

Govt. of India
National Commission for Minorities
Lok Nayak Bhawan, Khan Market, New Delhi-3

Petitioner: Thomson Educational & Charitable Trust, Rajkot.

Respondent: Government of Gujarat.

File No. C/GJ/10/0018/11-NCM

The Bench of the NCM meeting on 05.07.2011 consisted of:

- i. Shri Wajahat Habibullah, Chairperson
- ii. Dr. H.T. Sangliana, Vice Chairperson
- iii. Shri H.S. Hanspal, Member
- iv. Ms. Syeda Imam, Member
- v. Shri Vinod Sharma, Member
- vi. Shri K.N. Daruwalla, Member

2. Joint Secretary and Legal Officer assisted the bench.

Brief record of hearing held in the Conference Room of the National Commission for Minorities held at 12.00 Noon on 5.07.2011.

Present:

- I. Ms. Valsala Varghese, Vice President, Thomson Educational and Charitable Trust
- II. Shri R.P. Gupta, Secretary, Primary Education, Govt. of Gujarat

3. Petitioner Ms. Valsala Varghese, Vice President, Thomson Educational and Charitable Trust submitted that they have been running the school since 2003 and the school was recognized then. The school got an overall good certification by the District Education Officer in its annual inspection report. There are 500 students being provided education in English medium. The problem allegedly started with the election of BJP Corporator, Ms. Leelaba, after her appointment as Estate Chairman of Rajkot Municipal Corporation. The petitioner further submitted that the Municipal Corporation, Rajkot under the influence of BJP Corporator was trying to seal the school building with an intention to demolish the entire school. The intent of the Corporator against the Christian minority is clear from the fact that one month prior to derecognition of the school in 2009 by the DEO, government of Gujarat gave permission to start new section in the school. The petitioner also submitted that at the time of the hearing against derecognition with the District Education Officer, in which she

was present, representatives of the Bajrang Dal and VHP were also asked to be present. She also submitted that there are several schools running in residential areas in Rajkot, some schools are even in the open, but these schools have not been derecognized by the authorities, except the present Christian Minority School, although it is complete with full facilities. The petitioner further submitted that the problem of derecognition started when the Primary Education Department insisted for Building Use Certificate (BUC) and the petitioner approached the Municipal Authority for the same.

4. Shri R.P. Gupta, Secretary, Primary Education, Government of Gujarat submitted that the school was derecognized because it did not meet the required conditions such as playground, the building use permission was not sought from the Competent Authority of RM moreover, the School has no facility as required under the existing rules and the school is situated in a residential area. Moreover, the school has not been recognized as a minority institution, a fact confirmed by petitioner, who admitted that the school has no certificate to attest to its being a minority educational institution.

5. Shri Gupta also submitted that against the derecognition order, the petitioner Trust filed petition before the Director, Primary Education. The Director, Primary Education keeping in view the interest of the students vide order dated 18.3.2010 allowed the school to run till 31.5.2010 and further directed to fulfill the requirements as per rules within that time limit. The District Education officer was also directed to send the report to the Director, Primary Education. The District Education officer vide his report dated 16.02.2010 sent the report and inter alia submitted that the school has not complied with any conditions as directed by Director, Primary Education. The Director, Primary Education after considering the report cancelled the permission of the school on 16.07.2010. Against the orders of the Director, Primary Education the institution had filed an appeal before the Appellate Authority. The Appellate Authority after hearing the Trustee of the school confirmed the order of Director, Primary Education. Against this order the management filed a petition before the High Court of Gujarat. The Hon'ble High Court vide its order dated 08.03.2011 dismissed the petition and advised the trust to make a fresh application for

recognition. However the school management did not apply for fresh recognition as advised by the Hon'ble High Court, and instead the School Management has filed an SLP No. 11095/2011 before the Hon'ble Supreme Court which is pending. He further submitted that recognition had been cancelled due to non-compliance of necessary conditions and not because of complaints made by the corporator. He further submitted that there are other schools also against whom action of de-recognition was taken for their non-compliance with necessary conditions.

Discussion:

6. The Commission after hearing both the parties asked the Secretary, Primary Education how many schools have been derecognized in the absence of required conditions, and how many of them are minority institutions. Secretary, Primary Education presented a list of 13 derecognized Schools by the Education Department over the last two years, giving their location, date of derecognition and reasons for derecognition. This statement has been taken on record. Respondent Shri Gupta further submitted that the Education Dep't. has no role in the matter of issue of BUC, which is a function of the Municipal Corporation

7. The Commission asked the petitioner why the school has not approached the primary education department with a fresh application for recognition as directed by the Hon'ble High Court of Gujarat to which the petitioner replied that the DEO who had derecognized the school was the same authority to give the recognition certificate and the petitioners have no faith that in him in view of his previous conduct. Petitioner further submitted that the Corporation was not the institution that had raised the issue of BUC. Despite the fact that this was not a requirement at the time of initial recognition in 2003, the DEO had raised the matter, not the Corporation, and proceeded to derecognize the school on that basis. They however agreed that the DEO had been transferred two days earlier and a new DEO had assumed charge.

Decision notice:

7. The Commission advised the Thomson English School, Rajkot to apply afresh for school recognition to the Primary Education Authority, as already directed by the Hon'ble High Court of Gujarat, and the authorities are advised to consider the application sympathetically, allowing time to the school to meet the statutory requirements. A copy of the orders passed on the application of the School will be submitted to the Commission. The Education Department will in the meantime allow the school, which is indeed managed by the Christian minority, to continue functioning without disrupting studies. The School will also apply to the National Commission for Minority Educational Institutions for recognition of the minority character of their school, with a copy of the application endorsed to this Commission.

8. The Commission directed the Government of Gujarat to provide the Commission with a list of schools recognized as schools for minorities in the state of Gujarat.

Sd/-
(Wajahat Habibullah)
Chairperson

Sd/-
(Dr. H.T. Sangliana)
Vice Chairperson

Sd/-
(H.S. Hanspal)
Member

Sd/-
(Syeda Imam)
Member

Sd/-
(Vinod Sharma)
Member

Sd/-
(K.N. Daruwalla)
Member