

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

**Case No. 81 of 2020**

**In the matter of :-**

**S.H. Sevasram School, Lalakpur, Chhibramau, Kannauj,  
Uttar Pradesh-209721**

..... **Petitioner**

**V/s**

- 1. Secretary, Department of Higher Education, Government of Uttar Pradesh**
- 2. Additional Chief Secretary, Department of School Education, Govt. of Uttar Pradesh**
- 3. Principal Secretary, Secondary Education Department, Babu Bhawan, 7<sup>th</sup> Floor, Lucknow-226001**

..... **Respondent**

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

**ORDER**

**DATED 21.09.2022**

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

1. This petition has been received on 11.12.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to S.H. Sevasram School, Lalakpur, Chhibramau, Kannauj, Uttar Pradesh-209721.
2. Learned Counsel for the petitioner filed an affidavit of Fr. Binoy Joseph, Secretary of St. Thomas Educational and Medical 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 copy of Unique ID No. : UP/2017/0177343 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan but the Unique ID mentioned in the MSC application is UP/2017/01773436, copy of NOC application dated 28.08.2019 sent to the State Competent

Authority i.e. Secretary, Department of Higher Education, Govt. of Uttar Pradesh alongwith its postal slip and tracking report, certified copy of Certificate of Registration of St. Thomas Educational and Medical Society, certified copy of Memorandum of Association and Amended Memorandum of Association alongwith list of founding and present members of the Society, downloaded copy of Recognition Order dated 14.07.2021 issued by the Deputy Secretary / Joint Secretary (Aff), CBSE to the unaided petitioner institution from 01.04.2022 to 31.03.2027 for Secondary / Sr. Secondary Level and resolution of the General Body of the Society in favour of Fr. Binoy Joseph, Secretary of St. Thomas Educational and Medical Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength as on 01.06.2019, it is mentioned that out of total 340 students, 10 students are from the Christian minority community, 24 students are from Buddhist minority community and 306 students are Hindus. It is relevant to mention here that out of the total 11 teachers, 5 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 28.08.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 30.08.2019 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. After service of registered notice dated 29.01.2020, 25.08.2020, 31.03.2021 and 19.05.2022, respondent has sent letter dated 22.06.2022 which is taken into record. 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 30.11.2021, after service of letters / emails to the physical inspection committee dated 27.12.2021 and 19.05.2022, District Basic Education Officer, Kannauj sent the physical inspection committee report through by post vide letters dated 06.04.2022 and 12.07.2022 wherein they have not mentioned any negative / adverse remarks to grant MSC to the petitioner institution..
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Fr. Binoy Joseph, Secretary of St. Thomas Educational and Medical 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 the St. Thomas Educational and Medical 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 Fr. Binoy Joseph, Secretary of St. Thomas Educational and Medical 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 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 S.H. Sevasram School, Lalakpur, Chhibramau, Kannauj, Uttar Pradesh-209721 run by St. Thomas Educational and Medical 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, S.H. Sevasram School, Lalakpur, Chhibramau, Kannauj, Uttar Pradesh-209721, which is for Secondary / Sr. Secondary Level, 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 and clarification about the Unique ID mentioned in the MSC application. 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 **Wednesday, 21<sup>st</sup> Day of September, 2022.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

VB