

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

Case No. 268 of 2023

In the matter of :-

**Oxford Matriculation Higher Secondary School, Koothanallur,
District Tiruvarur, Tamil Nadu-614101**

..... 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 23.07.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 29.09.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Oxford Matriculation Higher Secondary School, Koothanallur, District Tiruvarur, Tamil Nadu-614101.
2. Learned counsel for the petitioner filed an affidavit of Ms. P.B. Salamath Nachiya, Managing Trustee of J.B. Trust in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Muslim minority community and also stating that the petitioner institution shall not deny admission of eligible candidate of the Muslim 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/2023/0351811 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 17.05.2023 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 Trust Deed dated 19.02.1984 of J.B. Trust, notarized copy of Amended / Supplementary Trust Deeds dated 29.05.2018, 20.08.2019, 12.05.2023, notarized copy of Recognition Order dated 28.04.2023 issued by the Joint Director, Directorate of Private Schools, Chennai to the unaided petitioner institution from 01.06.2022 to 31.05.2025 from LKG to 12th Std. and resolution of the General Body dated 28.03.2023 of the Trust in favour of Ms. P.B. Salamath Nachiya, Managing Trustee of J.B. Trust 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 1357 students, 1172 students were from the Muslim minority community, 17 students were from the Christian minority community and 168 students were Hindus, in the year 2021-22, it is mentioned that out of total 1399 students, 1203 students were from the Muslim minority community, 11 students were from the Christian minority community and 185 students were Hindus and in the year 2022-23, it is mentioned that out of total 1502 students, 1368 students are from the Muslim minority community, 13 students are from the Christian minority community and 121 students are Hindus. It is relevant to mention here that in the year 2020-21, out of the total 38 teachers, 4 teachers were from the Muslim Minority community, in the year 2021-22, out of the total 52 teachers, 5 teachers were from the Muslim Minority community and in the year 2022-23, out of the total 61 teachers, 3 teachers are from the Muslim Minority community.
5. It is stated in the petition that on dated 17.05.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 20.05.2023 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. After service of registered notice / email dated 16.11.2023, Director of Private Schools, Chennai on behalf of the respondent has sent reply dated 20.12.2023 by post which was received by this Commission on 29.12.2023 which was taken on record. 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 12.12.2023. After service of letter/email to the physical inspection committee dated 15.01.2024, Physical Inspection Committee, Thiruvarur District has sent physical inspection report dated March, 2024 which was received in the Commission's Office on dated 14.03.2024 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, the documents filed by the petitioner and affidavit of Ms. P.B. Salamath Nachiya, Managing Trustee of J.B. Trust.
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 Muslim minority community in the State of Tamil Nadu as per the census of 2011 is 5.86%.

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 Muslim minority community and is being administered by J.B. Trust which is managed and run by the members of the Muslim 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 Ms. P.B. Salamath Nachiya, Managing Trustee of J.B. Trust.
10. I have perused the Amended Trust Deed of the petitioner institution which was registered before the office of the Sub Registrar, Koothanallur on dated 12.05.2023 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 17.05.2023 and petition for grant of MSC on dated 29.09.2023. 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 12.05.2023 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Muslim 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 Oxford Matriculation Higher Secondary School, Koothanallur, District Tiruvarur, Tamil Nadu-

614101 run by J.B. Trust 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 Muslim minority community.

13. Consequently, Oxford Matriculation Higher Secondary School, Koothanallur, District Tiruvarur, Tamil Nadu-614101 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 July, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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