सिंह प्राचार्य चक्रवर्ती, निदेशक एमजीएम हायर सेकेंडरी स्कूल, प्रतिनिधि एमजीएम पब्लिक स्कूल शामिल हुए। कार्यक्रम के दौरान स्वास्थ्य के क्षेत्र में महत्वपूर्ण योगदान दे रहे रेफरल अस्पताल जैनामोड़, अनुमंडल अस्पताल कुसरो, केएम मेमोरियल अस्पताल और रिसर्च सेंटर चास, मुस्कान अस्पताल और रिसर्च सेंटर चास, बोकारो जनरल अस्पताल बोकारो प्र प्राईस अस्पताल चास से आई हुई नर्सों को अंग वस्त्र दे कर सम्मानित किया गया. कार्यक्रम का संचालन अमराजय शुक्ला व नेहा ने किया.

समाज में पुलिस, डॉक्टर व नर्सों की भूमिका अहम है : डॉ शाहिद

एजी कॉलेज ऑफ नर्सिंग में नर्सों सम्मान समारोह का आयोजन

भास्कर न्यूज, जैनामोड़
एजी कॉलेज ऑफ नर्सिंग में स्वास्थ्य जागरूकता कार्यक्रम एवं नर्सों सम्मान समारोह का आयोजन हुआ। मुख्य अतिथि राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्था आयोग के सदस्य, प्रो. डॉ शाहिद अख्तर ने कहा कि समाज व देश में पुलिस, डॉक्टर, नर्सों आदि की अहम भूमिका है। कोरोनाकाल में नर्सों व डॉक्टरों ने अपनी जान को दांव में लगाकर सैकड़ों लोगों के जीवन को बचाया। हम शिक्षा के बर्दोस्त ही रह लय्य को प्राप्त कर सकते हैं। छात्र-छात्राओं ने नृत्य व ग्रामीण क्षेत्र में स्वास्थ्य-समस्याओं पर आधारित लघु नाटक का मंचन किया। मौके पर विशिष्ट अतिथि कांस जिला अध्यक्ष मंजूर अंसारी, संस्था के निदेशक जकि



नर्सों के साथ डॉ. शाहिद अख्तर एवं अन्य। अफिन, प्राचार्य सोनल शुक्ला, सैम्फोर्ड इंटरनेशनल एकेडमी के प्राचार्य विश्वजीत पाल, होलीक्रॉस की प्राचार्य सिस्टर कमला, प्राचार्य सिस्टर जूलू होली क्रॉस स्कूल चंदनकिरारी, प्राचार्य शुभाशीष चौधे वाईएमसीए, प्राचार्य उमा शंकर सिंह जीजीपीएस चास, प्राचार्य जयवती जीजीपीएस बोकारो, निदेशक

एमजीएम आदि शामिल थे। स्वास्थ्य के क्षेत्र में महत्वपूर्ण योगदान देने के लिए रेफरल अस्पताल जैनामोड़, अनुमंडल अस्पताल कुसरो, केएम मेमोरियल अस्पताल और रिसर्च सेंटर चास, मुस्कान अस्पताल और रिसर्च सेंटर चास, बीजीएस एवं प्रुईस अस्पताल चास के एक-एक नर्स को सम्मानित किया गया।

हिन्दुस्त

शिक्षा से उज्ज्वल भविष्य की कामना संभव : डॉ शाहिद



प्रभात मंत्र संवाददाता
रांची : राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्थान आयोग भारत सरकार के सदस्य डॉक्टर शाहिद अख्तर ने शुक्रवार को रामगढ़ जिले का दौरा किया। इस दौरान उन्होंने समाह्वलणय सभाकक्ष में आयुक्त माधवी मिश्रा व जिले के अधिकारियों एवं विभिन्न क्षेत्रों से आए अल्पसंख्यक शैक्षणिक संस्थानों के प्रतिनिधियों के साथ बैठक की। बैठक के दौरान सदस्य डॉ. शाहिद अख्तर ने आयुक्त रामगढ़ सुश्री माधवी मिश्रा, जिला कल्याण पदाधिकारी सहित अन्य अधिकारियों से अल्पसंख्यक वर्ग के लोगों के लिए किए जा रहे कार्यों एवं विभिन्न योजनाओं के माध्यम से उन्हें दिए जा रहे लाभ की जानकारी ली जिसके उपरांत उन्होंने बैठक में उपस्थित सभी अधिकारियों एवं अल्पसंख्यक शैक्षणिक संस्थानों के प्रतिनिधियों

योजनाओं की जानकारी ग्रामीणों तक पहुंचे : डॉ. शाहिद

राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्थान आयोग के सदस्य डॉ. शाहिद अख्तर ने किया रामगढ़ जिले का दौरा



डॉ.शाहिद ने दिए महत्वपूर्ण निदेश
बैठक के दौरान सदस्य ने जिले के विभिन्न क्षेत्रों से आए शैक्षणिक संस्थानों के प्रतिनिधियों से संस्थानों के संचालन के दौरान उनके लक्ष्य आ रही समस्याओं की जानकारी ली। वहीं उन्होंने सभी को विनाशकारी स्थिति से निजा लाने के लिए अल्पसंख्यक शैक्षणिक संस्थानों के संचालकों को लक्ष्य लेने के संबंध में कई महत्वपूर्ण निदेश दिए।

बैठक में इनकी रही उपस्थिति
बैठक के दौरान उप विकास आयोग, अनुमंडल पदाधिकारी, जिला कल्याण पदाधिकारी, कार्यालयक टैडपिकारी सह प्रभारी पदाधिकारी विकास शास्त्र, कार्यालयक टैडपिकारी सह प्रभारी पदाधिकारी सान्जय शास्त्र, जिला शिक्षा पदाधिकारी, जिला शिक्षा अधिकृत, जिला निरीक्षण पदाधिकारी, सदस्यक जिला जनसंपर्क पदाधिकारी, जिले के विभिन्न क्षेत्रों से आए शैक्षणिक संस्थानों के प्रतिनिधियों सहित अन्य उपस्थित थे।

योजनाओं का संचालन अगर सही तरीके से हो तो अल्पसंख्यक वर्ग को मिलेगा काफी फायदा : डॉ शाहिद अख्तर ने कहा कि अल्पसंख्यक वर्ग के लोगों को लाभ लेने के लिए सरकार की योजनाओं का ठीक से लाभ लेना होगा। डॉ शाहिद अख्तर ने कहा कि अल्पसंख्यक वर्ग के लोगों को लाभ लेने के लिए सरकार की योजनाओं का ठीक से लाभ लेना होगा।

को राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्थान आयोग द्वारा किए जा रहे कार्यों एवं आयोग के उद्देश्यों से अवगत करायी।

CHAPTER 6 – ANALYSIS OF THE PETITIONS AND COMPLAINTS RECEIVED DURING THE YEAR

The Commission registers cases as and when petitions/complaints are received under the following functions:-

- review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation
- specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities
- decide all questions relating to the status of any institution as a Minority Educational Institution and declare its status as such.

From 1st April, 2022 to 31st March, 2023, the Commission registered 261 petitions, out of which 238 petitions were for Minority Status Certificate, 1 was appeal petition and 22 were miscellaneous petitions. The Hon'ble Court of Commission disposed 645 petitions.

The Commission registers cases on following issues:-

- non-issuance of /delay in issue of No Objection Certificate (NOC) by the State Government
- non-grant or delay in the issue of minority status certificate by the State Authority
- denial of permission to open new institutions by minority
- refusal to permit additional course in a minority educational institution
- application for grant of Minority Status Certificate

The Commission also considers cases in respect of the following issues affecting the interests of the MEIs:

- denying permission to the minority educational institution for creating additional post of teacher even with increase in the intake of students
- not giving approval for appointment of teachers
- inequality in pay scales of minority school teachers vis-à-vis government school teachers
- denial of teaching aids/other facilities like computer, library, laboratory, etc. to minority educational institutions at par with government institutions

- non-availability of subjects books in Urdu for the students studying in Urdu school
- non-appointment of Urdu knowing teachers and pay parity of madarsah teachers with other minority school teachers; adequate pay to madarsah employees; and non-release of grant to madarsah
- non-payment of retirement benefits to the teachers and non-teaching staff of the minority schools
- refusal by the University to affiliate a MEI
- providing facilities under Sarva Shiksha Abhiyan to minority educational institutions especially in far flung and remote rural areas etc.

During the year, office of the Commission also received petitions/applications on matters which were outside the purview of the Commission. These petitions/applications were forwarded to the concerned authorities for appropriate action under intimation to the concerned petitioners.

During the year, 162 cases regarding grant of MSC to the MEIs have been decided by the Hon'ble Commission. Details of some selected cases are given as under:

6.1 CASE NO. 306 of 2019

Subject: Application for Minority Status Certificate for Amala Nursery and Primary School, Near Railway Station, District Dharmapuri, Tamil Nadu-636701

Petitioner: Amala Nursery and Primary School, Near Railway Station, District Dharmapuri, Tamil Nadu-636701

Respondent: Principal Secretary, School Education Department, Govt. of Tamil Nadu

The order was pronounced on 12/4/2022. This petition was been received on 08.05.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Amala Nursery and Primary School, Near Railway Station, District Dharmapuri, Tamil Nadu-636701. Learned counsel for the petitioner filed an affidavit of Sr. Jeya, President of The Society of Mary Immaculate, Salem 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. Learned counsel for the petitioner has filed copy of Unique ID of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 09.11.2018 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 Society of Mary Immaculate, Salem, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association alongwith list of present members of the Society, original Recognition Certificate issued by the Assistant Elementary Educational Officer (Nursery), Dharmapuri to the unaided petitioner institution and resolution of the General Body of the Society in favour of Sr. Jeya, President of The Society of Mary Immaculate, Salem for obtaining MSC from this Commission. It transpires from the record that there is a variance in the signature in declaration part of MSC application, Affidavit and NOC application.

As per the information supplied by the petitioner institution with regard to student strength, it is mentioned that out of the total 1393 students, 142 students are from the Christian minority community, 95 students are from Muslim minority community and 1156 students are Hindus. It is relevant to mention here that out of total 45 teachers, 18 teachers are from Christian Minority community. 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 this 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.

It is stated in the petition that on dated 09.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 12.11.2018 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 application 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.

After service of registered notice dated 12.06.2019 and 12.11.2020, respondent has sent replies dated 16.10.2019 and 31.12.2020 by post which was received by the Commission on 01.11.2019 and 05.02.2021 respectively. In the replies filed by the respondent i.e. Director of Elementary Education submitted and denied all the contentions of the petitioner institution except those which are specifically admitted in this reply. Petitioner school is a self finance school and not receiving any grant from the Government and is not accorded with minority status so far by the State Government. Petitioner has filed application for grant of MSC directly to the Commission. Government GO Ms. No. 648 dated 03.08.1994 says that they would verify and determine as to whether an educational institution is a minority institution within the meaning of Article 26 of the Constitution of India and all directions of above GO apply to all schools, colleges, teachers training institute and technical institutions both aided and un-aided in the State of Tamil Nadu. All institutions claiming minority status shall approach the Government for declaration of minority status. Hon'ble Supreme Court has held that the Government is the competent authority to verify and determine the minority status of the educational institution for the purpose of Article 30(1) of the Constitution of India. In reliance of decision of the Hon'ble Supreme Court, Government has issued GO Ms. No. 375, School Education dated 12.10.1998 and G.O. Ms. No. 214, School Education dated 03.11.2008 that all educational institutions seeking minority status has to satisfy the mandatory requirements specified in the above GO and institutions have to apply to the State Government with all requisite details till date. The petitioner has not submitted any proposal requesting minority status to their institution as specified in the said GOs either to Government or to Director of Elementary Education. Since there is no application seeking minority status the respondent could not take any action in this regard.

On receipt of such application with all particulars through proper channel it would be processed and sent to Government for passing appropriate orders. In above circumstances, prayed that Commission may be pleased to dismiss the petition as devoid of merits. Learned Counsel for the petitioner filed subsequent pleadings and contended that the petitioner institution is a religious minority institution and run by The Society of Mary Immaculate, Salem which is a registered Society constituted by the

members of the Christian minority community primarily for the benefit of Christian minority community. On dated 09.11.2018, 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.

Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Sr. Jeya, President of The Society of Mary Immaculate, Salem. 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 Society of Mary Immaculate, Salem 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. Jeya, President of The Society of Mary Immaculate, Salem.

The respondent has not replied properly to the application submitted by the petitioner institution. Respondent has also failed to appreciate the provisions of NCMEI Act, 2004 especially under section 10 of the said Act and filed reply wrongly before this Commission. The Petitioner has not applied for grant of MSC before the State Competent Authority. Petitioner has applied for grant of NOC under section 10 of the NCMEI Act, 2004 before the State competent authority. So the guidelines of the Government of Tamil Nadu have is not applied to the present petitioner institution. In the facts and circumstances of the present case the stand taken by the respondent is not tenable in the eye of law and deserves to be ignored. The petitioner institution has fulfilled all the criteria for grant of MSC. The Competent Authority has failed to consider their application for grant of NOC. To obtain minority status certificate is a constitutional right of minority educational institution. The petitioner institution is established and administered by the members of the Christian minority community. The reply filed by the respondent is clearly against the verdict of Hon'ble Apex Court in the matter of SISTERS OF ST. JOSEPH OF CLUNY V/S THE STATE OF WEST BENGAL & ORS (Civil Appeal No. 3945/2018, Judgement dated 18/04/2018), which reads as follows :-

“However, Section 10(1), which was introduced at the same time as Section 11(f) by the Amendment Act of 2006, carves out one facet of the aforesaid power contained in Section 11(f), namely the grant of a no objection certificate to a minority educational institution at its inception. Thus, any person who desires to establish a minority educational institution after the Amendment Act of 2006 came into force, must apply only to the competent authority for the grant of a no objection certificate for the said purpose. It is a little difficult to subscribe to Shri Hedge’s argument that the said powers are concurrent. Harmoniously read, all applications, for the establishment of a minority educational institution after the Amendment Act of 2006 must go only to the competent authority set up under the statute. On the other hand, for the declaration of its status a minority educational institution at any state post establishment, the NCMEI would have the power to decide the question and declare such institution’s minority status.”

As per the provisions of Section 10, Section 12A and Section 12B of the NCMEI Act, 2004, the person who desires to establish minority institution, is to apply to the State Competent Authority for grant of NOC for the said purpose under section 10 of the NCMEI Act, 2004. The Act of 2004 also conferred powers of appeal against the orders of the competent authority of the State to the NCMEI under Section 12A as well as over the authorities that were established by the Central Government or State Government which reject the application for grant of MSC to an educational institution under section 12B of the NCMEI Act, 2004.

Looking to the provisions of the NCMEI Act, 2004 and verdict of the Hon'ble Supreme Court, this Commission has both jurisdiction original as well as appellate. Any individual institution who desires to establish minority educational institution has two options. Firstly, he can apply before an authority established by the Central Government or any State Government, Union Territory as the case may be for grant of MSC to any educational institution and if above authorities rejects the application for grant of MSC, the aggrieved person may appeal against such order of the authority to this Commission under section 12B of NCMEI Act, 2004. Secondly, under section 10 of NCMEI Act, 2004 whosoever desires to establish an minority educational institution has to apply the Competent Authority of the State Government for grant of NOC within a period of 90 days from the receipt of the application, if competent authority does not grant NOC or application has been rejected but not communicated to the petitioner it shall be deemed that NOC has been granted and the petitioner can file an application for grant of MSC straightaway to this Commission. Any person aggrieved by the order of refusal to grant NOC by the competent authority may prefer an appeal before this Commission under section 12A of NCMEI Act, 2004.

In our considered opinion educational institution can opt one course, either to file an application for grant of MSC before the State Competent Authority or to file an application for grant of NOC. In the present case petitioner has applied for grant of NOC to the State Competent Authority and the said application is still pending as per the contention of the petitioner institution. The petitioner has not filed any application for grant of MSC before the State Competent Authority, so the GO's as mentioned in the reply of the respondent have no relevance in the present case. The Amended Memorandum of Association 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.

Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Amala Nursery and Primary School, Near Railway Station, District Dharmapuri, Tamil Nadu-636701 run by The Society of Mary Immaculate, Salem 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. Consequently, Amala Nursery and Primary School, Near Railway Station, District Dharmapuri, Tamil Nadu-636701, which is Nursery and Primary School, is declared as a 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 and clarification about the signature in declaration part of MSC application, Affidavit and NOC application. 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.

After compliance of the above order, a minority status certificate be issued accordingly. In view of the above, the petition was disposed of in accordance with this order.

6.2 CASE NO. 108 of 2022

Subject: Application for Seeking Minority Status Certificate for St. Joseph of Tarbes School, Kundoor P.O., District Thrissur, Kerala-680734

Petitioner: St. Joseph of Tarbes School, Kundoor P.O., District Thrissur, Kerala-680734

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

The order was pronounced on 01.09.2022. This petition has been received on 08.07.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Joseph of Tarbes School, Kundoor P.O., District Thrissur, Kerala-680734. Learned counsel for the petitioner filed an affidavit of Sr. Rosaline Noronha, Secretary of The Society of St. Joseph 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.

Learned counsel for the petitioner has filed copy of Unique ID No. KA/2017/0180966 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 25.09.2021 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 Certificate of Registration of The Society of St. Joseph, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association alongwith list of present members of the Society, notarized copy of recognition order dated 26.10.2020 issued by the Joint Secretary (Aff), CBSE to the unaided petitioner institution for the period from 01.04.2020 to 31.03.2023 for Secondary School Examination Class 1 to 10th and resolution of the General Body of the Society in favour of Sr. Rosaline Noronha, Secretary of The Society of St. Joseph for obtaining MSC from this Commission.

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 237 students, 142 students are from the Christian minority community, 15 students are from the Muslim minority community and 80 students are Hindus. It is relevant to mention here that out of the total 21 teachers, 11 teachers are from Christian Minority community. 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.

Earlier the petitioner institution has filed application for grant of NOC which was registered as Case No. 83 of 2019 and the case was decided by the Commission on dated 11.03.2021 by the following observation :-

"In view of the above facts and observations, it is an admitted fact that the petitioner institution had applied to Competent Authority of the State of Kerala for grant of NOC under Section 10 of NCMEI Act, 2004 and the said application was not decided in accordance with the provisions of NCMEI Act, 2004 and verdict of the Hon'ble Apex Court by the State competent authority and passed the impugned order 08.03.2019. So in the interest of justice, we are of the considered opinion, without going on the merits of the case, it is just proper and fit case to

send the matter back to the State Competent Authority to decide the application of the petitioner institution for grant of NOC under Section 10 of the NCMEI Act, 2004 on merits after considering all the documents produced by the petitioner institution at the earliest, expeditiously.

Office is directed to send copy of this order to the State Competent Authority and in the interest of justice, in addition the petitioner institution is also directed to produce certified copy of this order before the State Competent Authority immediately for compliance of this order.

In view of above, the present petition is disposed of in accordance with this order.”

Thereafter, the petitioner institution has filed application for grant of NOC before the State Competent Authority on dated 25.09.2021 and that application was accepted by the State Competent Authority and the following order dated 28.05.2022 has been passed :-

X X X X

“The application alongwith its supporting documents was examined in detail and the applicant was heard on 09.11.2021.

The District Collector as per the reference 4 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 Secondary Level of the institution.

On hearing the applicant institution and upon scrutiny of relevant records and after perusing the report of the District Collector, Thrissur it has been found and 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 of Tarbes School, Kundoor P.O., Thrissur Dist. for the purpose of applying for the Minority Status Certificate from the competent authority.”

Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Sr. Rosaline Noronha, Secretary of The Society of St. Joseph. 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 Society of St. Joseph 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. Rosaline Noronha, Secretary of The Society of St. Joseph.

The Amended Memorandum of Association 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. We have perused the order No. 6561/MSc/2021/DMW dated 28.05.2022 passed by the State Competent Authority. By the above order State Competent Authority of Kerala has granted NOC in favour of the petitioner institution.

Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that St. Joseph of Tarbes School, Kundoor P.O., District Thrissur, Kerala-680734 run by The Society of St. Joseph 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.

Consequently, St. Joseph of Tarbes School, Kundoor P.O., District Thrissur, Kerala-680734, which is for Secondary School Examination Class 1 to 10th is declared as an 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 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. After compliance of the above order, a minority status certificate be issued accordingly.

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 of Tarbes School, Kundoor P.O., District Thrissur, Kerala-680734, is free to file an application for cancellation of MSC under section 12(c) of the NCMEI Act, 2004. In view of the above, the petition is disposed of in accordance with this order.

6.3. CASE NO. Misc. 03 of 2022

Subject: Application for Seeking Duplicate Minority Status Certificate for Adventist College, Athwalines, Surat, Gujarat

Petitioner: Adventist College, Athwalines, Surat, Gujarat

Respondent: Director of Higher Education, Office of the Commissionerate of Higher Education, Government of Gujarat

The order was pronounced on 06.09.2022. Dr. Eliah David Srikakolli, Director / President & CEO of the Medical Educational Trust Association Surat of Seventh-Day Adventist filed an application through Mr. Jose Abraham, Advocate on dated 11.05.2022 stating that this Commission has declared Adventist College, Athwalines, Surat, Gujarat as a minority educational institution covered under Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004 vide order dated 29.03.2006 in Case No. 274 of 2006. Dr. Eliah David Srikakolli, Director / President & CEO of the Medical Educational Trust Association Surat of Seventh-Day Adventist filed an affidavit stating that they will not misuse the duplicate minority status certificate and also submit that in the event of found the original minority status certificate they shall return it to the Commission

As per the petitioner original minority status certificate was lost and the same was reported to the Umra Police Station, Surat City on 04.05.2022. Head Constable, Umra Police Station, Surat City has issued a certificate to that effect. Petitioner has also declared that the minority status certificate is lost and traceless. Head Constable, Umra Police Station, Surat City has also given a certificate dated 24.08.2022 that efforts were made to trace the MSC, but not trace till date.

We have registered this petition and issued notice of the above petition to the State Competent Authority but despite service of registered notice and email also, none appeared on behalf of the respondent even in second round. Hence the case is proceeded ex-parte against the respondent.

Learned Counsel for the petitioner has submitted that petitioner institution even though being a minority institution is not able to enjoy the Constitutional protection which is not happening now in the absence of Minority Status Certificate. Vide order dated 29.03.2006, minority status certificate was granted to Adventist College, Athwalines, Surat, Gujarat run by Medical Educational Trust Association Surat of Seventh-Day Adventist by this Commission in Case No. 274 of 2006.

We have heard Learned Counsel for the petitioner and perused the relevant documents, application for duplicate minority status certificate, affidavit of Dr. Eliah David Srikakolli, Director / President & CEO of the Medical Educational Trust Association Surat of Seventh-Day Adventist, missing certificate report dated 04.05.2022 and also the original certificate dated 24.08.2022. We have no reason to disbelieve the uncontroverted affidavit of Dr. Eliah David Srikakolli, Director / President & CEO of the Medical

Educational Trust Association Surat of Seventh-Day Adventist filed on behalf of the petitioner institution. We are satisfied by the Affidavit, FIR and not traceable certificate issued by the Head Constable, Umra Police Station, Surat City.

Accordingly, in the interest of justice the duplicate minority status certificate be issued to Adventist College, Athwalines, Surat, Gujarat run by Medical Educational Trust Association Surat of Seventh-Day Adventist. Accordingly, the application filed by the petitioner is disposed of.

6.4. CASE NO. 109 of 2022

Subject: Application for Seeking Minority Status Certificate for Siddhartha Degree College, Akhlor Kheri, Village-Akhlor Kheri, Post Office Rankhandi, Pargana & Tehsil Deoband, District Saharanpur, Uttar Pradesh-247554

Petitioner: Siddhartha Degree College, Akhlor Kheri, Village-Akhlor Kheri, Post Office Rankhandi, Pargana & Tehsil Deoband, District Saharanpur, Uttar Pradesh-247554

Respondents: Secretary, Minority Commission / State Minority Educational Commission, Indira Bhawan, Lucknow, Uttar Pradesh ----- 1

Additional Chief Secretary, Department of Higher Education, Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh 2

The order was pronounced on 09.03.2023. This petition has been received on 11.07.2022 by post through Dr. Mahak Singh for grant of Minority Status Certificate (in short 'MSC') to Siddhartha Degree College, Akhlor Kheri, Village-Akhlor Kheri, Post Office Rankhandi, Pargana & Tehsil Deoband, District Saharanpur, Uttar Pradesh-247554. The petitioner institution has filed an affidavit of Dr. Mahak Singh, Chairman of Siddhartha Education Foundation in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are primarily members of the Buddhist minority community.

The petitioner institution has also filed the notarized copy of Unique ID No. : UP/2021/0295899 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, certified copy of application dated 04.04.2022 sent to State Competent Authority i.e. Secretary, Minority Commission / State Minority Educational Commission which was received by the respondent by post on 08.04.2022. The petitioner institution has also filed the notarized copy of Trust Deed dated 24.12.2005 of Siddhartha Education

Foundation, notarized copy of Supplementary Trust Deed dated 08.04.2010, notarized copy of Permanent Affiliation Order dated 21.06.2021 issued by the Registrar, Ch. Charan Singh University, Meerut to the unaided petitioner institution from the Academic Year 2021-22 for Graduate Level Courses and resolution of the General Body of the Trust in favour of Dr. Mahak Singh, Chairman of Siddhartha Education Foundation for obtaining MSC from this Commission.

As per the information supplied by the petitioner institution with regard to student strength In the year 2021-22, it is mentioned that out of the total 306 students, 139 students are from the Buddhist minority community, 37 students are from the Muslim minority community, 1 student is from the Sikh minority community and 129 students are Hindus. It is relevant to mention here that out of total 53 teachers, 19 teachers are from Buddhist Minority community. 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.

After service of registered notice dated 19.10.2022, respondent has sent letter dated 10.11.2022 which was received in the Commission's Office on dated 22.11.2022, which is taken on record. As per the direction of the State Competent Authority, Ch. Charan Singh University (CCSU), Meerut vide its order no. P.A./4850 dated 16.01.2023 has issued 'No Objection Certificate' to the petitioner institution and mentioned that CCSU has No Objection if Minority Status Certificate is granted to Siddhartha Degree College, Akhlor Kheri, Akhlor Kheri, Deoband, District Saharanpur, Uttar Pradesh who is established and directed by Buddhist minority persons.

Heard Dr. Mahak Singh for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Dr. Mahak Singh, Chairman of Siddhartha Education Foundation. 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 Buddhist minority community and is being administered by Siddhartha Education Foundation which is managed and run by the

members of the Buddhist 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 Dr. Mahak Singh, Chairman of Siddhartha Education Foundation.

The Supplementary Trust Deed and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily members of the Buddhist 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. We have also perused the order no. P.A./4850 dated 16.01.2023 issued by the Registrar, Ch. Charan Singh University, Meerut, UP for grant of NOC to the petitioner institution.

Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Siddhartha Degree College, Akhlor Kheri, Village-Akhlor Kheri, Post Office Rankhandi, Pargana & Tehsil Deoband, District Saharanpur, Uttar Pradesh-247554 run by Siddhartha Education Foundation 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 Buddhist minority community. Consequently, Siddhartha Degree College, Akhlor Kheri, Village-Akhlor Kheri, Post Office Rankhandi, Pargana & Tehsil Deoband, District Saharanpur, Uttar Pradesh-247554 which is for Graduate Level Courses 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 Buddhist 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. After compliance of the above order, a minority status certificate be issued accordingly. In view of the above, the petition is disposed of in accordance with this order.

6.5. CASE NO. 29 of 2022

Subject: Application for Seeking Minority Status Certificate to Mangalayatan University, 33rd Milestone, Extended NCR, Mathura Aligarh Highway, PO : Beswan, Aligarh, Uttar Pradesh-202145

Petitioner: Mangalayatan University, 33rd Milestone, Extended NCR, Mathura Aligarh Highway, PO : Beswan, Aligarh, Uttar Pradesh-202145

Respondents: Additional Chief Secretary, Department of School Education, Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh ----- 1

Principal Secretary, Department of Education, Govt. of Uttar Pradesh, New Building, Uttar Pradesh, Hazratganj, Lucknow-226001 ----- 2

The order was pronounced on 15.12.2022. This petition has been received on 28.02.2022 by hand through Mr. Sumar Veer Singh, Registrar of Mangalayatan University and Mr. Hemant Kumar Goyal, Chairman of Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001 for grant of Minority Status Certificate (in short 'MSC') to Mangalayatan University, 33rd Milestone, Extended NCR, Mathura Aligarh Highway, PO : Beswan, Aligarh, Uttar Pradesh-202145 (hereinafter referred to as University). On behalf of the Mangalayatan University, Mr. Sumar Veer Singh, Registrar filed an affidavit in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner University are members of the Jain minority community.

The petitioner University has filed copy of Unique ID No. : UP/2017/0120409 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, certified copy of Society Renewal Certificate dated 26.12.2020, 12.02.2016, 26.10.2022, 31.01.2007 of Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001, Deed and Bye Laws and Amended Bye Laws , List of founding and present members of the Society, copy of NOC application dated 21.10.2021 under Section 10 of the NCMEI Act, 2004 submitted to the UP State Competent Authority original application dated 11.06.2019 sent to the State Competent Authority received by Higher Education Department, Section -1 on dated 21.10.2021, Copy of Permanent Account No. (PAN) of Acharya Kund Kund Educational Society dated 26.10.2005, Copy

of Permanent Account No. (PAN) of Mangalayatan University dated 11.05.2007, Copy of GST Registration certificate, certified copy of Mangalayatan University Uttar Pradesh Act, 2006 (UP Act No. 32 of 2006), Copy of UP Private University Act, 2019 (UP Act No. 12 of 2019), Amended Act of UP of 2021, Copy of permanent letter from UGC dated Feb, 2012, Copy of Permission letter dated 11.05.2007 from Govt. of UP to run the University, Copy of Society Resolution in favour of Registrar of Mangalayatan University, Copy of letter dated 04.08.2016, copies of Income Tax Returns of Mangalayatan University, Affidavit of Shri Sidharth Jain, Member of Executive Council of Mangalayatan University.

As per the information supplied by the unaided petitioner institution with regard to students strength, it is mentioned that in the petitioner University, out of the total 4126 students, 138 students are from the Jain minority community, 752 students are from the Muslim minority community, 37 students are from the Christian minority community, 13 students are from Sikh minority community and 3186 students are Hindus. It is relevant to mention here that out of total 203 teachers, 4 teachers are from Jain Minority community. 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 this 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. It is stated in the petition that on dated 21.10.2021, the petitioner University has applied to the State Competent Authority for grant of No Objection Certificate (NOC) and the said application is still pending before the State Competent Authority. State Competent Authority has not granted NOC in favour of the petitioner University 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 application straightway to this Commission as per the provisions of Section 10 of NCMEI Act, 2004.

Despite service of registered notices dated 19.10.2022, none appeared on behalf of the respondent State and no reply has been filed by both the respondents. Therefore in the facts and circumstances of the case we proceeded ex-parte against the respondent. We have heard Learned Counsel for the petitioner University Mrs. Ms. Bahist E Jahan, perused the pleading of the petitioner University, the documents filed by the petitioner

University and affidavits of Mr. Sumar Veer Singh, Registrar of the Mangalayatan University, Shri Sidharth Jain, Member of Executive Council of Mangalayatan University sponsored by Acharya Kund Kund Educational Society.

The petitioner University has applied for grant of minority status certificate on the ground that the same has been founded / established by the Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001, constituted by the members of the Jain minority community and incorporated under the Mangalayatan University UP Act of 2006, UP Act No. 32 of 2006 (hereinafter referred to as UP Act, 32). It is also alleged by the petitioner University that the University is being established and administered by the majority members of the Jain minority community and especially meant primarily for the benefits of Jain minority boys and girls and as such it is entitled to be declared minority educational institution within the meaning of Section 2(g) of the NCMEI Act, 2004. The aforesaid averments made in the petition find ample corroboration from the documentary evidence produced on behalf of the petitioner University and the affidavits of Mr. Sumar Veer Singh, Registrar of the Mangalayatan University, Shri Sidharth Jain, Member of Executive Council of Mangalayatan University sponsored by Acharya Kund Kund Educational Society

The Amended Bye Laws of Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001, all the documents produced on behalf of the by the petitioner University clearly reflects that the beneficiaries of the petitioner University are primarily the members of the Jain minority community. In addition, the said facts also stands proved from the documents and affidavits filed on behalf of the petitioner University. There is no reply or document on record to rebut the above affidavits and documents produced on behalf of the petitioner University.

A Bare reading of the provisions of the UP Act No. 32 of 2006 made it clear that the Mangalayatan University was founded / established by the Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001 with the object for encouraging private section to participate in the field of Higher Education and to open college to impart education primarily to the Jain minority community students and others in general. The Mangalayatan University produced copy of registration certificate and Bye Laws of the Acharya Kund Kund Educational Society,

Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001 clearly shows that majority members of the Society are from Jain minority community. It becomes proved that the Mangalayatan University was founded by the Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001 and incorporated under the UP Act No. 32 of 2006. Thereafter, another act incorporated by the State of UP "The UP Private University Act 2019 (UP Act No. 12 of 2019) for all private Universities in the Uttar Pradesh State to bring all the private Universities under the provisions of an umbrella act and Mangalayatan University Act has been subsumed in Uttar Pradesh Umbrella Act, 2019 to provide for establishments of new private Universities and incorporation of existing private Universities in the State of UP under this Act for imparting higher education and to regulate their functions and for matters connected therewith or incidental thereto." In Article 62 of this Act, it is mentioned that all the acts enumerated in Schedule 1 to this Act shall stand repealed on the commencement of this Act. It means the earlier all acts are repealed by this Act, name of Mangalayatan University in Schedule 1 at Sr. No. 3. Article 63 of this Act also mentioned for minority private Universities as under :

"Notwithstanding anything contained in this Act the University established by a religious or linguistic minority of the State of Uttar Pradesh, shall continue to have the privileges as guaranteed by Article 30 of the Constitution of India."

In continuation of above act an another Act, "The UP Private Universities Amended Act 2021" was also incorporated and three (3) Universities included in Schedule 2 of the main act of 2019.

It is not in dispute that "to found" is one of the meaning of the verb "to establish", "to bring into existence" is another meaning of the verb "to establish". The UP Act No. 32 of 2006 clearly spells out that the sponsoring body of the University is Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001 as defined in (S) of Section 2 of UP Act 32 of 2006 that the "University" means the Mangalayatan University, UP established under this Act by the Society.

The Mangalayatan University, UP Act 32 of 2006 clearly shows that the University is also being administered by the Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001. Said society was established by the majority members of Jain minority community. Section 5(1) of the UP Act 32 of 2006 provided that the University shall start operation only after State Govt. issues to the

Society a letter of authorization for the commencement of the functioning of the University. Sub Section (2) of the Section 5 of the above act no. 32 of 2006 also provided that the State Govt. shall issue the letter of authorization on receipt of an unambiguous affidavit alongwith documents from the society to the effect that all conditions referred to in Section 4 have been fulfilled. It would be appropriate to refer to the Govt. of UP letter no. 982 dated 11.05.2007 which is as under :-

Lk;k - 982@Ukj-1-2007-2011@2006

lkekdl

txUukFk ily
 ;Dr Ifpo
 mRrj in'k 'llu

ok esa]

v/;{k
 vpk; dUndUn ytd'luy ;V
 vyhx<

mPp f'kk vkHkx -1

y[luÅ fnukd 11 ebZ 2007

foek; : exyk; ru fo'ofok; d; ipkyu d; fyy ikf/kdkj i=
 egkn;]

mi;Dr foek;d viid i=k ye; @06-07@yMfe@; ihypbi@04 fnukd 7 ebZ 2007] ftld ikf iylu
 vlfm/k 'ikf i= }jk bl rF; dk mYy[k fd;k x; gS fd ik;td ik;Vh }jk exyk; ru fo'ofok;]
 mirj in'k vlfu;e 2006 dh/kkj 4 esa fofgr 'krkb dks il.ki dj fy; x; gS] d; inHk esa jh jil; iy mDr
 vlfu;e dh/kkj-5 dh mi/kkj ¼2½ esa fufgr 'kfDr dk i;kx djr ggy exyk; ru fo'ofok; d; ipkyu gsrq
 ikf/kdkj i= fuxir dju dh LohNfr gek ink djr gaSA

Hkonh;]

txUukFk iyl
 ;Dr Ifpo

It is also pertinent to mention that the letter of authority dated 11.05.2007 was issued by the UP Govt. was communicating the orders of Hon'ble Governor of UP to start functioning of Mangalayatan University with effect from the May, 2007 From the above facts and documents, we find and hold that Mangalayatan University, 33rd Milestone, Extended NCR, Mathura Aligarh Highway, PO : Beswan, Aligarh, Uttar Pradesh-202145 has been established and is being administered by the majority members of the Jain minority community. Needless to add here that Mangalayatan University is established to subserve the purpose of its establishment whereas the minority have the right to establish and administer educational institution of their choice with the desire that their children should be brought up properly and be eligible for higher education and go all

over the would fully equipped with such intellectual attainments as it will make them fit for entering the public services, surely then there must be implicit in such a fundamental right the corresponding duty to cater to the needs of the children of their own community.

Relying on the said unrebutted evidence produced on behalf of the petitioner University, we find and hold that Mangalayatan University, 33rd Milestone, Extended NCR, Mathura Aligarh Highway, PO : Beswan, Aligarh, Uttar Pradesh-202145 run by Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001 is eligible for grant of minority status on religious basis. The evidence also proves that the said University was established with the main objective of sub-serving the interests of the Jain minority community. Consequently, for the aforesaid reasons, Mangalayatan University, 33rd Milestone, Extended NCR, Mathura Aligarh Highway, PO : Beswan, Aligarh, Uttar Pradesh-202145, 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 Jain minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution, Affidavit of Mr. Hemant Kumar Goyal, Chairman of Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001 in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Jain minority community and resolution of the General Body of the Society in favour of Mr. Hemant Kumar Goyal, Chairman of Acharya Kund Kund Educational Society, Vimlanchal Hari Nagar Gopalpuri, Aligarh, Uttar Pradesh-202001 for obtaining MSC from this Commission. 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. After compliance of the above order, a minority status certificate be issued accordingly. In view of the above, the petition is disposed of in accordance with this order.

6.6. CASE NO. 105 of 2021

Subject: Application for Seeking Minority Status Certificate to Bethel Matriculation Higher Secondary School, No. 15, Sarathy Nagar, 2nd Street, Velachery, Chennai, Tamil Nadu-600042

Petitioner: Bethel Matriculation Higher Secondary School, No. 15, Sarathy Nagar, 2nd Street, Velachery, Chennai, Tamil Nadu-600042

Respondents: Principal Secretary, School Education Department, Government of Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai, Tamil Nadu

The order was pronounced on 27-10-2022. This petition has been received on 4.3.2021 by hand from Mr. Jose Abraham, Advocate of the petitioner for grant of minority status certificate to Bethel Matriculation Higher Secondary School, No. 15, Sarathy Nagar, 2nd Street, Velachery, Chennai, Tamil Nadu-600042. Learned counsel for the petitioner has filed affidavit of Mr. Josewin Wesley, Secretary and authorized signatory of the Society of the Bethel Educational Trust 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 community. Learned counsel for the petitioner has also filed Unique ID No. TN/2017/0162209 of the petitioner Society as given by the Niti Aayog portal NGO Darpan. He has filed certified copies of the Certificate of Registration of the Society of the Bethel Education Trust (with its English translation duly notarized by the Notary Public), Memorandum, Byelaws, Amended Memorandum and Rules & Regulations, list of members, notarized copy of the recognition letter No. 530/A1/2020 dated 08.07.2020 issued by the Chief Educational Officer, District Chengalpattu, Chennai to the unaided petitioner institution from 01.06.2020 to 31.05.2023 for LKG to 8th Std. alongwith its English translation, Resolution passed by the Members of the Extra-ordinary General Body of the Society and copy of application dated 26.4.2019 sent to State competent authority for grant of No Objection Certificate (in short 'NOC') along with the proof of service.

As per the information supplied by the petitioner institution with regard to student strength as on 1.7.2020, it is mentioned that out of total 1570 students, 339 students are from Christian community, 63 students are from the Muslim community and 1168 students are

from Hindu community. It is relevant to mention here that out of 61 teachers, 27 teachers are from Christian minority community.

Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School Mission Road P.O. Buxibazar, Distt. Cuttack Orissa – 743 001 Vs. Principal Secretary to Government School & Mass Education Department Government of Orissa Orissa Secretariat Bhubaneshwar Orissa – 751 001 [order passed by this 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.

It is stated in the petition that on dated 26.4.2019, the petitioner institution has applied to the State Competent Authority for grant of No Objection Certificate (in short "NOC"), which was received by the State Competent Authority on 27.4.2019 and the said application is still pending. 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 application for grant of minority status certificate to this Commission straightway as per the provisions of Section 10 and 11 (f) of the National Commission for Minority Educational Institutions Act, 2004 (in short NCMEI Act, 2004).

During pendency of this petition before the Commission, the petitioner has filed a Writ Petition No. 17371 of 2022 before the Hon'ble High Court of Madras in the matter of Bethel Matriculation Higher Secondary School, No. 15, Sarathy Nagar, 2nd Street, Velachery, Chennai, Tamil Nadu-600042 Vs. National Commission for Minority Educational Institutions and Principal Secretary, School Education Department, Government of Tamil Nadu. The Hon'ble High Court of Madras has passed the following order on 05.08.2022:

"For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 15.2.2021, registered as Case No. 105/ 2021 seeking for Minority Status, on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him the right of personal hearing within a period of twelve weeks from the date of receipt of a copy

of this order. The petitioner is directed to comply with the requirements of the first respondent under its proceedings dated 7.12.2021, if not complied with already.

With the above direction, the writ petition is disposed of. No Costs.”

After service of registered notice, the respondent has filed counter affidavit with the covering letter RC No. 2514/A3/2022 dated 05.07.2022 which was received by the Commission on 12.07.2022 stating that the educational agency which is governing the petitioner school namely Society of Bethal Educational Trust has filed a writ petition before the Hon’ble High Court of Madras as W.P. No. 27849 of 2012 and the Hon’ble High Court has passed the following order dated 29.10.2012 in the said petition:-

“.... The respondent is directed to consider the request of the petitioner society seeking minority status to the two schools established and administered by the petitioner-society and if the respondent is not the competent authority, the respondent is directed to forward the application to the Secretary, School Education Department, Government of Tamil Nadu, Chennai 600 009 who in turn is directed to pass appropriate orders. Necessary orders are directed to be passed by the concerned authority within a period of three months from the date of receipt of copy of this order. The writ petition is disposed of accordingly.”

In pursuance to the above orders of the Hon’ble High Court, the proposal submitted by the petitioner was duly considered by the respondent in accordance with the guidelines in G.O. (MS) No. 375, School Education (X2) Department dated 12.10.1998 and G.O. (MS) No. 214, School Education (X2) Department dated 3.11.2008 and accorded minority status to the petitioner school vide G.O. (1D) No. 133 School Education (X2) Department dated 16.5.2013 for a period of five years.

Respondent has further submitted that aggrieved by the above orders limiting the minority status for a period of five years, the petitioner has filed another writ petition before the Hon’ble High Court of Madras W.P. No. 1775 of 2018 with a prayer to quash the above order and issue fresh order according permanent minority status to the school. The above writ petition was disposed of by the Hon’ble High Court on 17.7.2018 and passed the following order:

“The restriction of five years in respect of the minority status granted to the Schools run

by the Petitioner/ Society in G.O. (Ms) No. 214, School Education (X2) Department, dated 03.11.2008, cannot be said to be arbitrary, as it may not be possible for the authorities concerned to ascertain as to whether the institution is run contrary to the Memorandum of Association/ Bye-laws of the Society or not.

However, as the Petitioner/ Society has already made representations to the 1st respondent in respect of their grievance, this Court directs the 1st Respondent herein to consider the representations of the Petitioner, dated 10.5.2017 and 20.12.2017 and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

*Before parting with, this Court makes it clear that **whenever an Institution like that of the petitioner/ Society seeks renewal of minority status, they need to apply at least six months in advance**, for the authorities to process the same and verify the records, conduct spot inspect and take a decision, before the expiry of the minority status period”.*

It has been submitted that pursuant to the above orders of the Hon'ble Court, the minority status certificate already issued to the above school was renewed for another five years vide G.O. (Ms) No. 226 School Education (MS) Department, dated 26.10.2018. The request of the petitioner was duly considered as per the orders of the Hon'ble High Court and Government orders in force and minority status was issued to the petitioner school by the respondent is in force as on this date. So, the respondent has submitted that the claim of the petitioner is not maintainable either in law or in facts and the same is liable to be dismissed as devoid of merit.

Copy of the above reply was furnished to the petitioner. We have heard learned counsel for the petitioner, perused the pleadings of the parties, the documents filed by the petitioner, affidavit of Mr. Josewin Wesley, Secretary of the Society of the Bethel Education Trust and order dated 05.08.2022 passed by the Hon'ble High Court of Judicature at Madras in W.P. No. 17371 of 2022.

During the course of the arguments, learned counsel for the petitioner has frankly

admitted that the facts narrated by the respondent are true and correct. Learned counsel for the petitioner has also admitted that the petitioner has suppressed the above material facts from the Commission that the minority status certificate was already granted by the State. Writ petitions were also filed before the Hon'ble High Court of Madras and Hon'ble High Court of Madras passed the orders on writ petitions.

It is admitted fact that at the time of filing application for grant of minority status certificate before this Commission, the petitioner was enjoying the minority status granted to the petitioner institution by the State. It is also relevant to mention here that the petitioner has also earlier filed application for grant of minority status certificate before this Commission on dated 21.11.2017 as Case No. 02 of 2018, which was disposed of by the Commission on 23.5.2019 with the observation that the petitioner has not applied before the State Competent Authority for grant of NOC under Section 10 of the NCMEI Act, 2004. Thereafter, on 4.3.2021, the petitioner has again filed this petition before the Commission for grant of minority status certificate.

In fact, the petitioner has again and again filed application/ petitions for grant of minority status certificate before the State Competent Authority and before this Commission suppressing the material facts from the State competent authorities and this Commission. Petitioner has also given declaration that the particulars furnished in the MSC application are true to the best of his knowledge and belief and that if any detail is found on verification/ inspection to be false, the Commission shall cancel the minority status certificate awarded to the institution. The decision of the Commission in this regard shall be final.

As per the information supplied by the petitioner in MSC application filed before this Commission that their application is not pending before the State Competent Authority for grant of MSC and earlier he has not applied for grant of MSC to any authority, which is admittedly false statement and declaration. As per the provisions of Section 10, Section 12A and Section 12B of the NCMEI Act, 2004, the person who desires to establish minority institution, is to apply to the State Competent Authority for grant of NOC for the said purpose under Section 10 of the NCMEI Act, 2004. The Act of 2004 also conferred powers of appeal against the orders of the competent authority of the State to the NCMEI under Section 12A as well as over the authorities that were established by the Central Government or State Government which reject the application for grant of MSC to an education institution under Section 12B of the NCMEI Act, 2004.

So, in our considered opinion educational institution can opt one course either to file an application for grant of MSC before the State Competent Authority or to file an application for grant of NOC. In the present case petitioner has applied for grant of MSC to the State Competent Authority and said application was granted and then renewed for five years. So, the petitioner cannot file any application for grant of MSC before this Commission because as per the settled procedure of this Commission we are not granting MSC in cases where State has already granted MSC. Petitioner cannot file an application under Section 10 for grant of NOC where petitioner is already enjoying the minority status given by the State.

Relying on the said unrebutted reply produced on behalf of the respondent, we find and hold that the petitioner institution is already enjoying the minority status of the petitioner institution namely Bethel Matriculation Higher Secondary School, No. 15, Sarathy Nagar, 2nd Street, Velachery, Chennai, Tamil Nadu-600042 and this petition has been filed on false information.

So, the petition filed by the Bethel Matriculation Higher Secondary School, No. 15, Sarathy Nagar, 2nd Street, Velachery, Chennai, Tamil Nadu-600042 deserved to be dismissed with cost.

Looking to the facts and circumstances of the case that the petitioner has filed two petitions as Case No. 02 of 2018, Case No. 105 of 2021 before this Commission, application for grant of NOC under section 10 of NCMEI Act, 2004 before State competent authority and also writ petitions before the Hon'ble High Court of Judicature at Madras without sufficient and probable cause, so heavy cost should be imposed to the petitioner institution so that in future no petitioner can file this type of false and unnecessary petitions before the Commission and also before Hon'ble High Courts and other authorities.

Since in the present petition also identical questions are involved as per the Case No. 104 of 2021, order passed on 22.09.2022 by this Commission and the petitioner Society and respondent are also same and Hon'ble High Court of Madras has also passed the same judgement. The present petition is also to be decided on like terms. Accordingly, this petition is rejected with cost and the cost of Rs. 20,000/- (Rupees Twenty Thousand)

is imposed on the petitioner institution and petitioner is directed to deposit Rs. 20,000/- (Rupees Twenty Thousand) in the Commission's Account within a month from today. If petitioner fails to deposit the said amount, then looking to the facts and circumstances this Commission will recover as per the land revenue and also to consider the case for cancellation of minority status certificate of the petitioner institution. In view of above, the petition was dismissed in accordance with this order.

In the compliance of the judgement in the case no. 104 of 2021 and 105 of 2021, the petitioner institutions has deposited rupees twenty thousand each in the government exchequer.

CHAPTER 7: CASES REGARDING DEPRIVATION OF RIGHTS OF MINORITY EDUCATIONAL INSTITUTIONS AND AFFILIATION TO UNIVERSITIES

Under Article 30 (1) of the Constitution, religious or linguistic minority has a right to establish and administer educational institutions of its choice. The right however is subject to the regulatory powers of the State to maintain and facilitate excellence in educational standards. In T.M.A. Pai Foundation vs. State of Karnataka (2002) 8 SCC 481 case, the 11-judge bench of the Supreme Court, explained the rights of minorities to establish and administer an educational institution of their choice unhampered by rules and regulations that unnecessarily impinge upon their autonomy. The right to establish and administer broadly comprise of the following rights:-

- ❖ to admit students
- ❖ to fix a reasonable fee structure
- ❖ to constitute a governing body
- ❖ to appoint staff (teaching and non teaching)
- ❖ to take action if there is dereliction of duty on the part of any of the employees.

It was held that the minority institutions could not be allowed to fall below the standards of excellence expected of an educational institution. The Court stated that while the management must be left to be administered by minority community it ought to take steps to maintain quality at par with others. The right to administer, not being absolute, there could be regulatory measures for ensuring educational standards and maintaining excellence thereof and it is more so in the matter of admissions to professional institutions.

The Hon'ble Court of the Commission takes cases of deprivation of rights of MEIs including their affiliation to Universities of their choice. During the year, following cases considered/decided by the Commission with regard to disputes of a colleges with the affiliating University:

7.1 Appeal No. 27 of 2019

Subject: Appeal for quashing the circular of the Affiliating University which is being violative of fundamental rights under Article 15(5) and 30(1) of the Constitution of India

Petitioners: Maharashtra Medical Education and Research Centre, 2390-B, K.B. Hidayatullah Road, New Modikhana, Azam Campus, Camp, Pune-411001 ----- 1

ZVM Unani Medical College & Hospital, 2390-B, K.B. Hidayatullah Road, New Modikhana, Azam Campus, Camp, Pune-411001 ----- 2

Respondents: Secretary, Department of Medical Education, Mantralaya, Mumbai, Maharashtra ----- 1

Maharashtra University of Health Science, Nashik, Through its Registrar, Dindori Road, Mahasrul, Nashik-422004 ----- 2

The order was pronounced on 22.09.2022. This petition / appeal has been filed challenging the impugned order dated 22.05.2019 of the respondent no. 2 University and also to quash and set aside respondent no. 2 University circular of dated 25.04.2013 being violative of fundamental rights under Article 15(5) and 30(1) of the Constitution of India and respondent no. 2 be ordered to grant the approval of the five (5) teaching staff appointed by the petitioners. We have heard Learned Counsel for the petitioners as well as Mr. P.A. Inamdar for the petitioners and Learned Counsel for the respondent no. 2. Learned Counsel for the petitioners and Mr. P.A. Inamdar submitted that petitioners institution is minority educational institution. Petitioner No. 1 is a public charitable registered trust, petitioner No. 2 is a Unani Medical College and Hospital which is established with the permission of the Govt. of India on the recommendation of the State Govt. and affiliated to respondent no. 2 University. Petitioner no. 2 College admittedly run Under Graduate BUMS Courses with 60 seats intake as well as MD/MS Post Graduate Unani Courses with 17 seats, intake allowed by the Govt. of India. Petitioners wanted to recruit teaching staff sanctioned by the respondent no. 1 Associate / Assistant Professor category. Accordingly, they constituted Selection Committee. After giving advertisement, applications were invited from qualified staff as per the rules for interview. After selecting five (5) Associate / Assistant Professor, the petitioners submitted the details in the prescribed format to respondent no. 2 for granting approval to such selected teaching

staff. Selected staff was fully qualified as per the norms of respondents. This action was taken as per respondent no. 1 circular dated 04.05.2009 and also as per the directives issued by the respondent no. 2. Thereafter respondent no. 2 by its letter dated 20.03.2019 give reply that the proposal of approval has been rejected on the ground that petitioner no. 2 did not obtain prior approval of the public notice published in the 2 newspapers, hence approval could not be granted. Thereafter petitioner college informed to respondent no. 2 that being minority educational institution, it is not necessary to get approved the advertisement and also brought to the notice of respondent no. 2 that Government Resolution dated 05.04.2009 and also Directive of the Respondent No. 2 University bearing No. 02/2014 getting approval is not required for the petitioner college. And again requested to approve proposal dated 02.01.2019 for grant of approval for five (5) teaching staff.

Thereafter, respondent no. 2 directed to the petitioner college to follow the circular dated 25.04.2013 and submitted fresh proposal. Then petitioner college resubmitted its original proposal and explain as to why prior approval of draft of the advertisement, because there is no necessity to the petitioner college prior approval of the respondent no. 2. Thereafter, petitioner college also submitted two reminders to the respondent no. 2 on dated 20.04.2019 and 23.05.2019, but by the impugned order dated 22.05.2019 respondent no. 2 rejected the petitioners proposal and insisting that provisions of circular dated 25.04.2013 have not been followed and hence the proposal for grant of approval is rejected.

Learned Counsel for the petitioner and also Mr. P.A. Inamdar submitted that decision of the respondent no. 2 dated 22.05.2019 is violative of the fundamental rights of the petitioners under Article 30(1) and also Article 15(5) of the Constitution of India. The impugned decision is against the law laid down by the Hon'ble Supreme Court in case of T.M.A. Pai Foundation and others V/s State of Karnataka and others and P.A. Inamdar & Others V/s State of Maharashtra & Others. The impugned decision is also not in accordance with the respondent no. 1 circular dated 04.05.2009 and Directive No. 2/2014 of respondent no. 2. Respondent No. 2 instead of following its own above directive rejected the proposal of petitioner college. Petitioners also submitted that they have appointed several employees from 09.01.2014 to 04.09.2018 by following no prior

approval to advertisement procedure and appointments were duly approved by the respondent no. 2 without taking such objection till date.

In these circumstances petitioners are approaching this Commission for quashing and set aside the impugned decision dated 22.05.2019 of the respondent no. 2. Learned Counsel for the respondent no. 2 submitted that vide letter dated 25.04.2013 they have informed that the minority colleges have to take sanction for advertisement of the vacant post from the University prior to the filling up of the vacancies. University have prescribed Direction No. 01/2017. As per clause 5(2)(1) of the proposal advertisement should be approved by the University. The aim of the said clause is to know the vacancy position of the particular minority college in view of Minimum Standard Required (MSR) prescribed by the concerned Central Council / Central Commission and not to impose any rules regarding reservation policy of the State Govt. The said reservation policy for filling vacancies has not been applicable to such minority educational institutions.

Learned Counsel for the respondent no. 2 also submitted that said letter / direction has not been challenged by the petitioners before any Court. The same are binding as the Petitioners University was justified and taking its decision, because said direction does not affect the rights of minority educational institutions in any manner. University has granted approvals in the past to the teachers appointed by the appellant college and college was fully aware of the procedure to be followed for making appointments.

We have considered the arguments of both the parties and perused the file. When the matter was taken up for consideration, Learned Counsel for the petitioners and Mr. P.A. Inamdar frankly submitted that by this petition they are not challenging any circular of the respondents. They are challenging the impugned order and action of the respondent no. 2 which is violative of the educational rights of the minorities enshrined in Article 30(1) of the Constitution of India. It is true that this Commission does have any jurisdiction to quash any statutory provision made in the Act/ Rules/ Regulations. During the hearing of the case the petitioners had abandoned their prayer for quashing of the regulations and it was submitted that a declaration to be made to the effect that the impugned order and letter/ circular dated 25.04.2013 is inapplicable to the minority educational institutions covered under Article 30(1) of the Constitution of India.

As per the petitioners, respondent no. 2 has issued Direction No. 02/2014 and 01/2017 dated 13.04.2017, these does not refer to minority institutions and cannot be applied to the minority educational institutions. Direction No. 02/2014 has not repeated by Direction No. 01/2017. Direction No. 02/2014 issued by the respondent no. 2 is not repeated by subsequent direction of the respondent no. 2 bearing no. 01/2017, therefore Direction No. 02/2014 continues to be enforced. Petitioner has also submitted copy of Direction No. 01/2017.

It is an admitted fact that minority educational institutions has freedom to select and appoint its teaching and non-teaching staff in accordance with the qualifications prescribed, therefore by the statutory authority and the legislature cannot interfere in the composition of the selection committee. It has been held by the Hon'ble Supreme Court in St. Xavier's College, Ahmedabad V/s State of Gujarat, 1974 (1) SCC 717 that autonomy in administration means right to administer effectively and to manage conduct the affairs of the institutions.

Hon'ble Supreme Court has consistently upheld the rights of minorities enshrined in Article 30(1) of the Constitution of India and has ensured that the ambit and scope of the rights of the minorities is not narrowed down. The broad approach has been to see that nothing is done to impair the rights of the minorities in the manner of their educational institutions and that the width and scope of the provisions of the constitution dealing with those rights are not circumscribed.

Article 30(1) of the Constitution of India gives linguistic and religious minorities a fundamental right to establish and administer educational institutions of their choice. These rights are protected by a prohibition against their violation. The prohibition is contained in Article 13 of the Constitution which declares that any law, in breach of the fundamental rights would be void to the extent of such violation. It is well-settled that Article 30(1) cannot be read in a narrow and pedantic sense and being a fundamental right, it should be given its widest amplitude. The width of Article 30(1) cannot be cut down by introducing in it considerations which are destructive to the substance of the right enshrined therein.

The National Commission for Minority Educational Institutions (NCMEI) Act has been enacted to safeguard the educational rights of the minorities enshrined in Article 30(1) of

the Constitution. The NCMEI has been constituted under the Act. The Commission is a quasi judicial body and has been endowed with the powers of a Civil Court for the purpose of discharging its functions under the Act.

A stream of Hon'ble Supreme Court decisions commencing with the Kerala Education Bill case (AIR 1958 SC 956) and climaxed by the Eleven Judges Bench case in T.M.A. Pai Foundation (2002) 8 SCC 481 has settled the law for the present. The proposition of law enunciated in T.M.A. Pai Foundation is reiterated in the clarificatory judgement rendered by another Constitutional Bench of the Supreme Court in P.A. Inamdar vs. State of Maharashtra [2005 (6) SCC 537]. The general principles relating to establishment and administration of educational institution by minorities are that the right of minorities to establish and administer educational institutions of their choice guaranteed under Article 30(1) is subject to the regulatory power of the State for maintaining and facilitating the excellence of educational standard. The minority institutions cannot be allowed to fall below the standards of excellence expected of educational institutions, or under the guise of exclusive right of management, to decline to follow the general pattern. The essential ingredients of the management, including admission of students, recruitment of staff and the quantum of fee to be charged cannot be regulated. The regulations made by the statutory authorities should not impinge upon the minority character of the institution. The regulations must satisfy a dual test-that it is regulative of the educational character of the institution and is conducive to making the institution an effective vehicle of education for the minority community or other persons who resort to it. Regulations that embraced and reconciled the two objectives could be considered reasonable. The fundamental right guaranteed under Article 30(1) is intended to be effective and should not be whittled down by any administrative exigency. No inconvenience or difficulties, administrative and financial, can justify infringement of the fundamental right.

The State or any statutory authority, cannot under the cover or grab of adopting regulatory measures, destroy the administrative autonomy of a minority educational institution or start interfering with the administration of the management of the institution so as to render the right of the administration of the institution concerned nugatory or illusory. In other words, the regulations should not in any way take away the freedom of management of administration of the institution so as to reduce it to a satellite of a University or the State. The right to select its teaching or non-teaching staff perhaps the

most important facet of the right to administer an educational institution and that imposition of any trammel thereon except to the extent of prescribing the requisite qualifications and experience, would be treated as invalid and would constitute as a interference with the right of administration of the minority educational institution.

It is pertinent to mention here that it is a well settled that once a teacher possessing the requisite qualification prescribed therefore was selected by the management through selection committee of a minority educational institution, the State or the University have no right to veto the selection of such a teaching staff. The selection of appointment of teachers of minority educational institutions has been recorded as one of the essential ingredients under Article 30(1) of the Constitution.

In the present case respondent has raised only objection that college have to take sanction for advertisement of the vacant post prior to the filling up the vacancies. In our considered opinion there is nothing on record to show or suggest that the selection process of the teaching staff of petitioner institution by the management / selection committee of the institution was not fair, transparent or non exploitative of that the teachers selected by the selection committee of the management does not fulfill the minimum qualification of eligibility prescribed therefore by the respondent University.

The role of the respondent no. 2 University limited to the extent of ensuring that the person so selected fulfills the minimum qualifications of eligibility laid down by the University. It is an admitted fact that the selected teachers are working in the petitioners college since their selection. Consequently, the action of the respondent University in declining to grant approval of the selection and appointment of the teaching staff of the petitioner institution is violative of the constitutions provisions. So in our considered opinion the impugned order dated 22.05.2019 is in violation of the fundamental rights of the minorities enshrined in Article 30(1) of the Constitution of India and also relating to deprivation of fundamental rights of petitioner minority institution.

Consequently, for the foregoing reasons, we direct the respondent no. 2 University to implement the findings of the Commission by granting approval to the appointment of teachers selected and appointed by the selection committee constituted by the petitioner college/ management. As per above view of this Commission the petition/ appeal is partly allowed. In view of the above, the petition is disposed of in accordance with this order.

CHAPTER 8 – REFERENCES FROM CENTRAL GOVERNMENT AND STATE GOVERNMENTS AND COMMISSION'S RECOMMENDATIONS

As per Section 11 (a) of the Act, the Commission shall advise the Central Government or any State Government on any question relating to the education of minorities that may be referred to it.

8.1. Meeting with Competent Authorities/Authorities of the States/UTs:

The Commission interacts with State/UT Competent Authorities and Authorities appointed under section 10 of NCMEI Act and as per the provisions contained in the National Commission for Minorities Act 1992 (19 of 1992) and provides suitable guidance with regard to handling the cases of Minority Educational Institutions.

31 States/UTs have appointed Competent Authority to grant No Objection Certificate. Assam, Manipur, Dadra & Nagar Haveli, Delhi, J&K and Ladakh have not yet appointed the same. In 31 States/UTs, the petitioner institutions can apply directly to the State/UT for grant of MSC. Chhattisgarh, Sikkim, Dadra & Nagar Haveli, J&K, Ladakh & Puducherry are not having Authorities for grant of MSC. The State Governments/UT Administrations which have not appointed Competent authority as per the Act, have been requested to appoint Competent authority. A list of the State Competent Authority is given in **Annexure-3**.

8.2. Advisory to the Competent Authorities/Authorities of the States/UTs:

The Court of the Commission has passed the orders in several cases directing the Secretary of the Commission to refer its judgment to the State Competent Authorities for prescribing percentage governing admissions of the students in the minority educational institutions in accordance with the principles of law and taking into account the population and educational needs of the area in which the institution is located. Accordingly, office of the Commission has requested the State Competent Authority to refer to the judgment in case no. 110 of 2021 dated 28.03.2023 and several other similar cases.

8.1 CASE NO. 110 of 2021

Subject: Application for seeking Minority Status Certificate to Loyola English Medium High School, Nagaon, Assam-782001

Petitioner: Loyola English Medium High School, Nagaon, Assam-782001

Respondent: Joint Secretary, Education Department (Higher), Assam Secretariat, Block-C, Secretariat Complex, Dispur, Guwahati-6, Assam

The order was pronounced on 28.3.2023. This application has been received on 15.03.2021 by post from the petitioner for grant of Minority Status Certificate (in short 'MSC') to Loyola English Medium High School, Nagaon, Assam-782001 which is run by individual management. The petitioner institution filed the Affidavit of Mr. L.M. Joseph, Principal and authorized signatory of the applicant institution i.e. Loyola English Medium High School, Nagaon, Assam-782001 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, notarized copy of application dated 19.10.2020 sent to the State Competent Authority i.e. Joint Secretary, Education Department (Higher) alongwith postal receipt and its tracking report, copy of reminder letters dated 28.10.2020, 03.12.2020, notarized copy of Tenancy Agreement dated 01.11.2020 in favour of Mr. L.M. Joseph, Principal and authorized signatory of the applicant institution i.e. Loyola English Medium High School, Nagaon, Assam-782001, notarized copy of permission letter dated 26.04.1977 issued by the Addl. Director of Public Instruction, Assam, copy of letter dated 15.02.2000 issued by the Inspector of Schools, Nagaon District Circle, Nagaon regarding allowing of HSLC Examination (Final) and copy of Christian minority community percentage in the district of Nagaon, Assam.

As per the information supplied by the petitioner unaided institution with regard to students strength in academic year 2020-21, it is mentioned that out of total 723 students, 5 students are from the Christian minority community, 193 students are from Muslim minority community and 527 students are Hindus. It is relevant to mention here that out of the total 39 teachers, 6 teachers are from the Christian Minority community.

As per the information supplied by the physical inspection committee in their report dated 14.10.2022 with regard to the students strength, it is mentioned that in the unaided petitioner institution in the year 2020, out of total 725 students, only 5 students are from

the Christian minority community, in the year 2021, out of total 609 students, only 5 students are from the Christian minority community and in the year 2022, out of total 602 students, only 4 students are from the Christian minority community. Population of Christian minority community in the State of Assam as per the census of 2011 is 3.74%.

It is stated in the petition that on dated 19.10.2020, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.10.2020 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 application 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.

After service of registered notice dated 25.03.2021 and 09.12.2021, letter dated 28.03.2022 has been received from the respondent, which is taken on record. 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 23.08.2022 and after service of letters to the physical inspection committee dated 13.09.2022 and 30.11.2022, Committee have sent the physical inspection report dated 14.10.2022 which was received in the Commission's office on dated 21.10.2022. In the said report, it is mentioned that in the petitioner institution in the year 2020, out of total 725 students, only 5 students are from the Christian minority community, in the year 2021, out of total 609 students, only 5 students are from the Christian minority community and in the year 2022, out of total 602 students, only 4 students are from the Christian minority community.

Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution and the documents filed by the petitioner and affidavit of Mr. L.M. Joseph, Principal and authorized signatory of the applicant institution i.e. Loyola English Medium High School, Nagaon, Assam-782001. Learned Counsel for the petitioner submitted that 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 Mr. L.M. Joseph, Principal and authorized signatory of the applicant institution i.e. Loyola English Medium High School, Nagaon, Assam-782001. The petitioner institution has fulfilled all the criteria for grant of MSC. The Competent Authority has failed to consider their application for grant of NOC. To obtain MSC is a constitutional right of minority educational institution. The petitioner institution is established and administered by the member of the Christian minority community. Learned Counsel for the petitioner has further submitted that the Hon'ble Apex Court, various High Courts as well as this Commission have categorically held that percentage governing admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution. He has frankly admitted that Physical Inspection committee has pointed out that in the year 2020, out of total 725 students, only 5 students are from the Christian minority community, in the year 2021, out of total 609 students, only 5 students are from the Christian minority community and in the year 2022, out of total 602 students, only 4 students are from the Christian minority community which is less than the percentage of State of Assam population as per the Census of 2011 but even the petitioner institution is eligible to get MSC from this Commission.

This Commission has already decided in Case No. 1320 of 2009 of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa which reads as under :-

“ it has been held by the Supreme Court in TMA Pai (Supra) that the intake of minority students in the concerned institution has to be dependent upon variety of factors like what kind of institution it is, whether primary, secondary, high school or college or otherwise, the population of that community in the State and to the need of the area in which the institution is located. It is by considering these factors that the State may fix a minimum intake of minority and non-minority students. The Supreme Court has also held that “what would be a reasonable extent would depend upon variable factors, and it may not be advisable to fix any specific percentage.” From the above it is clear that a ceiling of 50% cannot be imposed against the minority institutions, requiring them to compulsorily admit the minority students upto 50%. There cannot be a common rule or regulation in respect of all 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”.

X X X X X

Consequently, we find and hold that the identifying criteria of fixation of a percentage governing admission of a minority community in a minority educational institution cannot be included in the indicia for determining the minority status of such an institution.”

X X X X X

Taking into consideration, the documents, information supplied by the petitioner institution, affidavit of Mr. L.M. Joseph, Principal and authorized signatory of the applicant institution i.e. Loyola English Medium High School, Nagaon, Assam-782001, in the facts and circumstances of this case, the main issue is whether the petitioner institution is entitled to get MSC from this Commission? It is an admitted fact by the petitioner institution in the petition that out of the total 723 students, only 5 students are from the Christian minority community in the petitioner institution situated at Nagaon, Assam in the year 2020-21. As per the physical inspection report, it is mentioned that in the petitioner institution in the year 2020, out of total 725 students, only 5 students are from the Christian minority community, in the year 2021, out of total 609 students, only 5 students are from the Christian minority community and in the year 2022, out of total 602 students, only 4 students are from the Christian minority community.

As per the judgement of Hon'ble Apex Court in T.M.A. Pai Foundation Vs The State of Karnataka (2002) 8 SCC 481, a minority whether linguistic or religious is determinable only by reference to demography of the State and not by taking into consideration the population of the country as a whole. We are aware of the Buckley Judgement passed by this Commission but there must be reasonable strength of students of minority community in a minority institution and in our considered opinion the percentage could be determined based on the actual proportion of specific minority community in the State's population. In the present case, Christian minority community in the State of Assam as per the Census of 2011 represents 3.74% of the State population, the minimum percentage governing admissions could be fixed as 4% and in this institution students are less than the 4%.

It has been held in P.A. Inamdar V/s State of Maharashtra (2005) 6 SCC 537, "the minority institutions are free to admit students of their own choice including students of non minority community and also members of their own community from other States, both to a limited extent only and not in a manner and to such an extent that their minority educational status is lost. If they do so, they lose the protection of Article 30(1) of the Constitution." And further it has been held in Kerala Education Bill AIR 1958 SC 956 that "Articles 29(2) and 30(1), read together, clearly contemplate a minority institution with a

‘sprinkling’ of outsiders” admitted in it. By admitting a member of non minority into the minority institution it does not shed its character and cease to be a minority institution”.

It is pertinent to mention here that an educational institution is established to sub-serve or advance the purpose for its establishment. Whereas the minorities have the right to establish and administer educational institutions of their own choice with the desire that their children should be brought up properly and be eligible for higher education and go all over the world fully equipped with such intellectual attainments as it will make them fit for entering into the public services, surely then there must be an implicit in such a fundamental right the corresponding duty to cater to the needs of children of their own community. The beneficiaries of such a fundamental right should be allowed to enjoy it in the fullest measure. Therefore, the educational institutions of their choice will necessarily cater to the needs of the minority community which had established the institution. Mere receipt of state aid does not annihilate the right guaranteed under Article 30(1). It has been held in the case of P.A. Inamdar (Supra) that “a minority institution does not cease to be so, the moment grant-in-aid is received by the institution. An aided minority educational institution, therefore, would be entitled to have the right of admission of students belonging to the minority group and at the same time, would be required to admit a reasonable extent of non-minority students, so that the rights under Article 30(1) are not substantially impaired and further the citizens’ rights under Article 29(2) are not infringed. What would be a reasonable extent, would vary from the types of institution, the courses of education for which admission is being sought and other factors like educational needs. The State Government concerned has to notify the percentage of the minority students to be admitted in the light of the above observations.”

That from bare reading of Article 30(1) of the Constitution of India read with several authoritative pronouncement of the Hon’ble Supreme Court and the definitions of minority educational institution in Section 2(g) of the NCMEI Act, 2004 and Section 2(f) of the Central Educational Institutions (Reservation in Admission) Act, 2006, the following facts should be proved for grant of MSC to an educational institution on religious basis :-

(i) That the educational institution was established by a member / members of the religious minority community; (ii) That the educational institution was established primarily for the benefit of the minority community; and (iii) That the educational institution is being administered by the minority community.

The proportion of law enunciated in T.M.A. Pai Foundation case is reiterated in the clarificatory judgement rendered by another constitution bench of Hon'ble Supreme Court in P.A. Inamdar V/s State of Maharashtra (2005) 6 SCC 537 and general principles relating to establishment and administration of educational institutions by minorities are clarified.

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 emphatic point in the P.A. Inamdar (Supra) reasoning is that the minority educational institution is primarily for the benefit of minority community. Sprinkling of the non-minority students in the student population of minority educational institution is expected to be only peripheral either for generating additional financial source or for cultural courtesy. Thus, a substantive section of student population in minority educational institution should belong to the minority. In the context of commercialisation of education, an enquiry about composition of student population of minority educational institution will reveal whether the substantive peripheral formula that can be gathered from P.A. Inamdar case (Supra) is adequately complied with or whether minority educational institution is only a façade for money making.

We have also considered that, when the Constitution of India enshrines rights on minority educational institutions, it is obvious that there should be some duties required from them as well. But some of the institutions are not adhering to their duties and not giving admissions to students of their own community. The words “that the educational institution was established for the benefit of the minority community” clearly imposes the duty on the minority educational institutions to work for the benefit of their own community rather than mostly for private profit or other purposes. Section 12C of the NCMEI Act, 2004 empowers the NCMEI to cancel the minority status of an educational institution if, on verification of records during an inspection or investigation it is found that the minority educational institution has failed to admit students belonging to the minority community as per rules and a prescribed minimum percentage governing admissions of minority students during any academic year. So the reasonable strength of students of minority community should be there in the minority educational institution for serving their own community for which they are provided constitutional privileges and benefits. Minority educational institutions have the permanent obligation to benefit their own minority community students.

We have also considered another aspect that in order to provide Free and Compulsory Education of all Children in the age group of six to fourteen years as a fundamental right, the Government of India inserted Article 21A in the Constitution of India and also enacted the Right of children to Free and Compulsory Education Act, 2009 (in short RTE Act, 2009) which provides that every child in the age group of six to fourteen years has a right to full time elementary education of satisfactory and equitable quality in a formal school, which satisfies certain essential norms and standards. But in order to protect minority educational institutions from implementation of the RTE Act, 2009 the Hon’ble Constitutional Bench of Supreme Court in its judgement dated 06.05.2014 in *Pramati Educational and Cultural Trust and others V/s Union of India and others* (2014) 8 SCC Page 1 held, that the RTE Act, 2009 in so far as it applies to minority schools aided or unaided covered under Clause 1 of Article 30 of the Constitution of India is ultra virus of the Constitution. This proposition of law establishes that said Act 2009 is not applicable to minority educational institutions, aided or unaided at all. In these circumstances, minority educational institutions have moral obligation and duty to benefit their own community students by giving admissions to the reasonable extent.

We have considered the Buckley Primary School (Supra) judgement of this Commission which is probably unintended and created an absolute right for minorities to establish minority educational institutions irrespective of the number of beneficiaries which appears to be in contravention of the provisions of Section 12C of the NCMEI Act, 2004, which empowers the NCMEI to cancel the minority status of an educational institution, if on verification of records during inspection or investigation, it is found, inter-alia that the minority educational institution has failed to admit a prescribed minimum percentage of minority students during any academic year. We are also of the opinion that States should comply with their obligation to determine eligibility of minority educational institutions as mandated in the NCMEI Act, 2004 and should prescribe the minimum percentage governing admissions of minority students during any academic year together with rules and regulations for its determination and to verify its implementation by a minority educational institution, taking into account of population, education needs of the area in which the institution is located and also principles of law enunciated by their lordships of the Hon'ble Supreme Court in the case of T.M.A. Pai Foundation and P.A. Inamdar Case (Supra).

The petitioner institution has not filed 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 and updated recognition /affiliation order issued by the State Board / CBSE to the unaided petitioner institution.

Secretary of this Commission is already directed to direct all the Competent Authority of State / UTs to comply with this obligation as mandated in NCMEI Act, 2004 and above said judgements passed by Hon'ble Supreme Court and should prescribe a minimum percentage governing admissions of minority students during any academic year based on the proportion of minority students in the State or other reasonable formula and prescribed rules and regulations for such determination and verification of its implementation. As discussed above, the petitioner institution has failed to fulfill the criteria for grant of MSC.

Consequently, the petition filed by the petitioner institution namely Loyola English Medium High School, Nagaon, Assam-782001 is hereby dismissed. However, petitioner institution is free to move fresh application for grant of MSC as per the law, following the procedure after having minimum percentage of students in their institution. In the interest of justice, office is directed to send copy of this judgement to State Competent Authority for compliance of this judgement. In view of the above, the petition is disposed of in accordance with this order.

CHAPTER- 9: RECOMMENDATIONS FOR THE INTEGRATED DEVELOPMENT OF EDUCATION OF THE MINORITIES

Following functions under Section 11 deal with recommendations of NCMEI for integrated development of the minorities:

- make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the Minority Educational Institutions; and
- take measures as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission

9.1 Issues regarding violation of educational rights of the Minority Educational Institutions and constitutional safeguards as enshrined in the Constitution of India are taken up with the MEIs and also they are regularly sensitized on the following:

- Article 30(1) of the Constitution, which provides religious / linguistic minorities to establish and administer educational institutions of their choice.
- Right to Education (RTE) Act- Hon'ble Supreme Court's judgement in the matter of Pramati Educational & Cultural Trust (R) & Others Versus Union of India & Ors., in which it was held that proposition of law establishes that RTE Act 2009 is not applicable to Minority Schools, aided or unaided.
- MEIs rights and immunities like reservation not being applicable in admission, autonomy in choosing its governing body, appointment of teaching & non teaching staff, admitting students of their own choice including students from non-minority community and also students from their own community etc.
- Judgments of the Hon'ble Supreme Court on the applicability of minorities' rights.
- State's role in maintaining discipline and academic excellence and to regulate the affairs
- Functions and Powers of Commission.

9.2. The Commission also takes the cases of various educational institutions and pass appropriate orders in which the State Competent Authority and State Authority are directed to review the cases of NOC / MSC. Some of the cases which were decided

by the Commission and sent back to the State Competent Authority and State Authority are given as under:

9.3 CASE No. 275 of 2019:

Subject: Application for seeking Minority Status Certificate for John Memorial High School (JMHS), Sasthamcotta, Poruvazhi P.O., Kollam Dist., Kerala

Applicant: John Memorial High School (JMHS), Sasthamcotta, Poruvazhi P.O., Kollam Dist., Kerala

Respondent: The Secretary, General Education Department, Government of Kerala, Thiruvananthapuram, Kerala – 695 001

The order was pronounced on 05.04.2022. An application has been received on 30.04.2019 by hand from Mr. Jose Abraham, Advocate of the petitioner institution for grant of minority status certificate (in short 'MSC') to John Memorial High School (JMHS), Sasthamcotta, Poruvazhi P.O., Kollam Dist., Kerala. Learned counsel for the petitioner filed affidavit of Smt. Leelamma Oommen, D/o. Late K.J. Oommen, Manager, John Memorial High School (JMHS), Sasthamcotta, Poruvazhi P.O., Kollam Dist., Kerala 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.

Learned counsel for the petitioner also filed unsigned founding member list, present member list, certificate for recognition of the school dated 07.07.2018 issued by the District Educational Officer, Kottarakkara and certificate for individual management dated 03.07.2018 issued by the District Educational Officer, Kottarakkara. Copy of application dated 06.11.2018 sent to the state competent authority for grant of No Objection Certificate (in short 'NOC') alongwith proof of service.

The background facts of this case are that the petitioner institution has filed application under section 10 of the National Commission for Minority Educational Institutions (in short 'NCME') Act, 2004 to the respondent on 06.11.2018 for grant of NOC, which was disposed of vide order No. GEDN-F3/78/2019-G.EDN dated 28.5.2019. The impugned order passed by the authority of the State of Kerala reads as follows: -

“Attention is invited to the reference cited. At present State Government is not granting minority status to the educational institutions in the State. As per Section 11 (f) of the National Minority Educational Institutions Act, 2004, the National Commission for Minority Educational Institutions, New Delhi (NCMEI) constituted under Section 3 of the Act, can decide all questions relating to the minority status of an educational institution and to declare it as a minority educational institution. Hence the applicant is free to approach the Commission for obtaining minority status.”

(emphasis supplied)

In these circumstances, this petition has been filed by the petitioner for grant of minority status certificate. Notice of the petition was sent to the respondent by registered post dated 06.06.2019, 06.11.2020 and 23.09.2021. Despite service of registered notice, none appeared on behalf of the respondent. Hence, the case is proceed ex-parte against the respondent.

It is argued by the learned counsel for the petitioner that the competent authority of the State of Kerala has failed to appreciate the provisions of NCMEI Act, 2004 and wrongly disposed of the application with the observation that the State Government is not granting minority status certificate to educational institutions in the State and as per Section 11(f) of the National Commission for Minority Educational Institutions Act, 2004, this Commission constituted under Section 3 of the Act, can decide all questions relating to the minority status of an educational institution and to declare it as a minority educational institution. Hence, the applicant is free to approach the Commission for obtaining minority status.

Learned counsel for the petitioner also submitted that the competent authority has given liberty to the petitioner to file application for grant of minority status certificate before this Commission. The petitioner institution is fulfilling all the criteria for grant of NOC as per NCMEI Act, 2004. The competent authority has failed to consider their application for grant of NOC. To obtain minority status certificate is a constitutional right of minority educational institution. The petitioner institution is established and administered by the members of the Christian minority community. The impugned order is clearly against the verdict of Hon'ble Apex Court in the matter of **SISTERS OF ST. JOSEPH OF CLUNY v/s. THE STATE OF WEST BENGAL & ORS** (Civil Appeal No. 3945/2018, Judgement dated 18/04/2018).

The petitioner institution was established and is being administered by the members of the Christian minority community. It is stated in the affidavit of Smt. Leelamma Oommen

that petitioner school is managed by individual management namely, Smt. Leelamma Oommen, who belongs to Christian community, primarily for the benefit of the Christians. Certificate dated 03.07.2018 of District Educational Officer, Kottarakkara, also certified that petitioner school is an aided school. Founding member, Late Sh. K.J. Oommen was expired and Smt. Leelamma Oommen is the Manager at present time of petitioner individual management institution and the beneficiaries of the petitioner institution are especially meant for the benefit of the Christian minority community.

In the facts and circumstances of the case, learned counsel for the petitioner prayed for grant of minority status certificate in favour of the petitioner institution. Heard the learned counsel for the petitioner and perused the entire record produced by the petitioner institution.

By the impugned order dated 28.5.2019, the respondent has disposed of petitioner's application under Section 10 of the NCMEI Act, 2004 and stated that at present State Government is not granting minority status certificate to the educational institutions in Kerala State and also ordered that this Commission has power to decide minority status certificate application.

Any State Government cannot deny grant of minority status certificate because this is constitutional right of a minority institution. As per the Article 30 (1) of the Indian Constitution "all minorities whether based on religion or language shall have the right to establish and administer educational institutions of their choice." These rights are protected by a prohibition against their violation. The prohibition is contained in Article 13 of the Constitution which declares that any law in breach of the fundamental rights would be void to the extent of such violation. It is well settled that Article 30(1) cannot be read in a narrow and pedantic sense and being a fundamental rights, it should be given its widest amplitude. The width of Article 30 (1) cannot be cut down by introducing in it considerations which are destructive to the substance of the right enshrined therein. As per the Constitution of India and as per the provisions of NCMEI Act, 2004 eligibility criteria for grant of Minority Status Certificate is that the educational institution is established by a member/ members of the religious community, and is being administered by the minority community and is established primarily for the benefit of the minority community. It is also reflected by the order of the competent authority that State Government is not granting minority status to any educational institution. The petitioner

institution has filed application before the State competent authority for grant of No Objection Certificate under Section 10 of the NCMEI Act, 2004 and has not filed any application for grant of minority status certificate.

It is relevant to mention here that Article 30 (1) of the Constitution gives linguistic/religious minorities a fundamental right to establish and administer educational institution of their choice. The rationale behind Article 30 (1) of the Constitution is to give protection to minorities to run educational institutions of their choice. In the Kerala Education Bill 1957 (AIR 1958 SC 959), Hon'ble Supreme Court observed as under: -

“The key to the understanding of the true meaning and implication of the Article under consideration are the words "of their choice". It is said that the dominant word is "choice" and the content of that Article is as wide as the choice of the particular minority community may make it.”

(emphasis supplied)

So, the stand taken by the State of Kerala is virtually in negation of the constitutional protection afforded to the minorities for establishment of educational institutions of their choice.” The NCMEI Act, 2004 was amended twice in order to further broad base and expand the functions as well as the quasi judicial powers of the NCMEI. The sections relevant for just decision of this case are set out here below:

Section 10 :- Right to establish a Minority Educational Institution :- (1) Subject to the provisions contained in any other law for the time being in force, any person, who desires to establish a Minority Educational Institution may apply to the competent authority for the grant of no objection certificate for the said purpose.”

(2) The Competent authority shall,—

(a) on perusal of documents, affidavits or other evidence, if any; and

(b) after giving an opportunity of being heard to the applicant, decide every application filed under sub-section (1) as expeditiously as possible and grant or reject the application, as the case may be:

Provided that where an application is rejected, the Competent authority shall communicate the same to the applicant.

(3) Where within a period of ninety days from the receipt of the application under sub-section (1) for the grant of no objection certificate,—

(a) the Competent authority does not grant such certificate; or

(b) where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate, it shall be deemed that the Competent authority has granted a no objection certificate to the applicant.

(4) The applicant shall, on the grant of a no objection certificate or where the Competent authority has deemed to have granted the no objection certificate, be entitled to

commence and proceed with the establishment of a Minority Educational Institution in accordance with the rules and regulations, as the case may be, laid down by or under any law for the time being in force.

Explanation – For the purposes of this section –

(a) “applicant” means any person who makes an application under sub-section (1) for establishment of a Minority Educational Institution;

(b) “no objection certificate” means a certificate stating therein, that the Competent authority has no objection for the establishment of a Minority Educational Institution”.

Section 12 A:- Appeal against orders of the Competent authority (1) Any person aggrieved by the order of refusal to grant no objection certificate under sub-section (2) of section 10 by the Competent Authority for establishing a Minority Educational Institution, may prefer an appeal against such order to the Commission.

(2) An appeal under sub-section (1) shall be filed within thirty days from the date of the order referred to in sub-section (1) communicated to the applicant:

Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) The Commission, after hearing the parties, shall pass an order as soon as may be practicable, and give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

(5) An order made by the Commission under subsection. (4) shall be executable by the Commission as a decree of a civil court and the provisions of the Code of Civil Procedure, 1908 (5 of 1908), so far as may be, shall apply as they apply in respect of a decree of a civil court.

Section 12B:- Power of Commission to decide on the minority status of an educational institution. (1) Without prejudice to the provisions contained in the National Commission for Minorities Act, 1992 (19 of 1992), where an authority established by the Central Government or any State Government, as the case may be, for grant of minority status to any educational institution rejects the application for the grant of such status, the aggrieved person may appeal against such order of the authority to the Commission.

(2) An appeal under sub-section (1) shall be preferred within thirty days from the date of the order communicated to the applicant: Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) On receipt of the appeal under sub-section (3), the Commission may, after giving the parties to the appeal an opportunity of being heard, decide on the minority status of the educational institution and shall proceed to give such direction as it may deem fit and, all such directions shall be binding on the parties.”

(emphasis supplied)

As per the above provisions, the person who desires to establish minority institution has to apply to the competent authority of the State Government for grant of NOC for the said purpose under section 10 of the NCMEI Act, 2004. The Act of 2004 also conferred powers of appeal against orders of the competent authority of State to the NCMEI under section 12A as well as over authorities that were established by the Central Government or State Government who rejected application for grant of MSC to an educational institution under section 12B of the NCMEI Act, 2004.

The Hon'ble Supreme Court in Civil Appeal No. 3945 of 2018 in the matter of **Sisters of St. Joseph of Cluny V/s. The State of West Bengal and Ors. (2018) 6 SCC 772** vide order dated 18.4.2018 has also held that:-

“However, Section 10(1), which was introduced at the same time as Section 11(f) by the Amendment Act of 2006, carves out one facet of the aforesaid power contained in Section 11(f), namely the grant of a no objection certificate to a minority educational institution at its inception. Thus, any person who desires to establish a minority educational institution after the Amendment Act of 2006 came into force, must apply only to the competent authority for the grant of a no objection certificate for the said purpose. It is a little difficult to subscribe to Shri Hedge's argument that the said powers are concurrent. Harmoniously read, all applications, for the establishment of a minority educational institution after the Amendment Act of 2006 must go only to the competent authority set up under the statute. On the other hand, for the declaration of its status a minority educational institution at any state post establishment, the NCMEI would have the power to decide the question and declare such institution's minority status.”

(emphasis supplied)

Looking to the provisions of NCMEI Act, 2004 and the judgement of Hon'ble Apex Court in the matter of Sisters of St. Joseph of Cluny (Supra), this Commission has both jurisdictions original as well as appellate, any educational institution which desires to establish minority educational institution has two options. Firstly, he can apply before an authority established by the Central Government or any State Government, Union Territory as the case may be for grant of MSC to any educational institution and if above authority rejects the application for grant of MSC, the aggrieved person may appeal against such an order of the authority to this Commission under section 12B of NCMEI Act, 2004. Secondly, under section 10 of NCMEI Act, 2004 whosoever desires to establish a minority educational institution has to apply to the Competent Authority of the State Government for grant of NOC. Where within a period of 90 days from the receipt of the application, if the competent authority does not grant NOC or application has been rejected but not communicated to the applicant, it shall be deemed that NOC has been

granted and the applicant can file an application for grant of MSC straightaway to this Commission. Any person aggrieved by the order of refusal to grant NOC by the competent authority may prefer an appeal to this Commission under section 12A of NCMEI Act, 2004.

In our considered opinion educational institution can opt one course, either to file application for grant of MSC before the State Competent Authority or to file grant of NOC. In the present case petitioner has applied for grant of NOC to the State Competent Authority but instead of deciding the NOC application competent authority of the State has passed the impugned order dated 28.05.2019.

In view of the above facts and observations, it is an admitted fact that the petitioner institution had applied to competent authority of the State of Kerala for grant of NOC under Section 10 of NCMEI Act, 2004 and the said application was not decided in accordance with the provisions of NCMEI Act, 2004 and verdict of the Hon'ble Apex Court by the State competent authority and passed the impugned order 28.5.2019. So in the interest of justice, we are of the considered opinion, without going on the merits of the case, it is just proper and fit case to send the matter back to the state competent authority to decide the application of the petitioner institution for grant of NOC under Section 10 of the NCMEI Act, 2004 on merits after considering all the documents produced by the petitioner institution at the earliest, expeditiously.

Office is directed to send copy of this order to the State Competent Authority and in the interest of justice, in addition the petitioner institution is also directed to produce certified copy of this order before the State Competent Authority immediately for compliance of this order.

It is also relevant to mention here that in this case founding member is Late Sh. K.J. Oommen. The petitioner has not filed any document about the ownership of the petitioner institution and any list of successor of Late Sh. K.J. Oommen. It is not clear that how Smt. Leelamma Oommen, D/o. Late K.J. Oommen, became the owner of the petitioner institution. In view of above, the petition is disposed of in accordance with this order.

CHAPTER 10- INSTANCES OF VIOLATION AND DEPRIVATION OF EDUCATIONAL RIGHTS OF THE MINORITIES

10.1 Article 30 (1) of the Constitution gives religious or linguistic minorities right to establish and administer educational institutions of their choice. National Commission for Minority Educational Institutions has jurisdiction over the issues concerning religious minority communities which have been notified by the Central Government. At present, six minority communities have been notified by the Central Government viz. Muslim, Christian, Sikh, Budhisht, Jains and Parsis.

10.2. Applicability of Right to Education Act in Minority Schools

The Constitutional bench of Supreme Court in *Pramati Educational & Cultural Trust® & Others versus Union of India & Ors* (in Writ Petition (C) No. 416 of 2012 reported in “2014 AIR SCW 2859” and “(2014) 8 SCC 1”, held that the 2009 Act i.e. (the Right of Children to Free and Compulsory Education Act, 2009) in so far as it applies to minority schools, aided or unaided, covered under clause (1) of Article 30 of the Constitution is ultra vires the Constitution.

The aforesaid propositions of law established that RTE Act, 2009 is not applicable to Minority Schools, aided or unaided.

The Ministry of Education formerly Ministry of Human Resource Development in August, 2014 clarified after obtaining the opinion of Department of Legal Affairs that “The regulatory provisions like prohibition of holding back and corporal punishment which do not affect the substance of the guaranteed rights to administer educational institutions as provided under Article 30 (1) are applicable to the minority institutions also. In view of the above, the regulatory provisions as provided in the RTE Act appear to be applicable to minority institutions in terms of Articles 29 and 30 of the Constitution of India.”

10.3 The commission takes the appropriate action on the cases of this type as and when received in the Commission. A case of this nature was decided by the Court of the Commission is given as under is taken as an example:

10.4 Misc CASE NO. 16 of 2019

Subject: Complaint u/s 12 D and E of the NCMEI Act, 2004 relating to deprivation / violation of the educational rights of minorities enshrined in Article 30 (1) of the Constitution of India of Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh

Petitioner: Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh

Respondents: Principal Secretary, Higher Education Department, Government of Uttar Pradesh -----1

The Deputy Inspector of Schools (Sanskrit), Pancham Mandal, Varanasi, Uttar Pradesh----- 2

Shri Arvind Tripathi, Assistant Teacher, C/o Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh -----3

The order was pronounced on 12.04 2022. It is a complaint received on dated 14.7.2019 from Mr. Bimal Kumar Jain, Manager, Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh relating to violation/ deprivation of educational rights of the complainant minority institution under Section 12 D and E of the National Commission for Minority Educational Institutions Act, 2004 (in short 'NCMEI Act, 2004).

By this complaint, the complainant has submitted that Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh was established and administered by Jain Minority Community as Sanskrit College and working for last 115 years and at present is a minority educational institution. The then Inspector of Schools, Varanasi and the former acting Principal of the petitioner college Shri Arvind Tripathi had appointed Shri Suresh Chand Pathak the deceased dependent of any other school on compassionate basis as an attendant (Paricharak) in an unlawful manner, without the consent and information to the management of the Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh.

It is also alleged by the petitioner that on dated 24.4.2017 they have filed a complaint before this Commission which was registered as Case No. 156 of 2017 for enquiring and investigation into the complaint of deprivation of educational rights of the complainant minority institution. The Commission has issued notices to the Principal Secretary,

Higher Education Department, Uttar Pradesh with a copy to the District Inspector of Schools, Varanasi and directed to inquire into the matter and submit the report to the Commission within 15 days of receipt of the notice. The Joint Director of Education, Varanasi has given enquiry report on dated 25.5.2017 and clearly admitted that the order of appointment of Shri Suresh Chand Pathak in the petitioner minority educational institution is illegal and by mistake and now he is appointed in another college namely Shri Goswami Tulsi Sanskrit Mahavidyalaya, Varanasi. Looking to the above facts, the above complaint was disposed of by the Commission on dated 11.7.2019 as infructuous and in the interest of justice ordered that complainant is free to move fresh complaint before the Commission. Hence, this petition is filed by the Complainant.

Complainant has also submitted that after two years on dated 20.4.2019, Shri Vijai Prakash Singh, DIOS, Varanasi has passed office order and instead of joint operation, illegally imposed Single Operation System under the provisions of Section 5 (1) of the U.P. High Schools and Intermediate Colleges (Payment of Salaries of Teachers and Other Employees) Act, 1971 on the ground that even after direction issued by the officers, management of the petitioner institution has not paid the salary of Shri Arvind Tripathi for three months i.e. November 2016 to January 2017. Above orders has been challenged by the petitioner institution before the Hon'ble High Court and vide order dated 10.5.2019 in W.P. No. 16220 of 2019 Hon'ble High Court has passed the order and said order dated 20.4.2019 was quashed. Further it is submitted by the petitioner that after perusal of bank statement it comes in the knowledge of the petitioner institution that on dated 26.4.2019 salary of Respondent No. 3 was illegally transferred in his account, which is against the rights of minority institution and also illegal and arbitrary action of the then DIOS. Mr. Suresh Chand Pathak has not worked in the petitioner institution and the action of DIOS and Shri Arvind Tripathi is illegal and violative of the educational rights of minority institution.

Therefore, the complainant prayed that salary given to Shri Suresh Chand Pathak be deposited in the treasury of the State Government as his appointment in Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh is against the spirit of Article 30 (1) of the Constitution of India against Section 12 D & E of the NCMEI Act, 2004 and also against the rights of minority educational institutions. He further requested the Commission to take appropriate action against the DIOS, Varanasi, Shri

Arvind Tripathi, Assistant Teacher of Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh and other officials involved in the said illegal process.

This case was registered as Misc. Case and notices were issued to the respondents. On dated 22.1.2020, a reply was received on behalf of Respondent No. 2, the District Inspector of Schools (Sanskrit), Varanasi, U.P. Copy of the said reply along with its enclosures were furnished to the complainant/ petitioner. We have not received any reply on behalf of the Respondent No. 1 & 3 and despite service of registered notice, none appeared on behalf of the above respondents. Hence, the case proceeded ex-parte against respondent No. 1 & 3.

Mr. Bimal Kumar Jain, Manager of Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh sent a letter dated 28.3.2022 requesting therein to decide their petition on merits. On dated 5.4.2022, none appeared on behalf of both the parties and in the interest of justice, the matter was reserved for orders.

It is pertinent to mention here that the complainant institution was granted minority status certificate by the Commission vide order dated 8.12.2015 passed in Case No. 478 of 2015 and it is not disputed that petitioner institution is a minority institution covered under Article 30 (1) of the Constitution of India within the meaning of Section 2(g) of the NCMEI Act, 2004.

The respondent No. 2 filed his reply dated 21.1.2020 and resisted the petition on the ground that on dated 29.12.2016 the respondent had appointed Shri Suresh Chand Pathak, the deceased dependent on compassionate basis as an Attendant (Paricharak) in the petitioner institution. Thereafter, as per the guidance of Joint Director (Education), Varanasi vide order dated 11.5.2017, Shri Suresh Chand Pathak was appointed in another College Goswami Tulsi Sanskrit Mahavidyalaya, Varanasi on the ground that even after direction of government authorities, Manager of the petitioner institution has not paid salary of Respondent No. 3 for 3 months i.e. November 2016 to January 2017 and further GPF loan has not been given to him and order dated 20.4.2019 of single operation has been passed. The said order was quashed by the Hon'ble High Court vide order dated 10.5.2019 passed in W.P. No. 16220 of 2019. The respondent has withdrawn the said order dated 20.4.2019. They have legally made payment to Shri

Suresh Chand Pathak, etc. and submitted that the complaint filed by the complainant against him is based on fabricated and false facts and all the action taken by the Respondent No. 2 is under the provisions of law and act.

We have considered the pleading and evidence submitted by parties and perused the record. Before coming to draw any inferences, it is necessary to glance the statutory provisions governing the appointment in recognized and aided minority institutions.

The exemption to the minority institutions has been given to safeguard the rights of minority as guaranteed under Article 30 of the Constitution of India. The appointment on compassionate ground was governed by a Government order dated 21.9.1981 in aided institutions. By notification dated 30.7.1992 Regulations 101 to 107 were added in Chapter III of the U.P. Intermediate Education Act providing for giving compassionate appointment to the dependent of deceased teacher or non teaching staff while dying in service. Initially, the regulations contemplated appointment on compassionate ground only on non teaching post. By subsequent amendment dated 2.2.1995 Regulation 103 was substituted providing for appointment on the post of teacher or on non teaching post. The proviso was, however, added to Regulation 103 to following effect: - Provided that anything contained in this regulation would not apply to any recognised aided institution established and administered by any minority class.

It is relevant to note that the provisions of U.P. Secondary Education (Services Selection Board) Act, 1982 were also amended by the U.P. Act No. XV of 1995 with effect from 28.12.1994 by adding the following as third proviso:

“Provided also that the dependent of a teacher or other employee of an institution dying in harness should possess qualification prescribed under the U.P. Intermediate Education Act, 1921, may be appointed as teacher in trained graduate grade in accordance with the regulation made in Sub-section (4) of Section 9 of the said Act.”

As noted above, Section 16 or the amended proviso is applicable only to non-minority institutions and the amendment under the U.P. Act 5 of 1982 permitting appointment on teaching post was with regard to non-minority institutions and regulations amended vide notification dated 2.2.1995 containing proviso to Regulation 103 exempting minority institutions from applicability of regulations was in consonance with the rights of minority.

The above proviso to Regulation 103 has been subsequently deleted vide notification dated 9.8.2001 again amending the Regulation 103.

The issue of compassionate appointment in minority institution was considered in 2002 (3) A.W.C. 2221 in Committee of Management, M.A.H. Inter College and Anr. Vs. District Inspector of Schools and Ors. The notification dated 9.8.2001 which has effect of deleting the proviso of Regulation 103 has been quashed by the Hon'ble High Court. The learned Single Judge took the view that no compassionate appointment is permissible in a minority institution either on the post of teacher or non-teaching post and any such appointment shall infringe the rights of minorities under Article 30 of the Constitution.

Following observations were made by the Hon'ble Supreme Court in **T.M.A. Pai Foundation and Ors. vs. State of Karnataka (2002) 8 SCC 481** in paragraphs 136, 137 and 139: -

“136. Decisions of this Court have held that the right to administer does not include the right to maladminister. It has also been held that the right to administer is not absolute, but must be subject to reasonable regulations for the benefit of the institutions as the vehicle of education, consistent with national interest. General laws of the land applicable to all persons have been held to be applicable to the minority institutions also__ for example, laws relating to taxation, sanitation, social welfare, economic regulation, public order and morality.

137. It follows from the aforesaid decisions that even though the words of Article 30(1) are unqualified, this Court has held that at least certain other laws of the land pertaining to health, morality and standards of education apply. The right under Article 30(1) has, therefore, not been held to be absolute or above other provisions of law , and we reiterate the same. By the same analogy, there is no reason why regulations or conditions concerning , generally, the welfare of students and teachers should not be made applicable in order to provide a proper academic atmosphere , as such provisions do not in any way interfere with the right of administration or management under Article 30(1).

139. Like any other private unaided institutions, similar unaided educational institutions administered by linguistic or religious minorities are assured maximum autonomy in

relation thereto; e.g. method of recruitment of teachers, charging of fees and admission of students. They will have to comply with the conditions of recognition, which cannot be such as to whittle down the right under Article 30.”

The Hon'ble Apex Court in the same judgment had further observed with regard to those minority institutions which are receiving grant-in-aid from the State. The Apex Court observed in paragraph 141 of the judgment that for granting aid there cannot be abject surrender of right of management. The receipt of aid cannot be reason for altering the nature or character of recipient of the education institution. Choosing teachers who will carry on the educational institution toward excellence has been held to be right of management of minority institutions.

All Bihar Christian Schools Association and Anr. vs. State of Bihar and Ors. [1988] 1 SCC 206, was a case in which the Hon'ble Apex Court had examined various provisions of Bihar Non-Government Secondary Schools (Taking over of Management and Control) Act, 1981. The Hon'ble Apex Court laid down in the said case that statutory measures regulating standard and excellence of minority educational institutions do not offend Article 30 of the Constitution of India. While considering Section 18(3) Clause (b) which require Managing Committee of the minority institution to appoint teachers possessing requisite qualification with the concurrence of the School Service Board. Following observation was made by the Hon'ble Apex Court in paragraph 13:-

“13. Section 18(3) provides that recognised minority secondary schools shall be managed and controlled in accordance with the provisions contained in clauses (a) to (l). Clause (a) requires a minority secondary school to have a managing committee registered under the Societies Registration Act, 1862 and to frame written bye-laws regulating constitution and functions of the managing committee. The bye-laws regarding the constitution of the managing committee are required to be framed by the minority institution itself. The State or any other authority has no power or authority to impose any terms or conditions for the constitution of the managing committee. If a society running a minority institution frames written bye-laws providing for the constitution of managing committee entrusted with the function of running and administering its school it would ensure efficient administration. This clause is in the interest of the minority institution itself, as no outsider is imposed as a member of the managing committee, there is no interference with the minorities' right to administer its school. Clause (b) provides for two things, firstly it requires the managing committee or of a minority school to appoint teachers possessing requisite qualifications as prescribed by the State Government for appointment of teachers of other nationalised schools, secondly, the managing committee is required to make appointment of a teacher with the concurrence of the School Service Board constituted under Section 10 of the Act. Proviso to Clause (b) lays down that the School Service Board while considering the question of granting approval

to the appointment of a teacher, shall ascertain if the appointment is in accordance with the rules laying down qualifications, and manner of making appointment framed by the State Government. The proviso makes it clear that the School Service Board has no further power to interfere with the right of managing committee of a minority school in the appointment of a teacher. Under Clause (b) the managing committee is required to make appointment of a teacher with the concurrence of the School Service Board. The expression 'concurrence' means approval. Such approval need not be prior approval, as the clause does not provide for any prior approval. Object and purpose underlying Clause (b) is to ensure that the teachers appointed in a minority school should possess requisite qualifications and they are appointed in accordance with the procedure prescribed and the appointments are made for the sanctioned strength. The selection and appointment of teachers is left to the management of the minority school; there is no interference with the managerial rights of the institution. In granting approval the School Service Board has limited power. The appointment of qualified teachers in a minority school is a sine qua non for achieving educational standard and better administration of the institution. Clause (b) is regulatory in nature to ensure educational excellence in the minority school. Clause (c) requires a minority school to frame rules regulating conditions of service of its teachers ; such rules should be consistent with principles of natural justice and the prevailing law. The clause further requires the minority institution to submit a copy of such rules to the State Government. This clause in substance lays down that the management of a recognised minority school shall frame rules, regulating conditions of service of teachers and such rules shall conform to principles of natural justice and prevailing law. These provisions are directed to avoid uncertainty and arbitrary exercise of power. If rules are framed by the management those rules would bring uniformity in administration and there would be security of employment to teachers. In a civilised society the observance of principles of natural justice is an accepted rule; these principles contain basic rules of fair play and justice and it is too late in the day to contend that while administering a minority school the management should have right to act in contravention of the principles of natural justice. Clause (c) is regulatory in nature which requires the managing committee to frame rules of employment consistent with principles of natural justice and the prevailing law. No outside agency is required to frame rules of employment of teachers instead the management itself is empowered to frame rules. There is therefore no element of interference with the management's right to administer a minority school."

The judgment of the Hon'ble Apex Court in **Frank Anthony Public School Employees' Association v. Union of India and Ors. W.P. 1986 4 SCC 707** was a case in which the Hon'ble Apex Court considered various provisions of Delhi Education Act qua their applicability to minority institutions; following observations were made in paragraph 13: -

13. Thus, there, now, appears to be a general and broad consensus about the content and dimension of the Fundamental Right guaranteed by Article 30(1) of the Constitution. The right guaranteed to religious and linguistic minorities by Art. 30(1) is two fold, to establish and to administer educational institutions of their choice. The key to the Article lies in the words " of their own choice". These words indicate that the extent of the right is to be determined, not with reference to any concept of State necessity and general

societal interest but with reference to the educational institutions themselves, that is, with reference to the goal of making the institutions "effective vehicles of education for the minority community or other persons who resort to them". It follows that regulatory measures which are designed towards the achievement of the goal of making the minority educational institutions effective instruments for imparting education cannot be considered to impinge upon the right guaranteed by Article 30(1) of the Constitution. The question in each case is whether the particular measure is, In the ultimate analysis, designed to achieve such goal, without of course nullifying any part of the right of management in substantial measure.

From the various judgments of the Hon'ble Apex Court as noted above, it is now well settled that the regulatory measure can be validly made regard to minority institutions also provided those regulatory measure are designed towards the achievement of the goal of making the minority educational institutions effective instruments for imparting education. The object of every minority institution is to achieve excellence thus the regulatory measure which advance the aforesaid objective does not impinge upon any of the rights of the minority. However, any regulation which does not promote the aforesaid object and fetters the right of management to choose its teachers and staff cannot be held to be valid regulation. Selection and appointment of a teacher of minority educational institutions by any one other then the management of the minority institution certainly fetters the right of management as guaranteed under Article 30. The appointment of dependent of deceased employee as a teacher cannot be said to be towards achieving the excellence in educational standard. Selecting the dependent of deceased employee even though he may possess minimum qualification is not selection by management out of best candidates out of large number of applicants who normally apply against any post in aided institutions.

The judgment of the Division Bench in the Governing Body of the registered Society designated as **St. Andrew's College Association, Gorakhpur and Anr. vs. State of U.P. and Ors. 2003 ACJ 1647** has also not approved the appointment on the post of a teacher in a minority institution rather the observations of the Division Bench as quoted above are to the effect that the appointment of dependent of deceased employee on teaching post shall be violative of rights of minority as guaranteed under Article 30 of the Constitution.

Any State Government/ Statutory authority cannot induct teaching or non-teaching staff in a minority educational institution. Their induction would be completely destructive of the

fundamental right guaranteed by Article 30(1) of the Constitution and would reduce the management to a helpless entity having no real say in the matter and thus destroy the very personality and individuality of the institution which is fully protected by Article 30 of the Indian Constitution. It is well settled that Article 30(1) cannot be read in a narrow and pedantic sense and being a fundamental rights, it should be given its widest amplitude. The width of Article 30(1) cannot be cut down by introducing in it considerations which are destructive to the substance of the right enshrined therein.

The right to appoint employees of all kinds in Minority Educational Institutions is considered an important facet coming under the purview of the minority right to establish and administer educational institutions. Even though the institutions are aided institutions, the right to appoint employees is always vested in the management. So the appointment of Shri Suresh Chand Pathak on compassionate basis without the permission of management of Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh by the State authorities as well as in conspiracy with Mr. Arvind Tripathi, Assistant Teacher violates fundamental right of minority educational institutions under Article 30 (1) of the Constitution of India as well as provisions of NCMEI Act, 2004.

In Ahmedabad St. Xavier's College Vs. State of Gujarat [1974 (1) SCC 717] the Hon'ble Apex Court ruled that at the core of the judgmental right of Article 30 is the right to administer and it includes the right of the minority institutions to choose its employees including teachers and head of institution.

It is also relevant to mention here that as far as the norms and rules applicable for general institutions are concerned, the senior most head of staff would be naturally appointed as the head of the institution. But minority institutions are an exception to this general rule. Minority institutions need not follow the rule of appointment of the senior most. An important inclusion in the minority educational rights under Article 30 (1) of the Constitution of India the appointment of a person ignoring seniority. As far as a minority educational institution is concerned, it is permissible to appoint a junior person as the head of the institution, ignoring other senior employees. The only restriction is that the person should possess requisite qualification to hold the post. It is also relevant to mention here that the petitioner has also filed another complaint before this Commission which was registered as Misc. Case No. 17 of 2019. In that petition the petitioner has prayed that Government officials are intentionally doing wrong acts against the rights of petitioner minority educational institution and they have not certified the signatures of the acting Principal Shri Pramod Kumar Singh and intentionally giving rights to Respondent

No. 3 but on dated 12.1.2022, the said case was disposed of as infructuous because acting Principal Shri Pramod Kumar Singh was retired from the petitioner institution.

It is pertinent to mention here that by the record it is evident that the DIOS has passed the order dated 27.12.2016 and given financial rights to the management of Shri Syadwad Mahavidyalaya, Prabhudas Jain Ghat, Bhadaini, Varanasi, Uttar Pradesh to pass the salary etc. to employees of the institution but on dated 10.1.2017 without the signature of manager of the petitioner minority institution passed the salary of Mr. Suresh Chand Pathak, even the order for the salary was passed later on dated 27.1.2017.

We are of the considered opinion that order of appointment of Shri Suresh Chand Pathak, Attendant (Paricharak) is void *ab initio* which is also admitted in the enquiry report dated 25.5.2017 of the Joint Director, Education, Varanasi, then all further action like payment of salary etc. of the respondent the then DIOS, etc. are also arbitrary, baseless and illegal.

In the facts and circumstances of the case, in our considered opinion the petitioner has made out a clear case of violation/ deprivation of the fundamental rights guaranteed under Article 30 of the Constitution of India against the Respondent No. 2 & 3.

Imposition of single operation in petitioner institution and payment of salary is arbitrary, also by torturing, harassment and exploiting the minority educational institution constitutes serious encroachment on the rights of the minority educational institution guaranteed under Article 30 (1) of the Constitution and as such the action of respondents No. 2 & 3 the then DIOS, Varanasi are void *ab initio* in terms of Article 13 of the Constitution also.

For the foregoing reasons, we find and hold that the orders of respondent for appointment of Shri Suresh Chand Pathak as Attendant (Paricharak) payment of salary, imposition of single operation etc. are violative/ deprivation of the educational rights of minorities enshrined in Article 30 (1) of the Constitution of India and above all action taken by the respondent No. 2 & 3 are arbitrary, baseless, unfair, torturing, harassment, illegal and unconstitutional.

So, in the interest of justice we are of the considered opinion, it is just proper and fit that salary given to Shri Suresh Chand Pathak by the respondent No. 2 & 3, the then DIOS be deposited in the treasury of the State Government as his appointment in the petitioner institution is admittedly illegal and against the spirit of Article 30 (1) of the Constitution of India, also by NCMEI Act, 2004 and against the rights of minority educational institution.

The State Government is free to recover the amount from the salary of the faulty respondent the then DIOS. The Respondent No. 1 is also directed to initiate the disciplinary proceeding and to take appropriate action against the then DIOS, etc. so that

the other officers of Government cannot do this type of illegal act against the minority educational institutions.

Secretary to the Commission is directed to open the administrative file to pursuing compliance of this order and also send copy of this order to Respondent No. 1 and other concerned officers for compliance within four months from receiving this order and forward the report including the action taken by the Government against the Government officers who has passed the illegal appointment of Shri Suresh Chand Pathak and arbitrarily paid the salary, etc.

CHAPTER 11 – RIGHT TO INFORMATION

The right to know is the “sine qua non” of a democracy. The Constitution of India has enshrined the- principles of democracy, especially by guaranteeing to its citizens Fundamental Rights which inter-alia include the people’s right to know everything done by the public functionaries. This right is implicit in Article 19(1)(a) and Article 21 of the Constitution of India.

To promote transparency and accountability in the functioning of the Commission, all the obligatory information under Section 4(i) of the – Right to Information (RTI) Act, 2005 is made available in the Commission’s website www.ncmei.gov.in. Details such as statistics of the cases/ court judgments/ cause list/daily orders are uploaded and updated regularly.

The Commission also has a dedicated helpline to provide information and reply to the query of the petitioners/ applicants.

The Commission being a quasi judicial organisation interacts with a number of petitioners, advocates and other stakeholders. The number of RTI applications received in the Commission is increasing every year.

Shri Jayprakash, Under Secretary is the Public Information Officer and Shri Jagdish Singh, Deputy Secretary is the First Appellate Authority.

During 2022-23, the Commission received a total number of 121 RTI applications including appeals (31 online and 90 offline). Also 25 appeals (including notices of appeals filed in CIC) received in the Commission. All the RTI applications and appeals were disposed of as per provisions of RTI Act, 2005.

CHAPTER 12 – CONCLUSION

12.1 Article 30 - Right of minorities to establish and administer educational institutions

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice Section 2(f) of the NCMEI Act, for the purpose of the Act, means a community notified by the Central Government.

The Central Government has notified 6 religious communities, namely Muslims, Christians, Sikhs, Buddhists, Jains and Zorastrians (Parsees). Linguistic minorities do not fall within the ambit of the NCMEI Act.

12.2 As per Section 2 (ca) of National Commission for Minority Educational Institutions (NCMEI) Act 2004,

“Competent authority” means the authority appointed by the appropriate government to grant ‘No objection certificate’ for the establishment of any educational institution of their choice by the minorities.”

For the purpose of Section 10 of the NCMEI Act:

- ❖ all State Governments are required to appoint a “ competent authority” to grant “No objection certificate” for those minority educational intuitions which comes to Commission for Minority Status Certificate

and for the purpose of Section 12 (B),of the NCMEI Act, 2004

- ❖ State Governments are required to appoint an “authority” for the grant of “Minority status certificate” to any minority education institution.

12.3 Primarily the responsibility for giving recognition to educational institutions and grant of minority status certificate lies with the State Government. However, many State Governments have no mechanism to consider the request for grant of minority status certificate and as a result the petitioner institutions are approaching the Commission for grant of minority status certificate.

The Commission is incessantly impressing upon the State Authorities to appoint Competent Authority and decide on the application for grant of minority status certificate or furnishing No Objection Certificate to those educational institutions which approach the Commission for grant of MSC. The petitioner institutions from Madhya Pradesh and Kerala who had applied to the State Authorities as well as to the Commission for grant of MSC, in such cases the Commission has passed order to approach the State Authority.

12.4 Some State Government authorities grant minority status certificate for a limited duration. It has been held by the Madras High Court in T.K.V.T.S.S. Medical Educational & Charitable Trust vs. State of Tamil Nadu, AIR 2002 Madras 42 that minority status cannot be conferred on a minority educational institution for a particular period to be renewed periodically like a driving license. It is not open for the State Government to review its earlier order conferring minority status on a minority educational institution unless it is shown that the institution concerned has suppressed any material fact while seeking minority status or there is fundamental change of circumstances warranting cancellation of the earlier order.

12.5 It has come to the knowledge of the Commission that the rules and regulations framed by many regulatory authorities do not conform to the provisions of Article 30 (1). The law made by the State Governments for regulation of educational institution, applies to the minority educational institutions also. If any such law or regulation interferes with the overall administrative control by the management over the staff or dilute in any other manner, the right to establish and administer educational institution, such law or regulations to that extent, will not be applicable to the minority educational institutions. The Commission takes up cases of MEIs in this regard also.

12.6. From the deliberations and interactions with the functionaries of the State Government and Minority Educational Institutions, the Commission feels that the State Government functionaries need to familiarize with the NCMEI Act and sensitized about Article 30 (1).

12.7. In order to streamline and bring transparency in grant of Minority Status Certificate, the Commission has revised the MSC application form w.e.f. November 2019, wherein detailed information about the Institution and functionaries is sought. Further, in certain cases, the Commission also calls for physical inspection report from the Committee of the concerned District Magistrate/Collector.

NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS
Ministry of Human Resource Development
(Govt. of India)

APPLICATION FORM FOR MINORITY STATUS CERTIFICATE
APPLICABLE (w.e.f. 01st NOV 2019)

1. (a) Institution run by:- (Tick the appropriate)

- Individual
- Trust
- Society

Institutions administered by a Trust/Society are required to furnish the unique ID provided by NGO Darpan (portal [Url: http://ngo.india.gov.in](http://ngo.india.gov.in)). The details given in the form should match with the corresponding details of NGO Darpan. (Not applicable for the institution run by an individual).

(b) Name and address of the institution.

(c) The year of its establishment.

(d) Name along with the complete postal address of the Trust/Society (The address should match with the corresponding details provided by the Trust / Society on the NGO Darpan).

(e) Details of the Individual/President or Secretary of the Trust/ Society

- Name
- Postal address (with PIN Code)
- Contact Number
- e-mail ID

(f) Name and addresses of the founding Members/ Mutwallis/ Trustees and their religion.

(g) Names and Addresses of the present Trustees/ Mutwallis/ Members of the Governing Body and their religion.

2. Whether the applicant institution has been established and administered by Religious minority. Proof of religion to be attached (Tick the appropriate)

Muslim	Christian	Sikh	Jain	Buddhist	Parsee
--------	-----------	------	------	----------	--------

3. Whether the applicant institution has applied to authority established by the Central Govt. Or State Govt. as per the provision contained in the National Commission for Minorities Act, 1992 (19 of 1992) for grant of Minority Status Certificate? If so, furnish the status of the application. (Tick the appropriate)

- Whether Minority Status Certificate application is pending before the State Authority.
- Minority Status Certificate application has been rejected (If yes, then the applicant has to apply under Section 12B of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006).
- Minority Status Certificate already granted

4. Whether applied to the State Competent Authority for grant of No Objection Certificate under Section-10 of National Commission for Minority Educational Institutions Act, 2004 . If yes, provide the following information: (Copy of the NOC application is also required to be attached)

- a. Date of application
- b. Acknowledgement / Proof of Service
- c. Status of the application: (Tick the appropriate)

(i) Application pending

Whether reminder(s) have been sent to the competent authority, if yes, provide the dates. (Copy of the reminder(s) and replies received, if any, in this regard is also required to be attached)

(ii) NOC granted by State Government

(iii) Application rejected (If yes, then the applicant has to apply under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006).

5. Whether the applicant institution has ever applied to the NCMEI for grant of Minority Status Certificate? If so, furnish reference number. (Copy of the final order of the Commission is required to be attached)

5 (i) Whether the minority status of the applicant institution has been withdrawn/ cancelled by legal authority at any time? If yes, provide the details.

5 (ii) Whether the name of the institution or its ownership has changed since its inception and if so the details thereof.

5 (iii) Whether any judicial forum including Hon'ble Supreme Court or Hon'ble High Court has been approached for grant of minority status? If so, furnish details and give present status.

6. Details pertaining to the Institution

Level of Education: - (Tick the appropriate)

- Madarsa
- Primary
- Secondary
- Higher Secondary
- Higher Education
 - General Degree
 - Technical includes professional/any other (Specify the stream)

(a) Numbers of existing teachers/ faculties and students from minority communities for last three academic years, where applicable

	Number of teachers/faculties and students in academic year -							TOTAL
	Muslim	Christian	Sikh	Jain	Buddhist	Parsee	Hindu	A+B+C+
	(A)	(B)	(C)	(D)	(E)	(F)	+ Other (G)	D+E+ F+G
Teachers/ Faculties								
Students								

7. (i) Whether the Trust/ Society of the applicant institution is registered under the Indian Registration Act/Societies Registration Act.

7 (ii) Trust/ Society are required to attach:

- Copy of registration certificate
- Copy of MOA / Trust Deed
- Copy of amended MOA / Trust Deed (if any)

7 (iii) Individual is required to attach

- Identity proof
- Residence proof
- ITR for last three years(if applicable)
- Documentary evidence (title or possession) of the institution

8 Details of affiliation either to the Central/ State Board or any Govt. Recognized Board or University or UGC (Copy of affiliation to be attached)

- Date of affiliation
- Valid Upto

9. Details of Recognition by the Regularity Body (Applicable for technical & professional Institute)

- Name of the Regularity Body
- Recognition Valid Upto

10. Whether the institution has ever been de-recognised by the respective affiliating / regulatory body?

11. Whether the institution is aided / un-aided.

DECLARATION

I _____ Chairman/President/Secretary on behalf of the _____ Trust/Society, hereby declare that particulars furnished above are true to the best of my knowledge and belief, and that, if any detail is found on verification/ inspection to be false, the Commission shall cancel the minority status certificate awarded to the institution. The decision of the Commission in this regard shall be final.

Place
Date

Chairman/ President / Secretary
(for and on behalf of the Institution)

Please note 1	Five Sets of duly filed application form alongwith the requisite document are required to be submitted.
2.	The Commission does not entertain application for linguistic minority.
3.	Applicant institution whose No Objection Certificate application under section 10 of the NCMEI Act 2004 has been rejected by the State Competent Authority, then the applicant has to apply under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006
4.	Applicant institution whose Minority Status Certificate application under section 12 B of the NCMEI Act 2004 has been rejected by an Authority, is required to apply as per appeal procedure as mentioned in rule 4 of procedure for filing the appeal, 2006.
5.	On filing the petition, the petitioner is required to attach duly stamped envelope for sending communication by registered A.D, to the respondents and petitioner.

FORM NO.1

[See rule 4 of procedure for filing the appeal, 2006]

MEMORANDUM OF APPEAL UNDER SECTION 12A(1) AND 12B(1) OF THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS ACT, 2004

For use of Commission's office

Date of filing
Date of receipt by post
Registration No.....

Signature Secretary

IN THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

..... Appellant

..... Respondent (s)

Details of appeals:

- 1 (a) Name and address of the Institution
(b) Name and address of the President/Secretary of the Trust/Society
2. Whether the appellant institution's claim is based on religious or linguistic minority?
3. Whether the appellant institution has been established or administered by :-
(a) Religious minority, or
(b) Linguistic minority
4. Particulars of the respondent(s) including address for service of notice
5. Particulars of the order under appeal:-
(i) Order Number
(ii) Date of the order
(iii) Name of the authority, whose order has been challenged in the appeal.
6. Limitation. - The appellant further declares that the appeal is within the limitation prescribed under the Act.
7. Facts of the case and orders passed by the competent authority - The facts of the case are given below:
(Give herein a concise statement of facts and grounds of appeal against the order passed by the competent authority.)
8. Matter not pending with any other Commission, etc. - The appellant further declares that the matter regarding which this appeal has been made is not pending before any commission of law or any other authority or any other Tribunal.
9. Reliefs sought. - In view of the facts mentioned in paragraph eight above, the appellant prays for the following reliefs; (specify below the reliefs sought by the appellant).
10. Details of indeed. - An index in duplicate containing the details of the documents to be relied upon is enclosed.
11. List of enclosures:

VERIFICATION

I, (name in full in block letters) son / daughter / wife of Shri Do hereby verify that the contents of paras 1 to 11 are true to personal knowledge and belief and that I have not suppressed any material facts.

Signature of the Appellant

Date
Place

DETAILS OF COMPETENT AUTHORITY

S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
1	Andhra Pradesh	Secretary Department of Minorities Welfare, Government of Andhra Pradesh 3 rd Floor, A.P. Secretariat, Velagapudi, Amaravati, AP	Secretary Department of Minorities, Government of Andhra Pradesh 3 rd Floor, A.P. Secretariat, Velagapudi, Amaravati
2	Arunachal Pradesh	Secretary Department of Education Civil Secretariat, Itanagar, Arunachal Pradesh-791111	Deputy Secretary (Education) Civil Secretariat, Education Branch, Block No. 1, 3 rd Floor, PO Itanagar-791 111
3	Assam	---	<i>Joint Secretary</i> Department of Higher Education, Assam Secretariat, Block C, Secretariat Complex, Dispur, Guwahati-6, Assam
4.	Bihar	<u>For Classes (9th to 12th)</u> Director, Secondary & Senior Secondary Education Ground Floor, Vikas Bhawan New Secretariat, Daily Road, Patna, Bihar-800015 <u>For Classes (1st to 8th)</u> Director, Primary Education Ground Floor, Vikas Bhawan New Secretariat, Daily Road, Patna, Bihar-800015	Secretary, Department of HRD, Government of Bihar, Secretariat, Patna, Bihar
5	Chhattisgarh	Commissioner Department of Development of Tribal and Scheduled Caste, Nava Raipur, Ground Floor, Indrawati Bhawan, Chhattisgarh-492015	
6	Goa	Principal Secretary (Home), Department of Home (General), Secretariat, Porvorim – Goa-403521	Secretary (Home), Secretariat, Porvorim - Goa
7	Gujarat	Director, Primary Education Dr. Jivraj Mehta Bhawan, 2 nd Floor 12/1, Gandhinagar, Gujarat Deputy Director Directors of Schools, Old Sachivalaya Block 9/1 Gandhinagar, Gujarat Director of Higher Education Office of the Commissionerate of Higher Education, 2 nd floor, block no. 12, Dr. Jivraj Mehta Bhavan, Gandhinagar-382010, Gujarat Commissioner of Technical Education Office of the Commissioner of Technical Education Block No. 2, 6 th Floor Karmyogi Bhavan, Sector-10A, Gandhinagar-382 010	Director. Primary Education Dr. Jivraj Mehta Bhawan, Floor 12/1, Gandhinagar, Gujarat Commissioner of Schools, Block No. 9-1, Dr. Jivraj Mehta Bhawan, Gandhinagar, Gujarat-382010 Commissioner of Technical Education 2 nd Floor, Block No. 2, Dr. Jivraj Mehta Bhavan, Gandhinagar-382 010

8	Haryana	<p>Additional Chief Secretary, Department for Medical Institutions Room no. 529, 5th Floor Haryana New Secretariat , Sector-17, Chandigarh</p> <p>Additional Chief Secretary, Higher Education Department for General Colleges Room no. 403, 4th Floor Haryana New Secretariat, Sector-17, Chandigarh</p> <p>Principal Secretary, School Education Department for Schools/Primary Schools Room no. 37, 7th Floor Haryana Civil Secretariat, Sector-1, Chandigarh-160001</p> <p>Principal Secretary, Technical Education Department Room No. 530, 5th Floor Haryana Mini Secretariat, Sector-17, Chandigarh</p>	<p>Finance Commissioner & Principal Secretary Education Department, Government of Haryana, Civil Secretariat, Chandigarh, Haryana - 160 001</p>
9	Himachal Pradesh	<p>Director, Directorate of Higher Education Shimla - 1, Himachal Pradesh</p>	<p>Director, Directorate of Higher Education Shimla - 1, Himachal Pradesh</p>
10	Jharkhand	<p>Director, Primary Education Department of School Education & Literacy S.E & L. Department, MDI Building, Post-Dhurwa, Dist- Ranchi-834004</p>	<p>Director, Higher Education, Department of Higher, Technical Education \$ Skill Development, Government of Jharkhand 3rd Floor, Yojana Bhawan, Nepal House, Doranda Ranchi, Jharkhand-834002</p> <p>Director, Technical Education, Department of Higher, Technical Education & Skill Development, Government of Jharkhand 3rd Floor, Yojana Bhawan, Nepal House, Doranda Ranchi, Jharkhand-834002</p> <p>Director, Secondary Education, Directorate of Secondary Education School Education & Literacy Department, Jharkhand, Ranchi</p>
11	Karnataka	<p>Additional Chief Secretary Education Department (Higher Education) Govt. of Karnataka Sixth Floor, Multi-storeyed Building, Bengaluru-560001</p>	<p>Principal Secretary. Education Department, (Higher Education) Govt. of Karnataka Sixth Floor, Multi Storeyed Building, Bengaluru, Karnataka-560001</p>
12	Kerala	<p>Director, Directorate of Minority welfare Government of Kerala, 4th floor, Vikas Bhavan, Thiruvananthapuram, 695033</p>	<p>Secretary General Education Department, Government of Kerala, Room no. 302, 3rd floor, Annex II Government Secretariat.</p>
13	Madhya Pradesh	<p>Secretary, Backward Classes and Minority Welfare Department, Govt. of MP, Room No. 339, Mantralaya, Bhopal, MP</p>	<p>Secretary, Backward Classes and Minority Welfare Department, Govt. of MP, Room No. 339, Mantralaya, Bhopal, Madhya Pradesh</p>
14	Maharashtra	<p>Joint Secretary Minorities Development Department Room No. 715, Mantralaya (Annexe), Mumbai-32</p>	<p>Joint Secretary Minorities Development Department Room No. 715, Mantralaya (Annexe), Mumbai-32</p>
15	Manipur	---	<p>Additional Chief Secretary (Minority Affairs/OBC&SC) Government of Manipur. Room No. 198 Secretariat South Block, Imphal West, Manipur-795001</p>

16	Meghalaya	Secretary, Education Department, Govt. of Meghalaya Additional Secretariat Meghalaya: Shillong-793001	Secretary, Education Department, Govt. of Meghalaya Additional Secretariat Meghalaya: Shillong-793001
17	Mizoram	Commissioner & Secretary School Education Department Govt. of Mizoram Mission Veng, Aizawl, Mizoram-796001	Commissioner & Secretary School Education Department Govt. of Mizoram Mission Veng, Aizawl, Mizoram-796001
18	Nagaland	Addl. Director (HOD), School Education, Nagaland Directorate of School Education, Nagaland, Kohima – 797001	Addl. Director (HOD), School Education, Nagaland Directorate of School Education, Nagaland, Kohima – 797001
19	Orissa	Director, Elementary Education 5 th Floor, HOD Building, Unit-V, Bhubaneswar-01, Khordha, Odisha Director, Secondary Education 6 th Floor, HOD Building, Unit-V, Bhubaneswar, Khordha, Odisha	Principal Secretary School & Mass Education Department, Government of Orissa, Secretariat, Bhubaneswar, Orissa – 751 001
20	Punjab	Department of Higher Education Additional Chief Secretary Higher Education and Languages Punjab Punjab Civil Secretariat-II, Sector-9A, Chandigarh Department of Secondary Education Branch Director of Public Instruction (S.E) Punjab Block E, Vidya Bhawan, 4 th Floor Complex Punjab School Education Board, Sector 62, S.A.S Nagar	Secretary, Higher Education Department, Room No. 510, 5 th Floor, Mini Sectt., Sector 9, Chandigarh secy.se@punjab.gov.in Department of Medical Education and Research Additional Chief Secretary Room no. 510, 5 th Floor, Punjab Civil Secretariat-II, Sector-9, Chandigarh
21	Rajasthan	Principal Secretary Department of Minority Affairs & Waqf Room No. 1108, Main Buiding, Government Secretariat, Rajasthan, Jaipur-302005.	Principal Secretary Department of Minority Affairs & Waqf Room No. 8145, SSO Building, Secretariat, Jaipur-302005, Rajasthan
22	Sikkim	Additional Chief Secretary Human Resource Development Department Rashtriya Madhyamik Shiksha Abhiyan Tashiling Secretariat, Gangtok, East Sikkim, India - 737101	---
23	Tamil Nadu	Principal Secretary School Education Department, Government of Tamil Nadu, Rina Road, Fort St. George Secretariat, Chennai, Tamil Nadu – 600009 Principal Secretary Higher Education Department Government of Tamil Nadu, Rina Road Fort St. George, Secretariat, Chennai, Tamil Nadu - 600009 Secretary, Law Education Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009 Commissioner and Principal Secretary, Agriculture Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009	Principal Secretary School Education Department, Government of Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009 Principal Secretary, Higher Education Department, Government of Tamil Nadu, Rina Road Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009 Secretary, Law Education Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu - 600009 Commissioner and Principal Secretary, Agriculture Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009

		<p>Secretary, Health & Welfare Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009</p>	<p>Secretary, Health & Welfare Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu - 600009</p>
24	Tripura	<p>Secretary, Minorities Welfare Department, Secretariat Building, New Capital Complex, Agartala</p>	<p>Secretary, Minorities Welfare Department, Secretariat Building, New Capital Complex, Agartala</p>
25	Telangana	<p>Secretary, Minorities Welfare Department, "D" Block , Ground Floor, Telangana Secretariat, Hyderabad-500022</p>	<p>Secretary , Minorities Welfare Department D-Block, Ground Floor, Telangana Secretariat, Hyderabad-500 022</p>
26	Uttar Pradesh	<p><u>For Higher Educational Institutions</u></p> <p>Additional Chief Secretary Higher Education Room no. 3 ,Naveen Bhawan , UP Secretariat, Lucknow-226001</p> <p><u>For Technical Educational Institutions</u></p> <p>Principal Secretary, Room no. 63 , Naveen Bhawan , UP Secretariat, Lucknow-226001</p> <p><u>For Vocational Educational Institutions</u></p> <p>Principal Secretary, Room No. 11, Ground Floor, New Building, Uttar Pradesh Secretariat, Lucknow-226001</p> <p><u>For Secondary and Senior Secondary Educational institutions</u></p> <p>Additional Chief Secretary Secondary Education Department Bapu Bhawan, 7th Floor, Lucknow-226001</p> <p><u>For Basic Education</u></p> <p>Additional Chief Secretary/Principal Secretary/Secretary, Basic Education Department Govt of Uttar Pradesh Vidya Bhawan, Nishantganj, Lucknow -226007</p> <p><u>For Medical Education</u></p> <p>Additional Chief Secretary/Principal Secretary/Secretary, Medical Education Department Govt of Uttar Pradesh Hazrat Ganj, Janpath Road, Vikas Bhawan , Lucknow- 226001</p> <p><u>For AYUSH Educational Institutions</u></p> <p>Additional Chief Secretary/Principal Secretary/Secretary, Ayush Department Govt of Uttar Pradesh 3rd floor, Lal Bahadur Shastri Bhawan, Lucknow-226001</p>	<p>Deputy Director, Minorities Welfare Department, 6th Floor, Indira Bhavan, Lucknow Uttar Pradesh</p>

		<u>For Arabic Persian Madarsa Institutions</u>	
		Additional Chief Secretary/Principal Secretary/Secretary, Minority Welfare and Waqf Department Govt of Uttar Pradesh Room no. 620, 6 th floor, Indira Bhawan, Ashok Marg, Lucknow-226020	
27	Uttarakhand	Incharge Secretary Higher Education, Uttarakhand Govt. Room no. 7, Ground Floor, Late Soban Singh Jeena Bhawan (SBI Bank Building), Uttarakhand Secretariat Uttarakhand Madarsa Education Board Director, Uttarakhand Madarsa Alpsankhyak Kalyan Bhawan, Shaeed Bhagat Singh Colony, Near A.T.S. Adhoiwala, Dehradun	Director, Uttarakhand Madarsa Education Board, Alpsankhyak Kalyan Bhawan, Sheed Bhagat Singh Colony, Near A.T.S. Adhoiwala, Dehradun. Principal Secretary Higher Education, Uttarakhand Govt. Devendra Shastri Bhawan, Uttarkhand Secretariat, Dehradun
28	West Bengal	Commissioner Minority Affairs & Madrasah Education Department, "NABANNA" 325, Sarat Chatterjee Road, Howrah-711102 (West Bengal) Special Secretary Department of Higher Education, Bikash Bhawan, 6 th floor, Kolkata: 700091	Commissioner Minority Affairs & Madrasah Education Department, "NABANNA" 325, Sarat Chatterjee Road, Howrah-711102 (West Bengal) Special Secretary Department of Higher Education, Bikash Bhawan, 6 th floor, Kolkata: 700091
29	Andman & Nikobar	Committee of Officers constituted vide Administration's Order No. 3593 dt. 16.11.2015 Secretariat, Andaman and Nicobar Administration, Port Blair	Secretary (Edn.) A&N Administration, Secretariat, Port Blair
30	Chandigarh	Director School Education, Chandigarh Additional Deluxe Building, 1st Floor, Sector-9, Chandigarh-160009	Director School Education, Chandigarh Additional Deluxe Building, 1st Floor, Sector-9, Chandigarh-160009
31	Dadar & Nagar Haveli	-	-
32	Daman & Diu	Director (Education) Secretariat, Moti Daman,	Asstt. Director (Education) Directorate of Education, Nani Daman
33	Delhi		Assistant Director of Education (ACT) <i>Directorate of Education, Government of NCT of Delhi,</i> R. No. 214-A, Old Secretariat, Delhi – 110 054 Director of Education Higher Education Department, Govt. of NCT of Delhi, 5, Shyamnath Marg, Delhi-110054

34	J&K	-	-
35	ladakh	-	-
36	Lakshadweep	Director of Education Department of Education, Kavaratti, UT of Lakshadweep T: 04896262241 M:9188655501 askerupsc@gmail.com	
37	Puducherry	<u>For School Level Educational Institutions</u> Secretary (Education) Chief Secretariat No. 1, Goubert Avenue, Beach Road, Puducherry-605001 <u>For Higher Level Educational Institutions</u> Lieutenant Governor Raj Nivas, Puducherry - 605001	Order pending from Ministry of Home Affairs to appoint CA in MSC cases