

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

CASE NO. 256 OF 2024

In the matter of:

Lisieux College of Paramedical Sciences, Mookkannoor, MAGJ Hospital, Mookkannoor PO, Angamaly (Via), Ernakulam District, Kerala- 683 577.

... Petitioner

Vs.

Director, Directorate of Minority Welfare, Vikas Bhavan, Thiruvananthapuram, Kerala.

... Respondent

Present: Mr. Junais P., Advocate for the petitioner.

ORDER

Date: 25.09.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 21.8.2024 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Lisieux College of Paramedical Sciences, Mookkannoor, MAGJ Hospital, Mookkannoor PO, Angamaly (Via), Ernakulam District, Kerala- 683 577.

2. Learned counsel for the petitioner filed the affidavit of Bro. Varghese Manjaly C.S.T., Chairman of the M.A.G.J. Hospital Trust and authorized representative of petitioner institution 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. Learned counsel for the petitioner has filed a copy of Unique ID No.: KL/2017/0169619 of the petitioner's trust as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 24.5.2023 submitted before the State Competent authority for NOC, notarized copies of Trust Deed, Amended Trust Deed, Board Resolution of the M.A.G.J. Hospital Trust. He has also filed notarized copy of letter dated 18.7.2024 issued by Kerala University of Health Sciences granting affiliation to the petitioner institution for the academic year 2024-25 with an annual intake of 30 seats.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength, it is mentioned that during the academic year 2021-22, out of total 30 students, 14 students were from the Christian

minority community, 03 students were from the Muslim minority community and 13 students were Hindus. During the academic year 2022-23, out of total 24 students 06 students were from the Christian minority community, 08 students were from Muslim minority community and 10 students were Hindus and during the academic year 2023-24, out of total 30 students, 11 students were from the Christian minority community, 08 students were from the Muslim minority community and 11 students were Hindus. It is relevant to mention here that during the academic year 2021-22, out of the total 14 teachers, 03 teachers were from Christian minority community, 01 teacher was from the Muslim minority community and 10 teachers were Hindu. In the year 2022-23, out of the total 16 teachers, 03 teachers were from the Christian minority community, 01 teacher were from the Muslim minority community and 12 teachers were Hindu. In the year 2023-24, out of the total 14 teachers, 04 teachers were from the Christian minority community, 01 teacher was from the Muslim minority community and 09 teachers were Hindu.

5. It is stated in the petition that on dated 24.5.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC before the Competent Authority i.e. Director, Directorate of Minority Welfare, Vikas Bhavan, Thiruvananthapuram, Kerala and the competent authority vide Order No. MWD/610/2023-MSD dated 8.6.2024 has granted No Objection Certificate to the petitioner institution. The said order of the State competent authority reads as under:

“PROCEEDINGS OF THE DIRECTOR, MINORITY WELFARE
DEPARTMENT, THIRUVANANTHAPURAM

(Present: Abdul Nasar B IAS)

Sub: Directorate of Minority Welfare- Minority Status to the Educational Institutions Established and Managed by Minority Communities- Application for No Objection Certificate by Lisieux College of Paramedical Science, Mookkannoor, MAGJ Hospital, Mookkannoor P.O., Angamaly, Ernakulam Dist. For obtaining Minority Status for the Professional College Section of the Institution- Granted-NOC issued.

Ref:- 1) G.O. (P) No. 02/2020/GAD, dated 09.01.2020

2) Application submitted by Lisieux College of Paramedical Science, Mookkannoor, MAGJ Hospital, Mookkannoor P.O., Angamaly, Ernakulam Dist dated 24.5.2023.

3) This office Order of even no. dated 29.12.2023

4) Letter No. DCEKM/12411/22/A9 dated 12.03.2024 from District Collector, Ernakulam.

Order No. MWD/610/2023-MSD, Dated 8.6.2024

As per the Government Order (P) No. 2/2020/GAD dated 09.01.2020, the Director of Minority Welfare, Kerala has been appointed as the Competent Authority for deciding the eligibility for Minority Status and for issuing No Objection Certificate to the educational institutions established and managed by minority communities in the State, for the purpose of applying for Minority Status Certificate under Section 10 of the National Commission for Minority Educational Institutions Act, 2004.

As per the reference 2nd cited, Lisieux College of Paramedical Science, Mookkannoor, MAGJ Hospital, Mookkannoor P.O., Angamaly, Ernakulam Dist has submitted an application for No Objection Certificate to the institution for the purpose of applying for Minority Status Certificate for their Professional College. The application along with the supporting documents has been examined in detail and also heard the applicant on 04.01.2024. As the application for NOC has been found prima facie admissible, the application has been referred to the District Collector, Ernakulam for inspection in the institution and report.

As per the reference 4th cited, the District Collector, Ernakulam after conducting physical verification of the institution and scrutiny of records and registers, has report the eligibility of the educational institution of the applicant for Minority Status and also recommended for grant of No Objection Certificate for the purpose to the Professional College Section of the institution.

In these circumstances, on the facts revealed hearing applicant institution and by the scrutiny of all relevant records in original submitted while hearing and after considering the report and recommendation of the District Collector, Ernakulam it has been found that Lisieux College of Paramedical Science, Mookkannoor, MAGJ Hospital, Mookkannoor P.O, Angamaly, Ernakulam Dist. Has been functioning with the objective of subserving the interest of the Christian Minority Community and the institution satisfies all other eligibility conditions for becoming a minority educational institution. Therefore Lisieux College of Paramedical Science, Mookkannoor, MAGJ Hospital, Mookkannoor P.O., Angamaly, Ernakulam Dist has been granted No Objection Certificate for the purpose of obtaining Minority Status Certificate under Section 10 of the National Commission for Minority Educational Institution Act, 2004.

-Sd/-
Competent Authority/ Director
(emphasis supplied)"

6. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Bro. Varghese Manjaly C.S.T., Chairman of the M.A.G.J. Hospital Trust and authorized representative of petitioner institution. In fact and circumstances of the case, there appears no need to give notice of this petition as respondent has granted NOC in favour of the petitioner institution.

7. 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 the M.A.G.J. Hospital Trust, 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 Bro. Varghese Manjaly C.S.T., Chairman of the M.A.G.J. Hospital Trust and authorized representative of petitioner institution.

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 this Commission in Case No. 1320 of 2009 dated 06.07.2010) 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 Kerala as per the census of 2011 is 18.38%.

9. I have perused the amended Trust Deed of M.A.G.J. Hospital Trust, which was registered before the Sub-Registrar, Angamaly, which is before filing petition for grant of MSC on dated 21.08.2024. So it is clear that the amendment has been done before filing the petition for grant of MSC before this Commission.

10. The amended Trust Deed and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily the members of the Christian minority community. In addition, the said fact 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 before this Commission.

11. I have perused the Order No. MWD/610/2023-MSD dated 8.6.2024 passed by the State Competent Authority. By the above order State Competent Authority of Kerala has granted NOC in favour of the petitioner institution.

12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that the Lisieux College of Paramedical Sciences, Mookkannoor, MAGJ Hospital, Mookkannoor PO, Angamaly (Via), Ernakulam District, Kerala- 683 577, 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 subserving the interests of the Christian minority community.

13. Consequently, Lisieux College of Paramedical Sciences, Mookkannoor, MAGJ Hospital, Mookkannoor PO, Angamaly (Via), Ernakulam District, Kerala- 683 577, is declared as 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. If the petitioner institution fails 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.

14. After compliance of the above order, a minority status certificate be issued accordingly.

15. However, it is made clear that if State Government has any objection in granting MSC in favour of the petitioner institution i.e. Lisieux College of Paramedical Sciences, Mookkannoor, MAGJ Hospital, Mookkannoor PO, Angamaly (Via), Ernakulam District, Kerala- 683 577, the State is free to file an application for cancellation of MSC under Section 12(c) of the NCMEI Act, 2004.

16. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 25th day of September, 2024.**

**DR. SHAHID AKHTER
MEMBER**