

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

Case No. 19 of 2024

In the matter of :-

**Christ CMI School, Gopasandra, Samanahalli, Muthanallur,
Bangalore District, Karnataka-560 099.**

..... 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: 29.01.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 10.01.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Christ CMI School, Gopasandra, Samanahalli, Muthanallur, Bangalore District, Karnataka-560 099.
2. Learned counsel for the petitioner filed an affidavit of Fr. Thomas T.V., President, CMI Christ Educational and Charitable 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 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.: KA/2023/0362591 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 16.08.2022 sent to the State Competent Authority i.e. Additional Chief Secretary, Education Department (Higher Education), Government of Karnataka, Sixth Floor, Multi Storeyed Building, Bengaluru, Karnataka- 560 001 alongwith postal receipt and its acknowledgement receipt, notarized copy of Trust Deed dated 12.08.2015 of CMI Christ Educational and Charitable Trust,

notarized copy of letter dated 18.10.2022 issued by Deputy Director (Administration), Department of Public Instruction granting renewal of recognition of the petitioner institution from 1.6.2022 to 31.5.2027 along with its English translation and resolution passed by the Governing Body of the petitioner Society in favour of Fr. Tomas T.V., President, CMI Christ Educational and Charitable Trust for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students' strength, it is mentioned that during the academic year 2021-22, out of total 75 students, 25 students were from the Christian minority community and 50 students were Hindu. In the year 2022-23, out of total 241 students, 62 students were from the Christian minority community, 03 students were from the Muslim minority community, 01 student was from the Buddhist minority community and 175 students were Hindu. In the year 2023-24, out of total 257 students, 68 students were from the Christian minority community, 03 students were from the Muslim minority, 01 student was from the Buddhist minority community and 185 students were Hindu. It is relevant to mention here that in academic year 2021-22, out of total 08 teachers, 04 teachers were from the Christian minority community and 04 teachers were Hindu. During the academic year 2022-23, out of total 17 teachers, 07 teachers were from the Christian minority community and 10 teachers were Hindu and in the year 2023-24, out of total 17 teachers, 07 teachers were from the Christian minority community and 10 teachers were Hindu.

5. It is stated in the petition that on dated 16.08.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 19.08.2022 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 05.02.2024, 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 28.03.2024. After service of letter/email to the physical inspection committee dated 06.05.2024, District Officer, Department of Minority Welfare, Bengaluru Urban District vide letter dated 11.7.2024 has sent physical inspection report, which was received in the Commission's Office on dated 22.07.2024 wherein they have recommended to grant minority status certificate to 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 CMI Christ Educational and Charitable 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. Thomas T.V., President of CMI Christ Educational and Charitable 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 Christian minority community in the State of Karnataka as per the census of 2011 is 1.87%.

9. I have perused the notarized copy of the Trust Deed dated 12.08.2015 of CMI Christ Educational and Charitable Trust which is

registered before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 16.8.2022 and petition for grant of MSC on dated 10.01.2024. So, it is clear that the Trust Deed of the petitioner Trust was registered 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.

10. The 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 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.

11. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Christ CMI School, Gopasandra, Samanahalli, Muthanallur, Bangalore District, Karnataka-560 099 run by CMI Christ Educational and Charitable 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 subserving the interests of the Christian minority community.

12. Consequently, Christ CMI School, Gopasandra, Samanahalli, Muthanallur, Bangalore District, Karnataka-560099 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.

13. A minority status certificate be issued accordingly.

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

Signed, pronounced and published on **Wednesday, 29th Day of January, 2025.**

**DR. SHAHID AKHTER
MEMBER**

MD