

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

Case No. 307 of 2020

In the matter of :-

**St. Joseph's High School, Ayyanarkula Street, Thiruvaiyaru,
District Thanjavur, Tamil Nadu-613204**

..... **Petitioner**

V/s

**Principal Secretary, School Education Department, Govt. of
Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai,
Tamil Nadu**

..... **Respondent**

Present: Mr. Jose Abraham, Advocate for the petitioner
None for the respondent

ORDER

DATED 16.04.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 11.03.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Joseph's High School, Ayyanarkula Street, Thiruvaiyaru, District Thanjavur, Tamil Nadu-613204.
2. Learned counsel for the petitioner filed an affidavit of Sr. Kanikai Mary, Secretary of The Immaculate Heart of Mary Society, Society No. 4, Thiruvaiyaru in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Christian minority community.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : TN/2017/0159914 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 27.02.2019 sent to the State Competent Authority i.e. Principal Secretary, School Education Department, Govt. of Tamil Nadu alongwith postal receipt and its acknowledgement receipt, notarized copy of Certificate of Registration of The Immaculate

Heart of Mary Society, Society No. 4, Thiruvaiyaru, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 14.03.2016 alongwith list of present members of the Society, notarized copy of the Recognition Order dated 08.08.2023 issued by the District Educational Officer (Secondary), Kumbakonam to the partly aided petitioner institution from 01.06.2023 to 31.05.2024 for class 6th to 10th Std. and resolution of the General Body of the Society in favour of Sr. Kanikai Mary, Secretary of The Immaculate Heart of Mary Society, Society No. 4, Thiruvaiyaru for obtaining MSC from this Commission. Learned Counsel for the petitioner has also filed the last two pages of Amended Memorandum of Association in Tamil language alongwith its notarized English translation and an affidavit of Sr. Kanikai Mary, Secretary of The Immaculate Heart of Mary Society, Society No. 4, stating that the petitioner institution shall not deny admission of eligible candidate of the Christian minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution.

4. As per the information supplied by the petitioner partly aided institution with regard to students strength as on 01.06.2019, it is mentioned that out of total 1201 students, 150 students are from the Christian minority community, 70 students are from Muslim minority community and 981 students are Hindus. It is relevant to mention here that as on 01.06.2019, out of the total 38 teachers, 24 teachers are from the Christian Minority community.
5. It is stated in the petition that on dated 27.02.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 28.02.2019 and the said application is still pending before the State Competent Authority. The State Competent Authority has not granted NOC in favour of the petitioner institution till now and also not rejected the said application and not communicated the

same to the petitioner. After 90 days from the receipt of the application for grant of NOC, the petitioner has filed this petition for grant of MSC to this Commission straightway as per the provisions of Section 10 and 11(f) of National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004.

6. Despite service of registered notice to the respondent dated 31.10.2022 and 16.11.2022, no reply has been received from the respondent. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained from the Committee constituted by this Commission for issuance of MSC to the petitioner institution vide order dated 30.11.2022. After service of letters/emails to the physical inspection committee dated 20.12.2022 and 10.02.2023, Physical Inspection Committee, Kumbakonam has sent physical inspection report dated February, 2023 which was received in the Commission's Office on dated 13.02.2023 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Sr. Kanikai Mary, Secretary of The Immaculate Heart of Mary Society, Society No. 4, Thiruvaiyaru.
8. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Christian minority community and is being administered by The Immaculate Heart of Mary Society, Society No. 4, Thiruvaiyaru 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. Kanikai Mary, Secretary of The Immaculate Heart of Mary Society, Society No. 4, Thiruvaiyaru.

9. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution. This Commission has also decided that there must be reasonable strength of students of particular minority community in a minority educational institution. The percentage could be determined based on the actual proportion of specific minority community in the State population as per prevailing census. Population of Christian minority community in the State of Tamil Nadu as per the census of 2011 is 6.12%.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the office of the Registrar of Societies, Thanjavur on dated 14.03.2016 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 27.02.2019 and petition for grant of MSC on dated 11.03.2020. So it is clear that the amendment has been done before the application filed before the State Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.
11. The Amended Memorandum of Association dated 14.03.2016 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Christian minority community. In addition, the said facts also stands proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.
12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that St. Joseph's High School, Ayyanarkula Street, Thiruvaiyaru, District Thanjavur, Tamil Nadu-

613204 run by The Immaculate Heart of Mary Society, Society No. 4, Thiruvaiyaru is eligible for grant of minority status on religious basis. The evidence also proves that the said educational institution was established with the main objective of sub-serving the interests of the Christian minority community.

13. Consequently, St. Joseph's High School, Ayyanarkula Street, Thiruvaiyaru, District Thanjavur, Tamil Nadu-613204 is declared as an partly aided minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004.
14. A minority status certificate be issued accordingly.
15. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 16th Day of April, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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