

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

CASE NO. 231 OF 2024

In the matter of:

**Vibgyor High, No. 79/2-75/9, Chokkanahalli, Thanisandra Main Road,
Jakkur Post, Bengaluru, Karnataka- 560064.**

... Petitioner

Versus

**Additional Chief Secretary, Education Department (Higher
Education), Government of Karnataka, Bengaluru, Karnataka- 560
001.**

... Respondent

Present: Mr. Junais P., Advocate for the petitioner.
None for the respondent.

ORDER

Date: 25.11.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 30.05.2024 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Vibgyor High, No. 79/2-75/9, Chokkanahalli, Thanisandra Main Road, Jakkur Post, Bengaluru, Karnataka- 560 064.
2. Learned counsel for the petitioner filed an affidavit of Mr. Dara H. Satpatiwalwa, Trustee of Meerabo Global Foundation and authorized representative of petitioner institution in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Parsee minority community. He has also filed another affidavit stating therein that the petitioner institution shall not deny admission of eligible candidate of the Parsee 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 a notarized copy of Unique ID No.: KA/2017/0152837 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 01.02.2024 by post to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Trust of Meerabo Foundation, notarized copy of Amended Trust Deed alongwith members of Meerabo Global Foundation dated on 08.01.2016, notarized copy of order dated 14.12.2023 issued by the Deputy Director of Public Instruction, District North, Bangalore granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Mr. Dara H. Satpatiwalwa, Trustee of Meerabo Global Foundation 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 the total 144 students, 18 students were from the Muslim minority community,

05 students were from the Christian minority community, 03 students were from the Parsee minority community and 118 students were Hindu. During the academic year 2022-23, out of the total 137 students, 19 students were from the Muslim minority community, 06 students were from the Christian minority, 03 students were from the Parsee minority community and 109 students were Hindu and during the academic year 2023-24, out of the total 155 students, 29 students were from the Muslim minority community, 06 students were from the Christian minority community, 03 students were from the Parsee minority community and 117 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of 49 teachers, 05 teachers were from the Muslim Minority community, 04 teachers were from the Christian Minority community and 40 teachers were Hindu. During the academic year 2022-23, out of 51 teachers, 06 teachers were from the Muslim Minority community, 06 teachers were from the Christian Minority community and 39 teachers were Hindu and during the academic year 2023-24, out of 75 teachers, 10 teachers were from the Muslim Minority community, 09 teachers were from the Christian Minority community and 56 teachers were Hindu.

5. It is stated in the petition that on dated 01.02.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 05.02.2024 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. After service of registered notice / email dated 25.07.2024, 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 24.09.2024. After service of letter/emails to the physical inspection committee dated 25.09.2024 and reminders dated 20.12.2024, 06.03.2025, 09.05.2025, 19.08.2025, 07.10.2025 and 22.10.2025. Two emails dated 23.10.2025 and 10.11.2025 have been received from District Officer, Minority Welfare Department, Bangalore Urban District, stating therein that the school authorities requested them to give time for submission of the documents as per the proforma. On dated 16.10.2025 learned counsel for the petitioner submitted that the petitioner institution has submitted all the relevant documents to the Chairperson of the physical inspection committee. Thereafter, on 22.10.2025 a reminder letter was issued to Physical inspection committee for sending original Physical Inspection Report but the members of the said committee failed to send report to the Commission in terms of order dated 16.10.2025. Hence, the case was proceeded ex-parte against them. As per census of India report 2011 percentage of Parsee minority community in the state of Karnataka is 0.001%. As per the information supplied by the petitioner institution in the academic year 2023-24, out of the total 155 students, 03 students were from the Parsee minority community, which is 1.93% the total student which is more than the state census of 2011 i.e. 0.001%.

7. The petitioner has fulfilled all the criteria for grant of MSC. The competent authority has failed to consider their application for grant of NOC. To obtain minority status certificate is a constitutional right of minority educational institution. The petitioner institution is established and administered by the members of the Parsee minority community. The reply filled by the respondent is clearly against the verdict of Hon'ble Apex Court in the matter of SISTERS of ST. JOSEPH OF CLUNY V/S THE STATE OF WEST BENGAL & ORS (Civil Appeal No. 3945/2018), judgment dated 18.04.2018, which reads as follows: -

“However, Section 10(1), which was introduced at the same time as Section 11(f) by the Amendment Act of

2006, Carves out one facet of the aforesaid power contained in Section 11(f), namely the grant of a no objection certificate to a minority educational institution at its inception. Thus, any person who desires to establish a minority educational institution after the Amendment Act of 2006 came into force, must apply only to the competent authority for the grant of a no objection certificate for the said purpose. It is a little difficult to subscribe to Shri Hedge's argument that the said powers are concurrent. Harmoniously read, all applications, for the establishment of a minority educational institution after the Amendment Act of 2006 must go only to the competent authority set up under the statute. On the other hand, for the declaration of its status a minority educational institution at any state post establishment, the NCMEI would have the power to decide the question and declare such institution's minority status."

8. As per the Provisions of Section 10, Section 12A and Section 12B of the NCMEI Act, 2004, the person who desires to establish minority institution, is to apply to the State Competent Authority for grant of NOC for the said purpose under Section 10 of the NCMEI Act, 2004. The Act of 2004 also conferred powers of appeal against the orders of the Competent authority of the State to the NCMEI under Section 12A as well as over the authorities that were established by the Central Government or State Government which reject the application for grant of MSC to an educational institution under Section 12B of the NCMEI Act, 2004

9. Looking to the provisions of the NCMEI Act, 2004 and verdict of the Hon'ble Supreme Court, this Commission has both jurisdictions original as well as appellate. Any educational institution who desires to establish minority educational institution has two options. Firstly, the institution can apply before an authority established by the Central Government or any State Government, Union Territory as the case may be for grant of MSC to any educational institution and if above authority rejects the application for grant of MSC, the aggrieved person may appeal against such order of the authority to this Commission under Section 12B of the NCMEI Act, 2004. Secondly, under Section 10 of NCMEI Act, 2004 whoever desires to establish an minority educational institution has to apply the competent authority of the State Government for grant of NOC within a period of 90 days from the receipt of the application, if competent authority does not grant NOC or application has been rejected but not communicated to the petitioner it shall be deemed that NOC has been granted and the petitioner can filed an application for grant of MSC straightway to this Commission. Any person aggrieved by the order of refusal to grant NOC by the competent authority may prefer an appeal before this Commission under Section 12A of NCMEI Act, 2004.

10. In my opinion educational institution can opt one course, either to file an application for grant of MSC before the State Competent Authority or to file an application for grant of NOC. In the present case petitioner has applied for grant of NOC to the State Competent Authority and the said application is still pending as per the contention of the petitioner institution.

11. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Mr. Dara H. Satpatiwala, Trustee of Meerabo Global Foundation and authorized representative of petitioner institution.

12. 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 Parsee minority community and is being administered by Meerabo Global Foundation which is managed and run by the members of the Parsee 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 Mr. Dara H. Satpatiwala, Trustee of Meerabo Global Foundation and authorized representative of petitioner institution.

13. 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 Parsee minority community in the State of Karnataka as per the census of 2011 is 0.001%.

15. I have perused the Amended Trust Deed of the petitioner institution, which was registered before the Sub- Registrar, Bangalore on dated 08.01.2016 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 01.02.2024 and petition for grant of MSC on dated 30.05.2024. . 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.

16. The Amended Trust Deed dated 08.01.2016 of the said 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 Parsee 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.

17. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Vibgyor High, No. 79/2-75/9, Chokkanahalli, Thanisandra Main Road, Jakkur Post, Bangaluru, Karnataka- 560 064 run by Meerabo Global Foundation 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 Parsee minority community.

18. Consequently, Vibgyor High, No. 79/2-75/9, Chokkanahalli, Thanisandra Main Road, Jakkur Post, Bangaluru, Karnataka- 560 064 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."

19. A minority status certificate be issued accordingly.

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

Signed, pronounced and published on **Tuesday, 25th day of November, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS