

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

Case No. 49 of 2022

In the matter of :-

**Baldwin Methodist College, No. 14, Hosur Road, Richmond Town,
Bangalore, Karnataka – 560025**

..... **Petitioner**

V/s

**Additional Chief Secretary, Education Department (Higher
Education), Govt. of Karnataka, 6th Floor, Multi-Storeyed Building,
Bengaluru-560001**

..... **Respondent**

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

ORDER

DATED 27.02.2025

Dr. Shahid Akhter, Member NCMEI

1. This petition has been received on 21.04.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Baldwin Methodist College, No. 14, Hosur Road, Richmond Town, Bangalore, Karnataka – 560025.
2. Learned counsel for the petitioner filed an affidavit of Dr. Joshua Samuel, Secretary of Baldwin Methodist Educational Society 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/2017/0158176 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 25.11.2021 sent to the State Competent Authority i.e. Additional Chief Secretary to Govt., Education Department, Govt. of Karnataka alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Baldwin Methodist Educational Society, 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 obtained on dated 06.02.2017 alongwith list of present members of the Society, notarized copy of latest affiliation order dated 23.08.2024, issued by vice chancellor bengaluru city university which is in Kannad language alongwith its English translation for general degree and resolution of the General Body of the Society in favour of Dr. Joshua Samuel, Secretary of Baldwin Methodist Educational Society for obtaining MSC from this Commission.
4. As per the information supplied by the unaided petitioner institution with regard to students' strength as on 2019-20, it is mentioned that out of total 641 students, 176 students were from the Muslim minority community, 151 students

were from the Christian minority community, 01 student was from the Buddhist minority community and 313 students were Hindu, In academic year 2020-21, it is mentioned that out of total 544 students, 134 students were from the Muslim minority community, 116 students were from the Christian minority community, 01 student was from the Buddhist minority community, and 293 students were Hindu and in academic year 2021-22, it is mentioned that out of total 572 students, 156 students are from the Muslim minority community, 107 students were from the Christian minority community 01 student was from the Jain minority community, 01 student was from the Buddhist minority community and 307 students were Hindu. It is relevant to mention here that in academic year 2019-20, out of total 19 teachers, 05 teachers were from the Muslim minority community, 03 teachers were from the Christian minority community and 03 were Hindu, In academic year 2020-21, out of total 18 teachers, 04 teachers were from the Muslim Minority community, 02 teachers were from the Christian minority community and 12 were Hindu and in academic year 2021-22, out of total 21 teachers, 04 teachers were from the Muslim minority community, 03 teachers was from the Christian minority community and 14 were Hindu.

5. It is stated in the petition that on dated 25.11.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 26.11.2021 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. After service of registered notice dated 01.06.2022, Director, Office of the Commissioner of Public Instruction, Bengaluru has sent letter dated 17.08.2022 which was received before the Commission's office on dated 23.08.2022 which was 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 25.10.2022. After service of letter / email to the physical inspection committee dated 22.11.2022, 03.05.2023, 24.07.2023, 23.10.2023, and 26.12.2023, Physical Inspection Committee, Bengaluru vide letter dated 08.02.2024 has sent physical inspection report wherein they have not given any adverse remarks. As per census report of 2011 percentage of Christian minority community in the state of Karnataka is 1.87%. it is mentioned in the physical inspection report that in the year 2023-24, out of the total 213 students, 38 students were from the Christian minority community which is 17% the total student which is more than the state census of 2011 i.e. 1.87%
7. Heard the learned counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Dr. Joshua Samuel, Secretary of Baldwin Methodist Educational Society.
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. 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 Baldwin Methodist Educational Society 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 Dr. Joshua Samuel, Secretary of Baldwin Methodist Educational Society.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the District Registrar of Societies, Bengaluru copy of which was obtained on on dated 06.02.2017 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 25.11.2021 and petition for grant of MSC on dated 21.04.2022. 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 Memorandum of Association dated 06.02.2017 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that Baldwin Methodist College, No. 14, Hosur Road, Richmond Town, Bangalore, Karnataka – 560025 run by Baldwin Methodist Educational Society 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, Baldwin Methodist College, No. 14, Hosur Road, Richmond Town, Bangalore, Karnataka – 560025 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 **Thursday, 27th Day of February, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS