

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

Case No. 716 of 2019

In the matter of :-

**St. Joseph School, Pitesur Road, Mahada Colony, Godhni,
District Nagpur, Maharashtra-441123**

..... Petitioner

V/s

**Deputy Secretary, Minorities Development Department, Room
No. 715, Mantralaya (Annexe), Mumbai-32**

..... Respondent

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

ORDER

DATED 29.11.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 19.09.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Joseph School, Pitesur Road, Mahada Colony, Godhni, District Nagpur, Maharashtra-441123.
2. Learned counsel for the petitioner filed an affidavit of Sr. Nilmani Tigga, President of St. Joseph 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. : CG/2018/0191291 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 13.11.2018 sent to the State Competent Authority i.e. Deputy Secretary, Minorities Development Department alongwith postal receipt and its tracking report, certified copy of Certificate of Registration of St. Joseph Society, Certified copy of Memorandum of Association alongwith list of founding members of the society, certified copy of Amended Memorandum of Association alongwith list of present

members of the society, notarized copy of Recognition Order dated 24.10.2017 to the unaided petitioner institution since June 2016 for 1st to 8th Std. in Marathi language alongwith its English translation, resolution of the General Body of the Society in favour of Sr. Nilmani Tigga, President of St. Joseph Society for obtaining MSC from this Commission and affidavit mentioning 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.

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 388 students, 4 students are from the Christian minority community, 18 students are from Muslim Minority Community, 1 student is from Jain minority community, 60 students are from Buddhist minority community and 305 students are Hindus. It is relevant to mention here that out of total 26 teachers, 14 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 13.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 15.11.2018 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. After service of registered notice dated 20.11.2019, 15.12.2020, 24.02.2022, respondent has sent letter dated 27.04.2022 which was received in the Commission's Office on dated 02.05.2022, 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 21.04.2022, after service of letter, email to the physical inspection committee dated 28.04.2022, District Collector, Nagpur has sent physical inspection report dated 14.07.2022 which was received in the Commission's Office on dated 18.07.2022 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, the documents filed by the petitioner and affidavit of Sr. Nilmani Tigga, President of St. Joseph 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 St. Joseph 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 Sr. Nilmani Tigga, President of St. Joseph 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 St. Joseph School, Pitesur Road, Mahada Colony, Godhni, District Nagpur, Maharashtra-441123 run by St. Joseph 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, St. Joseph School, Pitesur Road, Mahada Colony, Godhni, District Nagpur, Maharashtra-441123, which is from 1st to 8th Std., 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 file updated affiliation / recognition order issued to the petitioner institution.
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, 29th Day of November, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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