

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS (NCMEI)**

Case No. 60 of 2019

In the matter of :-

St. Sophia's Sr. Sec. School, A-2, Paschim Vihar, New Delhi-110063

..... Petitioner

V/s

**Assistant Director of Education (Act-1), Directorate of Education,
Govt. of NCT of Delhi**

..... Respondent

**Present: Mr. Madan Mohan Dubey for the petitioner
None for the respondent**

ORDER

DATED 26.04.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 08.03.2019 by hand through Shri K.C. Bansal, Secretary, St. Sophia's Christian Education Society for grant of Minority Status Certificate (in short 'MSC') to St. Sophia's Sr. Sec. School, A-2, Paschim Vihar, New Delhi-110063. Shri K.C. Bansal expired on 14.11.2020 during pendency of this petition.
2. The petitioner institution filed an affidavit of Mrs. Bimla Bansal, Secretary of St. Sophia's Christian Education Society 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 minority community and copy of application dated 21.12.2018 sent to State Competent Authority by hand i.e. Assistant Director of Education (Act-1), Directorate of Education, Govt. of NCT of Delhi for grant of No Objection Certificate (in short 'NOC'). It transpires from the record that the date of NOC application mentioned in MSC application as 31.12.2018. Mrs. Bimla Bansal, Secretary of St. Sophia's Christian Education Society filed clarification letter dated 24.02.2021 stating that while filing the application form by mistake entered the date 31.12.2018 instead of 21.12.2018.

3. The petitioner institution has filed copy of Unique ID No. : DL/2017/0179857 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of Certificate of Registration of St. Sophia's Christian Education Society, copy of Memorandum of Association of the Society alongwith list of founding members of the Society, certified copy of Amended Memorandum of Association of the Society alongwith list of present members of the Society for the year 2021-22, copy of Recognition Order dated 06.08.2021 issued by Deputy Secretary / Joint Secretary (Aff.), CBSE to the unaided petitioner institution from 01.04.2023 to 31.03.2028 for Secondary / Senior Secondary Level and resolution of the General Body of the Society but it is not mentioned that Mrs. Bimla Bansal, Secretary of St. Sophia's Christian Education Society is authorized for obtaining MSC from this Commission. As per the information supplied by the petitioner institution majority members of the Society are from Christian minority community.
4. As per the information supplied by the petitioner institution with regard to student strength, it is mentioned that out of the total 800 students, 100 students are from the Christian minority community, 50 students are from Muslim Minority Community, 50 students are from Sikh Minority Community, 25 students are from Jain Minority Community and 575 students are Hindus. It is relevant to mention here that out of total 33 teachers, 2 teachers are from Christian Minority community. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution.
5. It is stated in the petition that on dated 21.12.2018 (wrongly mentioned as 31.12.2018 in MSC application), the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on

21.12.2018, and the said application is still pending before the State Competent Authority. The State Competent Authority has not granted NOC in favour of the petitioner institution till now and also not rejected the said application and not communicated the same to the petitioner. After 90 days from the receipt of the application for grant of NOC, the petitioner has filed this application for grant of MSC to this Commission straightway as per the provisions of Section 10 and 11(f) of National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004.

6. Despite service of registered notice dated 18.04.2019, no reply / response has been received from the respondent. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained from the Committee constituted by this Commission for issuance of MSC to the petitioner institution vide order dated 15.03.2022, after notice by post and email on dated 22.03.2022, a letter from District Social Welfare Officer (West), Delhi has sent letter dated 05.04.2022 which was received in the Commission's office on 11.04.2011 which is taken on record. Pendency of the said application for grant of NOC and inspection report from the Committee members for such a disproportionately long period clearly indicates Government's disinclination to grant NOC to the petitioner institution and sending physical inspection report by the Committee members. Petitioner's rights to get MSC cannot be kept under suspended animation in this oldest case of this Commission. In this view of the matter, it is a fit case for intervention by this Commission.
7. Heard the Learned Counsel for the petitioner, perused the pleading of petitioner institution, the documents filed by the petitioner and affidavit of Mrs. Bimla Bansal, Secretary of St. Sophia's Christian Education Society.
8. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established by the majority members of the Christian minority community and is being administered by the St. Sophia's Christian Education Society which is

managed and run by the members of the Christian minority community. 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 Mrs. Bimla Bansal, Secretary of St. Sophia's Christian Education Society.

9. The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflects that the petitioner institution is established by the majority members of the Christian minority community. In addition, the said facts are also stands proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.
10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Sophia's Sr. Sec. School, A-2, Paschim Vihar, New Delhi-110063 run by St. Sophia's Christian Education Society is eligible for grant of minority status on religious basis. The affidavit of Mrs. Bimla Bansal also proves that the said educational institution was established with the main objective of subserving the interests of the Christian minority community.
11. Consequently, St. Sophia's Sr. Sec. School, A-2, Paschim Vihar, New Delhi-110063, which is for Senior / Secondary (Level), is declared as a minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004 subject to the condition that the petitioner would file an affidavit or undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of the Christian minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution, proper resolution of the General Body of the Society in favour of Mrs. Bimla Bansal, Secretary of St. Sophia's Christian Education Society for obtaining MSC from this Commission, file amended petition alongwith declaration, proper beneficiary clause in Memorandum of Association stating that the petitioner's society is especially / primarily for the benefits of the

Christian minority community. If the petitioner institution failed to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.

12. After compliance of the above order, a minority status certificate be issued accordingly.
13. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 26th Day of April, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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