

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

**Case No. 789 of 2019**

**In the matter of :-**

**Montfort Senior Secondary School, Konbir-Noatoli, Basia,  
Gumla, Jharkhand-835229**

..... **Petitioner**

**V/s**

**Director, Secondary Education, Under School Education &  
Literacy Department, 3<sup>rd</sup> Floor, MDI Building, S.E. & L.  
Department, Behind Project Bhawan, Post Dhurwa, District  
Ranchi-834004**

..... **Respondent**

Present: Mr. Junais P, Advocate for the petitioner  
None for the respondent

**ORDER**

**DATED 13.12.2022**

**Justice Narendra Kumar Jain, Chairman, NCMEI**

1. This petition has been received on 18.10.2019 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Montfort Senior Secondary School, Konbir-Noatoli, Basia, Gumla, Jharkhand-835229.
2. Learned Counsel for the petitioner filed an affidavit of Bro Herman B. Lakra, President of Brothers of St. Gabriel 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.
3. Learned Counsel for the petitioner has filed notarized copy of Unique ID No. : JH/2017/0179275 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, notarized copy of NOC application dated 10.12.2018 sent to the State Competent Authority i.e. Director, Secondary Education, Under School

Education & Literacy Department, notarized copy of Certificate of Registration of Brothers of St. Gabriel Education Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association alongwith list of present members of the Society, notarized copy of Affiliation Order dated 26.02.2018 issued by the Deputy Secretary (Aff), CBSE to the unaided petitioner institution from 01.04.2018 to 31.03.2023 for Secondary School Examination and resolution of the General Body of the Society in favour of Bro Herman B. Lakra, President of Brothers of St. Gabriel Education Society for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 21.09.2019, it is mentioned that out of the total 970 students, 404 students are from the Christian minority community, 27 students are from the Muslim minority community and 539 students are Hindus. It is relevant to mention here that out of total 45 teachers, 37 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 this 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 10.12.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 23.10.2018 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 06.12.2019 and 02.02.2021, no reply 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 05.05.2022, after service of letters, reminder / emails to the physical inspection committee dated 12.05.2022, 22.08.2022 and 06.10.2022, Commissioner, Gumla has sent physical inspection report dated 21.09.2022 which was received in the Commission's Office on dated 03.10.2022 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, Physical Inspection Report received from the Committee, the documents filed by the petitioner and affidavit of Bro Herman B. Lakra, President of Brothers of St. Gabriel Education Society.
8. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Christian minority community and is being administered by Brothers of St. Gabriel 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 Bro Herman B. Lakra, President of Brothers of St. Gabriel Education Society.

9. The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Christian minority community. In addition, the said facts 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 Montfort Senior Secondary School, Konbir-Noatoli, Basia, Gumla, Jharkhand-835229 run by Brothers of St. Gabriel 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 minority community.
11. Consequently, Montfort Senior Secondary School, Konbir-Noatoli, Basia, Gumla, Jharkhand-835229, which is for Secondary School Examination, is declared as an unaided 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. 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, 13<sup>th</sup> Day of December, 2022.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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