

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

**Case No. 189 of 2023**

**In the matter of :-**

**Nanji Catholic School, Vazhuthalampallam, Palapallam,  
District Kanyakumari, Tamil Nadu-629159**

..... **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 16.07.2024**

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

1. This petition has been received on 17.07.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Nanji Catholic School, Vazhuthalampallam, Palapallam, District Kanyakumari, Tamil Nadu-629159.
2. Learned counsel for the petitioner filed an affidavit of Most Rev. Antony Pappusamy, President of St. Joseph's Nanjil Farmers Association 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/2018/0195700 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 11.02.2023 sent to State Competent Authority i.e. Principal Secretary, School

Education Department, Govt. of Tamil Nadu by the Principal of the petitioner institution for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its tracking report, certified copy of Registration Certificate of St. Joseph's Nanjil Farmers Association, certified copy of Memorandum of Association alongwith founding members list, certified copy of Amended Memorandum of Association dated 01.04.2019 alongwith list of present members of the Society, downloaded copy of Affiliation Order dated 21.10.2022 issued by the Deputy Secretary /Joint Secretary (Aff), CBSE to the unaided petitioner institution for the Secondary Level from 01.04.2023 to 31.03.2028 and resolution of the General Body of the Society in favour of Most Rev. Antony Pappusamy, President of St. Joseph's Nanjil Farmers Association for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in the year 2020-21, it is mentioned that out of total 1354 students, 1127 students were from the Christian minority community, 35 students were from the Muslim minority community and 192 students were Hindus, in the year 2021-22, it is mentioned that out of total 1193 students, 1012 students were from the Christian minority community, 27 students were from the Muslim minority community and 154 students were Hindus and in the year 2022-23, it is mentioned that out of total 1301 students, 1093 students are from the Christian minority community, 31 students are from the Muslim minority community and 175 students are Hindus. It is relevant to mention here that in the year 2020-21, out of the total 111 teachers, 102 teachers were from the Christian Minority community, in the year 2021-22, out of the total 108 teachers, 100 teachers were from the Christian Minority community and in the year 2022-23, out of the total 116 teachers, 103 teachers are from the Christian Minority community.
5. It is stated in the petition that on dated 11.02.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on

11.03.2023 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 11.08.2023, 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 17.10.2023. After service of letter/email to the physical inspection committee dated 17.11.2023, Physical Inspection Committee, Kanyakumari District has sent physical inspection report dated 16.12.2023 which was received in the Commission's Office on dated 29.12.2023 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 Most Rev. Antony Pappusamy, President of St. Joseph's Nanjil Farmers Association.
8. 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%.

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 St. Joseph's Nanjil Farmers Association 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 Most Rev. Antony Pappusamy, President of St. Joseph's Nanjil Farmers Association.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the office of the Registrar of Societies, Kanyakumari (D), Nagercoil on dated 01.04.2019 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 11.02.2023 and petition for grant of MSC on dated 17.07.2023. 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.
11. The Amended Memorandum of Association dated 01.04.2019 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 Nanji Catholic School,

Vazhuthalampallam, Palapallam, District Kanyakumari, Tamil Nadu-629159 run by St. Joseph's Nanjil Farmers Association 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, Nanji Catholic School, Vazhuthalampallam, Palapallam, District Kanyakumari, Tamil Nadu-629159 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, 16<sup>th</sup> Day of July, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB