

NOC



भारत सरकार

राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्था आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

F. No.344 of 2007 25350

प्रथम तल, जीवन तारा भवन, ५, संसद मार्ग

पटेल चौक, नई दिल्ली - ११०००१

1st Floor, Jeevan Tara Building, 5, Sansad Marg

Patel Chowk, New Delhi - 110001

5.2.2008

Dated.....

To

1. The Secretary
The Crescent School, English
Medium (Co-ed), S.S. Road,
Rahmatnagar, Burnpur,
Distt. Burdwan -713 325
(West Bengal)

2. The Director
School Education Department,
Anglo-Indian Schools,
Govt. of West Bengal,
Bikash Bhavan, 7th Floor,
Salt Lake,
Kolkata - 91 (W.B)

In the matter of:

The Crescent School, Burdwan, West Bengal

Petitioner/s

Versus

The Director, School Education, Govt. of West Bengal

Respondent/s

Sir,

Please find enclosed herewith a certified copy of the order dated 5.2.2008
passed in the matter mentioned above.

Yours faithfully,


(R. Renganath)
Secretary

Tel. No.23367759, Fax No.23343766

Encl: As above.

**NATIONAL COMMISSION FOR MINORITY
EDUCATION INSTITUTIONS**

Case No. 344 of 2007

In the matter of:

The Crescent School, Burdwan,
West Bengal.

... Petitioner
Through: Md. Samiullah

Versus

The Director,
School Education Department,
Anglo-Indian Schools,
Government of West Bengal,
Bikash Bhavan, 7th Floor,
Salt Lake, Kolkata-91.

... Respondent
Through: None

ORDER

(Delivered on the 5th day of February, 2008)

Vasanthi Stanley, Member, M.A., B.L.

The Petitioner school is a minority educational institution covered under Article 30 (1) of the Constitution. It is alleged that on 17.11.2000, the petitioner school had applied to the competent authority of the State Government for grant of 'no objection certificate' for its affiliation to the C.B.S.E. Despite repeated reminders, no orders have been passed by the competent authority of the State Government on the said application. Hence, this petition.

Despite service of notice, none appeared on behalf of the respondent. Since the facts given by the petitioner have not been controverted by the respondent, we have no option but to act upon them. It transpires from the record that the petitioner had applied to the Deputy Director of School Education, West Bengal for grant of an 'NOC' for the purpose of affiliation to the C.B.S.E. The Deputy Director had issued the proforma application vide Memo No. 499/SC/AIS dated 20th July 2000. Thereafter, the petitioner



43

submitted the application in the prescribed format along with the requisite documents on 17.11.2000. Despite repeated reminders, the Deputy Director (Education) has not passed any order on the said application. In this view of the matter, the petitioner is entitled to invoke the provision of Section 10 of the National Commission for Minority Educational Institutions Act, 2004 (for short the Act) which is as under: -

"10. Right to establish a Minority Educational Institution.— (1) Any person who desires to establish a Minority Educational Institution may apply to the Competent authority for the grant of no objection certificate for the said purpose.

(2) The Competent authority shall,—

(a) on perusal of documents, affidavits or other evidence, if any, and

(b) after giving an opportunity of being heard to the applicant,

decide every application filed under sub-section (1) as expeditiously as possible and grant or reject the application, as the case may be:

Provided that where an application is rejected, the Competent authority shall communicate the same to the applicant.

(3) Where within a period of ninety days from the receipt of the application under sub-section (1) for the grant of no objection certificate,—

(a) the Competent authority does not grant such certificate; or

(b) where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate,

it shall be deemed that the Competent authority has granted a no objection certificate to the applicant.

(4) The applicant shall, on the grant of a no objection certificate or where the Competent authority has deemed to have granted the no objection certificate, be entitled to commence and proceed with the establishment of a Minority Educational Institution in accordance with the rules and regulations, as the case may be, laid down by or under any law for the time being in force.



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Provided that where an application is rejected, the Competent authority shall communicate the same to the applicant.

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Explanation.— For the purpose of this section,—

- a) "applicant" means any person who makes an application under sub-section (1) for establishment of a Minority Educational Institution;
- (b) "no objection certificate" means a certificate stating therein, that the Competent authority has no objection for the establishment of a Minority Educational Institution."

It has been proved that the petitioner had filed the application for grant of an 'NOC' on 17.11.2000 and no orders have yet been passed thereon. Sub-section (3) of Section 10 of the Act contains a deeming provision which declares that where within a period of ninety days from the receipt of the application under sub-section (1) for the grant of No Objection Certificate, the Competent does not grant such certificate, or where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate, it shall be deemed that the Competent authority has granted a 'No Objection Certificate' to the applicant. Thus, in the instant case it will be deemed under Sub-section (3) of Section 10 *ibid* that the Competent authority has granted a 'No Objection Certificate' to the petitioner for its affiliation to the C.B.S.E.

For the reasons discussed above, we find a hold that the competent authority of the State Government has granted the 'No Objection Certificate' in terms of Sub-section (3) of Section 10 of the Act and the petitioner can now apply to the C.B.S.E. for its affiliation.

Certified Copy


Secretary
National Commission For
Minority Educational Institutions
New Delhi

VASANTHI STANLEY
MEMBER

B.S. RAMOOWALIA
MEMBER

JUSTICE M.S.A. SIDDIQUI
CHAIRMAN

05.02.2008



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For the reasons discussed above, we find a hold that the competent authority of the State Government has granted the ‘No Objection Certificate’ in terms of Sub-section (3) of Section 10 of the Act and the petitioner can now apply to the C.B.S.E. for its affiliation.

**VASANTHI STANLEY
MEMBER**

**B.S. RAMOOWALIA
MEMBER**

**JUSTICE M.S.A. SIDDIQUI
CHAIRMAN**

05.02.2008

Certified Copy

 Secretary
 National Commission For
 Minority Educational Institutions
 New Delhi 3

