

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

CASE NO. 269 OF 2023

In the matter of:

**Santhome International School, Karikaliamman Kovil Road,
Senbagapudur, Sathyamangalam, Erode Dist., Tamil Nadu – 638 402.**

... Petitioner

Versus

**Principal Secretary, School Education Department, Government of
Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600
009.**

... Respondent

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

ORDER

Date: 11.09.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 09.10.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Santhome International School, Karikaliamman Kovil Road, Senbagapudur, Sathyamangalam, Erode Dist., Tamil Nadu.

2. Learned counsel for the petitioner filed the affidavit of Fr. Jiby Anttony, Trustee of the Santhome Charitable and Educational 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 Christian minority community and Fr. Jiby Anttony, Trustee of the Santhome Charitable and Educational Trust stated in his affidavit that the petitioner institution shall not deny admission of eligible students of the Christian minority community.

3. Learned counsel for the petitioner has filed a copy of Unique ID No.: TN/2023/0351614 of the petitioner's trust as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 03.03.2023 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking

report, notarized copies of Trust Deed and Resolution passed by Board of Trustees of the Santhome Charitable and Educational Trust. He has also filed notarized copy of affiliation order of the petitioner institution issued by the ICSE.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength during the academic year 2020-21, it is mentioned that out of the total 288 students, 1 student was from the Muslim minority community, 35 students were from the Christian minority community and 252 students were Hindu. In the year 2021-22, it is mentioned that out of the total 294 students, 05 students were from the Muslim minority community, 37 students were from the Christian minority community and 252 students were Hindu. In the year 2022-23, it is mentioned that out of the total 340 students, 03 students were from the Muslim minority community, 27 students were from the Christian minority community and 310 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of the total 20 teachers, 13 teachers were from the Christian minority community and 07 teachers were Hindu. In the year 2021-22, out of the total 20 teachers, 13 teachers were from the Christian minority community and 07 teachers were Hindu. In the year 2022-23, out of the total 22 teachers, 16 teachers were from the Christian minority community and 06 teachers were Hindu.

5. It is stated in the petition that on dated 03.03.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 04.03.2023 and the same 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/email 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 10.01.2024, after service of letter/ email to the physical inspection committee dated 11.01.2024 and 01.04.2024, Chief Educational Officer, Erode, has sent physical inspection report dated 21.03.2024, which was received in the Commission's Office on dated 19.04.2024 wherein they have recommended to grant minority status certificate to the petitioner institution.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Fr. Jiby Antony, Trustee of the Santhome Charitable and Educational Trust.

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 the Santhome Charitable and Educational 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 Fr. Jiby Antony, Trustee of the Santhome Charitable and Educational Trust.

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 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 Gujarat as per the census of 2011 is 6.12%.

10. I have perused the Trust Deed of the Santhome Charitable and Educational Trust, which was registered before the Sub-Registrar, Sathiyamangalam on dated 07.04.2014 which is before the filing of NOC

application U/s 10 of the NCMEI Act, 2004 dated 03.03.2023 and petition for grant of MSC on dated 29.09.2023.

11. The Trust Deed of the Santhome Charitable and Educational 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 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.

12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that the Santhome International School, Karikaliamman Kovil Road, Senbagapudur, Sathyamangalam, Erode Dist., Tamil Nadu, 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, Santhome International School, Karikaliamman Kovil Road, Senbagapudur, Sathyamangalam, Erode Dist., Tamil Nadu, 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.

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, 11th day of September, 2024.**

**DR. SHAHID AKHTER
MEMBER**