

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

Case No. 21 of 2024

In the matter of :-

**St. Assisi Matric Hr. Sec. School, St. Mary's Nagar, Maranthai, Tenkasi,
Tirunelveli Dist., Tamil Nadu – 627851**

..... **Petitioner**

V/s

**Principal Secretary, School Education Department, Govt. of Tamil Nadu, Rina
Road, Fort St. George, Secretariat, Chennai, Tamil Nadu**

..... **Respondent**

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

ORDER

DATED 26.08.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 12.01.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Assisi Matric Hr. Sec. School, St. Mary's Nagar, Maranthai, Tenkasi, Tirunelveli Dist., Tamil Nadu – 627 851.
2. Learned counsel for the petitioner filed an affidavit of Rev. Fr. Antony Xavier, Managing Trustee of Leo Charitable Trust for Integrated, Rural and Educational Development 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 notarized copy of Unique ID No. : TN/2023/0373443 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 23.12.2022 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 24.10.2002 alongwith founding members of the trust, notarized copy of Amended Trust Deed dated 05.12.2014 alongwith present members of the trust, notarized copy of latest recognition dated 03.12.2024 issued by the Joint Director, Directorate of Private Schools granting renewal of recognition to the petitioner institution for the period 01.06.2024 to 31.05.2027 and resolution of the General Body of the Trust in favour of Rev. Fr. Antony Xavier, Managing Trustee of Leo Charitable Trust for Integrated, Rural and Educational Development for obtaining MSC from this Commission. Learned Counsel for the petitioner has also filed an affidavit of Rev. Fr. Antony Xavier, Managing Trustee of Leo Charitable Trust for Integrated, Rural and Educational Development stating that the Rev. Fr. Antony Xavier and Rev. Fr. A. Antony Xavier are one and same person.
4. As per the information supplied by the petitioner unaided institution with regard to students strength as on Academic Year 2021-22, it is mentioned that out of total 205 students, 53 students were from the Christian minority community and 152 students were Hindu, in the year 2022-23, it is mentioned that out of the total 154 students, 46 students were from the Christian minority community and 108 students were Hindu and in the year 2023-24, it is mentioned that out of total 158 students, 39 students were from the Christian minority community and 119 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 15 teachers, 06 teachers were from the Christian minority community and 09 teachers were Hindu. In the academic year 2022-23, out of the total 14 teachers,

06 teachers were from the Christian minority community and 08 teachers were Hindu and in the academic year 2023-24, out of the total 18 teachers, 07 teachers were from the Christian minority community and 11 teachers were Hindu.

5. It is stated in the petition that on dated 23.12.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 27.12.2022 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. After service of registered notice dated 05.02.2024, no reply/response 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 28.03.2024. After service of letters/emails to the physical inspection committee dated 06.05.2024, 16.08.2024, 09.10.2024 and 16.12.2024, Physical Inspection Committee, District Collector, Tenkasi vide letter dated 21.11.2024 has sent physical inspection report which was received in the Commission's Office on dated 03.12.2024 wherein they have not recommended to grant minority status certificate to the petitioner institution. As per census report of 2011 percentage of Christian minority community in the state of Tamil Nadu is 6.12%. it is mentioned in the physical inspection report that in the year 2024-25, out of the total 150 students, 26 students are from the Christian minority community, which is 17.33% the total student which is more than the state census of 2011 i.e. 6.12%
7. Heard Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Rev. Fr. Antony Xavier, Managing Trustee of Leo Charitable Trust for Integrated, Rural and Educational Development.
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 Leo Charitable Trust for Integrated, Rural and Educational Development 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 Rev. Fr. Antony Xavier, Managing Trustee of Leo Charitable Trust for Integrated, Rural and Educational Development.
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 Tamil Nadu as per the census of 2011 is 6.12%.
10. I have perused the Supplementary Trust Deed of the petitioner institution which was registered before the Sub - Registrar, Pavoorchatram on dated 05.12.2014 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 23.12.2022 and petition for grant of MSC on dated 12.01.2024. 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 Supplementary Trust Deed dated 05.12.2014 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 St. Assisi Matric Hr. Sec. School, St. Mary's Nagar, Maranthai, Tenkasi, Tirunelveli Dist., Tamil Nadu – 627 851 run by Leo Charitable Trust for Integrated, Rural and Educational Development 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, St. Assisi Matric Hr. Sec. School, St. Mary's Nagar, Maranthai, Tenkasi, Tirunelveli Dist., Tamil Nadu – 627 851 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, 26th Day of August, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS