

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

**Case No. 155 of 2023**

**In the matter of :-**

**Our Lady School of Excellence, 955, T.H. Road, Thiruvottiyur,  
Chennai, Tamil Nadu-600019**

..... **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 14.05.2024**

**Dr. Shahid Akhter, Member, NCMEI**

1. This petition has been received on 30.05.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Our Lady School of Excellence, 955, T.H. Road, Thiruvottiyur, Chennai, Tamil Nadu-600019.
2. Learned counsel for the petitioner filed an affidavit of Sr. A. Mary Margaret, President of the Tiruvottiyur Auxilium Society 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. It transpires from the petition that the Learned Counsel for the petitioner has filed Affidavit, Certificate of Registration, MOA, Amended MOA of Tiruvottiyur Auxilium Society but in declaration part of the petition stated that Sr. A. Margaret is the President / Secretary of Salesian Sisters Society (India).
4. Learned counsel for the petitioner has filed copy of Unique ID No. : TN/2023/0340016 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 28.06.2022 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 Tiruvottiyur Auxilium Society, notarized copy of the Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 16.05.2022 alongwith list of present members of the Society, notarized copy of the affiliation order dated 19.04.2022 issued by the Deputy Secretary / Joint Secretary (Aff) to the unaided petitioner institution from 01.04.2022 to 31.03.2027 for the Secondary School Examination (Class 1 to 10) and resolution of the General Body of the Society in favour of Sr. A. Mary Margaret, President of the Tiruvottiyur Auxilium Society for obtaining MSC from this Commission.

5. As per the information supplied by the petitioner unaided institution with regard to students strength in Academic Year 2021-22, it is mentioned that out of total 214 students, 98 students were from the Christian minority community, 20 students were from the Muslim minority community and 96 students were Hindus, in Academic Year 2022-23, it is mentioned that out of total 285 students, 129 students were from the Christian minority community, 17 students were from the Muslim minority community and 139 students were Hindus and in Academic Year 2023-24, it is mentioned that out of total 449 students, 168 students are from the Christian minority community, 33 students are from the Muslim minority community and 248 students are Hindus. It is relevant to mention here that in Academic Year 2021-22, out of 19 teachers, 14 teachers were from the Christian Minority community, in Academic Year 2022-23 and 2023-24, out of 33 teachers, 15 teachers are from the Christian Minority community.
6. It is stated in the petition that on dated 28.06.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 01.07.2022 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.

7. Despite service of registered notice to the respondent dated 15.06.2023, no reply / response 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 12.09.2023. After service of letters/emails to the physical inspection committee dated 10.10.2023, Physical Inspection Committee, Chennai District has sent physical inspection report dated 23.11.2023 which was received in the Commission's Office on dated 29.11.2023 wherein they have recommended to grant MSC to the petitioner institution.
8. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Sr. A. Mary Margaret, President of the Tiruvottiyur Auxilium Society.
9. 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 Tiruvottiyur Auxilium Society 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. A. Mary Margaret, President of the Tiruvottiyur Auxilium Society.
10. 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%.

11. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the office of the Registrar of Societies, Chennai on dated 16.05.2022 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 28.06.2022 and petition for grant of MSC on dated 30.05.2023. 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.
12. The Amended Memorandum of Association dated 16.05.2022 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.
13. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Our Lady School of Excellence, 955, T.H. Road, Thiruvottiyur, Chennai, Tamil Nadu-600019 run by Tiruvottiyur Auxilium Society 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.
14. Consequently, Our Lady School of Excellence, 955, T.H. Road, Thiruvottiyur, Chennai, Tamil Nadu-600019 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 Christian minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution and also file the declaration part of the petition. 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.

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

Signed, pronounced and published on **Tuesday, 14<sup>th</sup> Day of May, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB