

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

Case No. 439 of 2019

In the matter of :-

**St. Joseph's International School for Excellence, Tarasevania, Near
Pravalia Sadak, Bhopal, Madhya Pradesh-462001**

..... **Petitioner**

V/s

**Secretary, Backward Classes and Minority Welfare Department,
Govt. of Madhya Pradesh, Mantralaya, Bhopal, Madhya Pradesh**

..... **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 23.05.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Joseph's International School for Excellence, Tarasevania, Near Pravalia Sadak, Bhopal, Madhya Pradesh-462001.
2. Learned counsel for the petitioner filed an affidavit of Dr. Leo Cornelio, President of Archdiocese of Bhopal 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. : MP/2017/0180486 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 12.02.2019 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, Govt. of Madhya Pradesh alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Archdiocese of Bhopal, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of list of present members of the Society, notarized copy of Provisional Affiliation dated 09.04.2021 issued by the Chairman, Council for the Indian School Certificate Examinations, New Delhi to the

unaided petitioner institution for Secondary Education Examinations till 31.03.2026 and resolution of the General Body of the Society in favour of Dr. Leo Cornelio, President of Archdiocese of Bhopal for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 01.01.2019, it is mentioned that out of the total 58 students, 12 students are from the Christian minority community, 4 students are from the Muslim minority community, 2 students are from Jain minority community and 36 students are Hindus. It is relevant to mention here that out of total 12 teachers, 9 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 12.02.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 14.02.2019 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 22.07.2019 and 01.02.2021, respondent has sent letter dated 17.08.2021 which was received in the Commission's office on dated 19.08.2021 stating that the petitioner institution is established in the year 1964, NOC cannot be issued. 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 11.01.2022, despite service of letters, reminders / emails to the physical inspection committee and also the Chief Secretary, Govt. of Madhya Pradesh dated 14.02.2022, 19.04.2022, 13.06.2022 and 04.08.2022, no reply has been received from the Physical Inspection Committee Members. 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 the parties, the documents filed by the petitioner and affidavit of Dr. Leo Cornelio, President of Archdiocese of Bhopal.
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 Archdiocese of Bhopal 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 Dr. Leo Cornelio, President of Archdiocese of Bhopal.
9. The 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 Jain 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 St. Joseph's International School for

Excellence, Tarasevania, Near Pravalia Sadak, Bhopal, Madhya Pradesh-462001 run by Archdiocese of Bhopal 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, St. Joseph's International School for Excellence, Tarasevania, Near Pravalia Sadak, Bhopal, Madhya Pradesh-462001, which is for Secondary Education Examinations, 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 Jain 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 **Wednesday, 21st Day of September, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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