

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

**Case No. 284 of 2023**

**In the matter of :-**

**Christ Academy Institute for Advanced Studies, Christ Nagar,  
Hulahalli Begur-Koppa Road, Sakkalwara P.O., Bangalore,  
Karnataka-560083**

**..... Petitioner**

**V/s**

**Additional Chief Secretary to Government, Education  
Department (Higher Education), Govt. of Karnataka, Sixth  
Floor, Multi Storeyed Building, Bengaluru, Karnataka-560001**

**..... Respondent**

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

**ORDER**

**DATED 24.07.2024**

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

1. This application has been received on 06.10.2023 by post from the petitioner for grant of Minority Status Certificate (in short 'MSC') to Christ Academy Institute for Advanced Studies, Christ Nagar, Hulahalli Begur-Koppa Road, Sakkalwara P.O., Bangalore, Karnataka-560083.
2. Learned Counsel for the petitioner filed the affidavit of Fr. Antony Pottakaran CMI, Secretary of Devamatha Educational Foundation 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. : KA/2018/0187988 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 06.03.2023

sent to the State Competent Authority i.e. Additional Chief Secretary to Government, Education Department (Higher Education) alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 15.07.2004 of Devamatha Educational Foundation, notarized copy of Amended / Supplementary Trust Deed dated 19.05.2012, notarized copy of affiliation Order dated 05.09.2023 issued by the Registrar, Bangalore (EMLEM) University to unaided petitioner institution for the academic year 2023-24 for the Bachelor and Master Courses in Kannad language alongwith its English translation and resolution of the General Body of the Trust in favour of Fr. Antony Pottakaran CMI, Secretary of Devamatha Educational Foundation 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 1157 students, 195 students were from the Christian minority community, 661 students were from the Muslim minority community, 2 students were from the Jain minority community, 1 student is from the Buddhist minority community and 893 students were Hindus, in the year 2021-22, it is mentioned that out of total 1430 students, 230 students were from the Christian minority community, 75 students were from the Muslim minority community, 5 students were from the Jain minority community and 1120 students were Hindus and in the year 2022-23, it is mentioned that out of total 1826 students, 257 students are from the Christian minority community, 91 students are from the Muslim minority community, 5 students are from the Jain minority community and 1473 students are Hindus. It is relevant to mention here that in the year 2020-21, out of the total 53 teachers, 19 teachers were from the Christian Minority community, in the year 2021-22, out of the total 64 teachers, 19 teachers were from the Christian Minority community and in the year 2022-23, out of the total 67 teachers, 22 teachers are from the Christian Minority community.

5. It is stated in the petition that on dated 06.03.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 10.03.2023 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 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.
6. Despite service of registered notice dated 29.11.2023, 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 23.01.2024 and after service of letter/email to the physical inspection committee dated 24.01.2024, Physical Inspection Committee, Bengaluru Urban District have sent the physical inspection report dated 18.03.2024 which was received in the Commission's office on dated 26.03.2024, 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 and the documents filed by the petitioner and affidavit of Fr. Antony Pottakaran CMI, Secretary of Devamatha Educational Foundation.
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 Devamatha Educational Foundation 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 Fr. Antony Pottakaran CMI, Secretary of Devamatha Educational Foundation.

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 Karnataka as per the census of 2011 is 1.87%.
10. I have perused the Amended Trust Deed of the petitioner institution which was registered before the office of the Sub Registrar, Jayanagar, Bangalore City on dated 19.05.2012 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 06.03.2023 and petition for grant of MSC on dated 06.10.2023. 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 Trust Deed dated 19.05.2012 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 Christ Academy Institute for Advanced Studies, Christ Nagar, Hulahalli Begur-Koppa Road, Sakkalwara P.O., Bangalore, Karnataka-560083 run by the Devamatha Educational 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 Christian minority community.
13. Consequently, Christ Academy Institute for Advanced Studies, Christ Nagar, Hulahalli Begur-Koppa Road, Sakkalwara P.O., Bangalore, Karnataka-560083 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 **Wednesday, 24<sup>th</sup> Day of July, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB