

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

Case No. 126 of 2023

In the matter of :-

**St. Mary's English School, Berigai Road, Schoolagiri, District
Krishnagiri, Tamil Nadu-635117**

..... 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 14.08.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 08.05.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Mary's English School, Berigai Road, Schoolagiri, District Krishnagiri, Tamil Nadu-635117.
2. Learned counsel for the petitioner filed an affidavit of Sr. Emilia Lakra, President of St. Mary's Educational 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 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/2023/0337823 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 20.01.2023 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, notarized copy of Certificate of Registration of St. Mary's Educational Society, notarized copy of Memorandum of Association dated 29.12.2017 alongwith founding and present members of the society, notarized copy of Certificate of Provisional Affiliation Order dated 10.10.2022 issued by the Chief Executive & Secretary /Chairman, Council for the Indian School Certificate Examinations to the unaided petitioner institution till 31st March, 2027 for the Secondary Education (Year 10) and resolution of the General Body of the Society in favour of Sr. Emilia Lakra, President of St. Mary's Educational Society 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 360 students, 26 students were from the Christian minority community, 17 students were from the Muslim minority community and 317 students were Hindus, in the year 2021-22, it is mentioned that out of total 400 students, 29 students were from the Christian minority community, 27 students were from the Muslim minority community and 344 students were Hindus and in the year 2022-23, it is mentioned that out of total 450 students, 32 students were from the Christian minority community, 27 students were from the Muslim minority community and 390 students are Hindus. It is relevant to mention here that in the year 2020-21, out of the total 11 teachers, 3 teachers were from the Christian Minority community, in the year 2021-22, out of the total 12 teachers, 3 teachers were from the Christian Minority community and in the year 2022-23, out of the total 17 teachers, 3 teachers were from the Christian Minority community.
5. It is stated in the petition that on dated 20.01.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on

21.01.2023 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 29.08.2023. After service of letters/emails to the physical inspection committee dated 26.09.2023 and 24.11.2023, Physical Inspection Committee, Krishnagiri District has sent physical inspection report dated Feb, 2024 which was received in the Commission's Office on dated 20.02.2024 wherein they have not mentioned any adverse / negative remarks 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. Emilia Lakra, President of St. Mary's Educational Society.
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. Mary's Educational 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. Emilia Lakra, President of St. Mary's Educational Society.
10. I have perused the Memorandum of Association of the petitioner institution which was registered before the office of the Registrar of Societies on dated 29.12.2017 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 20.01.2023 and petition for grant of MSC on dated 08.05.2023. 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.
11. The Memorandum of Association dated 29.12.2017 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 St. Mary's English School,

Berigai Road, Schoolagiri, District Krishnagiri, Tamil Nadu-635117 run by St. Mary's Educational 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.

13. Consequently, St. Mary's English School, Berigai Road, Schoolagiri, District Krishnagiri, Tamil Nadu-635117 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, 14th Day of August, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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