

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

Case No. 155 of 2022

In the matter of :-

**Fusco's Matriculation Higher Secondary School, 17-1-543,
Main Road, T. Vadipatti, District Madurai, Tamil Nadu-625218**

..... 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 23.04.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 01.09.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Fusco's Matriculation Higher Secondary School, 17-1-543, Main Road, T. Vadipatti, District Madurai, Tamil Nadu-625218.
2. Learned counsel for the petitioner filed an affidavit of Sr. Motchapackiam Manickam, President of The Social Service Society of the Sisters of St. John the Baptist, Madurai in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Christian minority community and also stating that the petitioner institution shall not deny admission of eligible candidate of the Christian minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : TN/2018/0190859 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 02.05.2022

sent to State Competent Authority i.e. Principal Secretary, School Education Department, Government of Tamil Nadu for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of The Social Service Society of the Sisters of St. John the Baptist, Madurai, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 11.11.2016 alongwith list of present members of the Society, notarized copy of Recognition Order dated 09.11.2023 issued by the Joint Director, Directorate of Private Schools, Chennai to the unaided petitioner institution from 01.06.2023 to 31.05.2026 from LKG to 12th Std. and Resolution of the General Body of the Society in favour of Sr. Motchapackiam Manickam, President of The Social Service Society of the Sisters of St. John the Baptist, Madurai for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength as on 2019-20, it is mentioned that out of total 1093 students, 114 students were from the Christian minority community, 15 students were from Muslim minority community and 964 students were Hindus, as on 2020-21, it is mentioned that out of total 1006 students, 106 students were from the Christian minority community, 12 students were from Muslim minority community and 888 students were Hindus and as on 2021-22, it is mentioned that out of total 868 students, 91 students are from the Christian minority community, 13 student are from Muslim minority community and 764 students are Hindus. It is relevant to mention here that as on 2019-20, out of the total 64 teachers, 19 teachers were from the Christian Minority community, as on 2020-21, out of the total 64 teachers, 21 teachers were from the Christian Minority community and as on 2021-22, out of the total 64 teachers, 19 teachers are from the Christian Minority community

5. It is stated in the petition that on dated 02.05.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 04.05.2022 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 / email dated 26.09.2022, no reply has been received from the respondents. 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 09.11.2022. After service of letters / emails to the physical inspection committee dated 26.12.2022 and 27.02.2023, Physical Inspection Committee, Chennai has sent physical inspection report dated 18.04.2023 which was received in the Commission's Office on dated 02.05.2023 wherein they have not recommended to grant MSC to the petitioner institution but not mentioned any adverse/negative comments. Population of Christian minority community in the State of Tamil Nadu as per the census of 2011 is 6.12%. As per PIC Report, during the Academic Year 2022-23, out of 894 students, 100 students are from the Christian minority community which is 11.18% of the total students which is more than the State census of 2011 i.e. 6.12%.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and

affidavit of Sr. Motchapackiam Manickam, President of The Social Service Society of the Sisters of St. John the Baptist, Madurai.

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 Social Service Society of the Sisters of St. John the Baptist, Madurai 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. Motchapackiam Manickam, President of The Social Service Society of the Sisters of St. John the Baptist, Madurai.
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 District Registrar, Madurai on dated 11.11.2016 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 02.05.2022 and petition for grant of MSC on dated 01.09.2022. 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 11.11.2016 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that Fusco's Matriculation Higher Secondary School, 17-1-543, Main Road, T. Vadipatti, District Madurai, Tamil Nadu-625218 run by The Social Service Society of the Sisters of St. John the Baptist, Madurai 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, Fusco's Matriculation Higher Secondary School, 17-1-543, Main Road, T. Vadipatti, District Madurai, Tamil Nadu-625218 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.
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, 23rd Day of April, 2024.**

**DR. SHAHID AKHTER
MEMBER**

VB