

F. NO. 56 of 2017
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS

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

Despite service of notice, there is no appearance on behalf of the respondent. Hence, the case is proceeded ex-parte.

Vide order dated 27.9.2017, the case was fixed for hearing on 17.1.2018. Learned Counsel for the petitioner has filed an application requesting to take up this case today i.e. 12.12.2017. For the reasons stated in the application, it is allowed. The case is taken up today. The date of 17.1.2018 earlier fixed in the matter is hereby cancelled.

Learned Counsel for the petitioner filed the Unique ID No. UP/2017/0154117 of the petitioner society as given by the Niti Aayog portal ngodarpan.gov.in.

This case emanates from U.P. The Division Bench of the Allahabad High Court has rendered a decision in Special Appeal No. 903 of 2006 decided on 24.08.2006 declaring that the State Government does not have power to issue minority status certificate to a minority institution. In this view of the matter, it is a fit case for intervention by this commission.

The petitioner institution has applied for grant of minority status certificates on the ground that the same has been established and is being administered by Catholic Diocese of Jhansi Education Society which is a registered Society, constituted by members of the Christian Community. All members of the said Society are also Christian. The aforesaid averments made in the petitions find ample corroboration from the documentary evidence produced on behalf of the petitioner institution and the affidavit of Fr. Valerian D' Souza.

The amended Memorandum and Association of the said Society clearly reflects that the beneficiaries of the petitioner institution are



members of the Christian community. In addition, the said fact also stands proved from the affidavit of Fr. Valerian D' Souza. There is no evidence on record to rebut the documentary evidence produced on behalf of the petitioner institution.

We have already held in the Case No. 1320 of 2009 (Buckley Primary School vs. The Principal Secretary to Government, School & Mass Education Department, Government of Orissa) decided on 06.07.2010 that the identifying criteria of fixation of the percentage by the State Government governing admission of a minority community in a minority education institution cannot be included in the indicia for determining the minority status of such an institution.

Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Fatima Mata School, Langepur, Kalpi, Jalaun, Dt., Uttar Pradesh, Pin- 285204. run by Catholic Diocese of Jhansi Education 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 Community. Consequently, Fatima Mata School, Langepur, Kalpi, Jalaun, Dt., Uttar Pradesh, Pin- 285204 is declared as a minority educational institution within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act. A minority status certificate be issued accordingly.


DR. BALTEJ SINGH MANN
MEMBER


DR. NAHEED ABIDI
MEMBER

12.12.2017

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