

**F. NO. 106 OF 2015
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Present: Mr. Romy Chacko, 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 produced the original Certificate of Registration of the Marougen Education Foundation and the original order dated January 27, 2015 issued by the CBSE granting provisional approval to the petitioner institution, which after due verifications were returned to him.

He has filed the certified copies of the Certificate of Registration, Memorandum of Association, Rules and Regulations including the amended Memorandum of Association of the said society.

He has also filed the affidavit of Dr. Thomas P. John 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.

Since the petitioner institution is affiliated to CBSE, the State Government does not have power to grant minority status certificate as sought by the petitioners. Hence, 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 Marougen Education Foundation, 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 petition find ample corroboration from the documentary evidence produced on behalf of the petitioner institution and the affidavit of Dr. Thomas P. John.

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 Dr. Thomas P. John. 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 National Public School, 47/1, Basavanapura, Gottigere Post, Bannerghatta Road, Bangalore- 560 083 run by the Marougen Education 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 Christian community. Consequently, National Public School, 47/1, Basavanapura, Gottigere Post, Bannerghatta Road, Bangalore- 560 083 is declared as minority educational institutions within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act. A minority status certificate be issued accordingly.

01.07.2015
MD

ZAFAR AGHA
MEMBER