

F. NO. 35 OF 2017
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS

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

Vide order dated 26.9.2017, the case was fixed for hearing on 16.1.2018. Learned counsel for the petitioner has filed an application requesting for taking up the case today. The request is granted in the interest of justice and the case is taken up today. The date of 16.1.2018 earlier fixed in the matter is hereby cancelled.

Learned counsel for the petitioner has filed the certified copies of the Memorandum of Association, Rules & Regulations, amended Memorandum of Association and list of members for 2016-17 of the St. Thomas Education Society.

He has filed a copy Unique ID No. KA/2016/0114364 of the petitioner society as given by the Niti Aayog portal ngodarpan.gov.in.

It is stated in the petitions that on 5.4.2016 the petitioner institution had applied to the State Government for grant of minority status certificate and the same 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. Petitioner's 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 administered by the St. Thomas Education Society, which is a registered society, constituted by the members of the Christian community. All the members of the said society are also Christians. 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 Fr. Shaiju N. Joseph.

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 Fr. Shaiju N. Joseph. 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that Sacred Heart English Medium School, Shanivarsanthe, Somwarpet (Tq.), Kodagu Distt., Karnataka- 571 235 run by the St. Thomas 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, Sacred Heart English Medium School, Shanivarsanthe, Somwarpet (Tq.), Kodagu Distt., Karnataka- 571 235 is declared as a 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.

DR. BALTEJ SINGH MANN
MEMBER

DR. NAHEED ABIDI
MEMBER

17.10.2017
MD