

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

Case No. 194 of 2023

In the matter of :-

**DMI St. Joseph International School, Kumarapuram Road,
Aralvaimozhi, Nagercoil, Kanyakumari District, Tamil Nadu -
629301**

..... Petitioner

V/s

**Principal Secretary, School Education Department, Government
of Tamil Nadu**

..... Respondent

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

ORDER

DATED 23.01.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 25.07.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to DMI St. Joseph International School, Kumarapuram Road, Aralvaimozhi, Nagercoil, Kanyakumari District, Tamil Nadu – 629301.
2. Learned counsel for the petitioner filed affidavit of Sr. S. Gnana Selvam, President of The Society of Daughter of Mary Immaculate and Collaborators and the authorized representative of the applicant institution i.e. DMI St. Joseph International School, Kumarapuram Road, Aralvaimozhi, Nagercoil, Kanyakumari District, Tamil Nadu – 629301 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 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. : TN/2017/0118445 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, notarized copy of NOC application dated 06.03.2023 sent to the State Competent Authority i.e. Principal Secretary, School Education Department, Government of Tamil Nadu alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration dated 11.01.2023 of The Society of Daughter of Mary Immaculate and Collaborators, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Rules and Regulations ,notarized copy of Amended Memorandum of Association alongwith list of present members of the Society dated 26.10.2022, downloaded copy of affiliation order dated 28.08.2023 issued by the Joint Secretary (Aff), CBSE to the unaided petitioner institution from 01.04.2024 to 31.03.2029 for the Senior Secondary Level to the petitioner institution, and resolution of the General Body of the Society in favour of Sr. S. Gnana Selvam, President of The Society of Daughter of Mary Immaculate and Collaborators and the authorized representative of the applicant institution for obtaining MSC from this Commission.
4. As per the information supplied by the petitioner institution with regard to students strength, it is mentioned that during the academic year 2020-21, out of 365, 2 students were from the Muslim community, 230 students were from the Christian community, and 133 students were Hindus and during the academic year 2021-22, out of total 317 students, 230 students were from the Christian minority community and 87 students were Hindus and during the academic year 2022-23, out of total 390 students, 6 students were from the Muslim minority community, 214 students were from the Christian community and 170 students were Hindus. It is relevant to mention here that during the academic year 2020-21, out of the total 21 teachers, 16 teachers were from the Christian minority community and 5 teachers were Hindus. In the academic year 2021-22, out of the total 22 teachers, 17 teachers were from the Christian minority community and 5 teachers were Hindus and In the academic year 2022-23, out of the total 23 teachers, 17

teachers were from the Christian minority community and 6 teachers were Hindus.

5. It is stated in the petition that on dated 06.03.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 09.03.2023 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 dated 18.03.2023 and 08.04.2024, respondent has sent letters dated 02.01.2024 and 11.10.2023 which were received in the Commission's office on dated 09.01.2024 and 17.10.2023 respectively which is 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 1.10.2023. After service of letters/emails to the physical inspection committee dated 15.12.2023 and 22.01.2024, Physical Inspection Committee, Kanniyakumari District Social Welfare Officer has sent physical inspection report dated 06.03.2024 which was received in the Commission's Office on dated 23.07.2024 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 Sr. S. Gnana Selvam, President of The Society of Daughter of Mary Immaculate and Collaborators and authorized representative of petitioner institution.
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 Society of Daughter of Mary Immaculate and Collaborators 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 Sr. S. Gnana Selvam, President of The Society of Daughter of Mary Immaculate and Collaborators and authorized representative of petitioner institution.

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 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 Tamil Nadu as per the census of 2011 is 6.12%.
10. I have perused the amended Memorandum of Association of the petitioner Society, which was registered before Registrar, Firms Society and Chits on dated 25.07.2016, which is before the filing of NOC application U/s 10 of NCMEI Act, 2004 dated 25.07.2023 and petition for grant of MSC on dated 06.03.2023.
11. The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Christian 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 DMI St. Joseph International School, Kumarapuram Road, Aralvaimozhi, Nagercoil, Kanyakumari District, Tamil Nadu – 629301 run by

The Society of Daughter of Mary Immaculate and Collaborators 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, DMI St. Joseph International School, Kumarapuram Road, Aralvaimozhi, Nagercoil, Kanyakumari District, Tamil Nadu – 629301, is declared as 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 **Thursday, 23rd of January 2025.**

**DR. SHAHID AKHTER
MEMBER**

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