

**F. NO. 72 OF 2015
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.

Learned counsel for the petitioner has filed his Vakalatnama.

He has filed the certified copies of the Certificate of Registration, Memorandum of Association, Rules & Regulations and amended Memorandum of Association of The Educational Institute of the Sisters of St. Joseph of Cluny.

He has produced the original order dated 6.12.2013 issued by the Director of Matriculation Schools, Chennai granting recognition to the petitioner institution, which after due verification was returned to him. The said order is in Tamil language. English translation thereof duly notarized by the Notary Public has been filed.

He has filed the affidavit of Sr. Maria 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 community.

It is stated in the petition that on 15.8.2014, the petitioner institution had applied to the State Government for grant of minority status certificate and the said application is still pending. Despite service of notice, the competent authority of the State Government has failed to apprise the Commission about the status of the said application. Pendency of the said application for such a disproportionately long period clearly indicates government's disinclination to grant minority status certificate to the petitioner institution. Petitioners' right to get minority status certificate cannot be kept under suspended animation. 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 certificate on the ground that the same has been established and is being administered by The Educational Institute of the Sisters of St. Joseph of Cluny, which is a registered society, constituted by members of the Christian

community. All the 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 Sr. Maria.

The amended Memorandum of 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 Sr. Maria. There is no document 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 St. Mary's Matric. Hr. Sec. School, Old hospital Road, Sorakalpet, Cuddalore, Tamil Nadu- 607 001 run by The Educational Institute of the Sisters of St. Joseph of Cluny 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, St. Mary's Matric. Hr. Sec. School, Old hospital Road, Sorakalpet, Cuddalore, Tamil Nadu- 607 001 is declared as 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.

**ZAFAR AGHA
MEMBER**

13.11.2015
MD