

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

Case No. 286 of 2023

In the matter of :-

Christ Academy Institute of Law, Christ Nagar, Hulahalli, Begur-Koppa Road, Sakkalawara P.O., Bangalore, Karnataka- 560 083.

..... Petitioner

Vs

Additional Chief Secretary, Education Department (Higher Education), Government of Karnataka, Sixth Floor, Multi Storeyed Building, Bengaluru, Karnataka- 560 001.

..... Respondent

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

ORDER

DATED: 15.10.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 6.10.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Christ Academy Institute of Law, Christ Nagar, Hulahalli, Begur-Koppa Road, Sakkalawara P.O., Bangalore, Karnataka- 560 083.

2. Learned counsel for the petitioner filed an affidavit of Fr. Antony Pottakaran CMI, Secretary of Devamatha Educational Foundation and representative of the applicant institution i.e. Christ Academy Institute of Law, Christ Nagar, Hulahalli, Begur-Koppa Road, Sakkalawara P.O., Bangalore, Karnataka- 560 083 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. It is also stated in the affidavit 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, photocopy of application dated 6.3.2023 sent to the State Competent Authority i.e. Additional Chief Secretary, Education

Department (Higher Education), Government of Karnataka alongwith postal receipt and its acknowledgement receipt, notarized copy of Trust Deed dated 15.7.2004 amended Trust Deed dated 19.5.2012, notarized copy of the order dated 8.12.2022 issued by the Karnataka State Law University, Hubballi granting affiliation to the petitioner institution for the academic year 2022-23, notarized copy of letter dated 26.2.2024 issued by the Bar Council of India granting affiliation to the petitioner institution for the academic year 2023-24 and resolution passed by the Board of Trustees in favour of Fr. Antony Pottakaran, Secretary of Devamatha Educational Foundation for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength, it is mentioned that during the academic year 2020-21, out of total 478 students, 117 students were from the Christian minority community, 27 students were from Muslim minority community, 1 student was from the Sikh minority community, 1 student was from Jain minority community, 3 students were from Buddhist minority community and 329 students were Hindus. During the academic year 2021-22, out of total 493 students, 123 students were from the Christian minority community, 29 students were from Muslim minority community, 1 student was from the Sikh minority community, 2 students were from Jain minority community, 3 students were from Buddhist minority community and 335 students were Hindus. During the academic year 2022-23, out of total 617 students, 148 students were from the Christian minority community, 28 students were from Muslim minority community, 1 student was from the Sikh minority community, 2 students were from Jain minority community, 3 students were from Buddhist minority community and 435 students were Hindus. It is relevant to mention here that during the academic year 2020-21, out of the total 11 teachers, 03 teachers were from the Christian minority community and 08 teachers were Hindu. In the year 2021-22, out of the total 20 teachers, 05 teachers were from the Christian minority community, 01 teacher was from Muslim minority community and 14 teachers were Hindu. In the year 2022-23, out of the total 26 teachers, 06 teachers were from the Christian minority community, 01 teacher was from Muslim minority community and 19 teachers were Hindu.

5. It is stated in the petition that on dated 6.3.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC

which was received by the State Competent Authority on 10.3.2023 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 to the respondent dated 6.3.2023, the respondent has failed to apprise the Commission about the status of the said application. 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. After service of letter/email to the physical inspection committee dated 24.1.2024, District Officer, Department of Minority Welfare, Bengaluru Urban District has sent letter dated 18.3.2024 along with physical inspection report, which was received in the Commission's Office on dated 26.3.2024 wherein they have recommended to grant MSC to the petitioner institution.

7. Heard learned counsel for the petitioner, perused the pleadings of the parties, the documents filed by the petitioner and affidavit of Fr. Antony Pottakaran, Secretary of Devamatha Educational Foundation and authorized representative of the applicant institution i.e. Christ Academy Institute of Law, Christ Nagar, Hulahalli, Begur-Koppa Road, Sakkalawara P.O., Bangalore, Karnataka- 560 083.

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 and 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 dated 19.5.2012 of Devamatha Educational Foundation which was registered before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 6.3.2023 and petition for grant of MSC on dated 6.10.2023. 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 19.5.2012 of the petitioner trust 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 facts also stand 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 of Law, Christ Nagar, Hulahalli, Begur-Koppa Road, Sakkalawara P.O., Bangalore, Karnataka- 560 083 run by 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 of Law, Christ Nagar, Hulahalli, Begur-Koppa Road, Sakkalawara P.O., Bangalore, Karnataka-

560 083 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, 15th Day of October, 2024.**

**DR. SHAHID AKHTER
MEMBER**

MD