

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

Case No. 117 of 2023

In the matter of :-

St. Mary's High School, Bakshi Bandh, Dumka, Jharkhand-814101

.....Petitioner

V/s

Director, Secondary Education, Under School Education and Literacy, Government of Jharkhand, MDI Building, SE & L Department, Behind Project Bhawan, Post Dhurwa, District Ranchi, Jharkhand

..... Respondent

Present: Mr. Junais P, Advocate for the petitioner

ORDER

DATED 11.05.2023

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 18.04.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Mary's High School, Bakshi Bandh, Dumka, Jharkhand-814101.
2. Learned counsel for the petitioner filed an affidavit of Rt. Rev. Julius Marandi, President of Dumka Catholic Diocese and the authorized representative of the applicant institution i.e. St. Mary's High School, Bakshi Bandh, Dumka, Jharkhand-814101 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. : JH/2018/0187078 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 23.04.2019 sent to the State Competent Authority i.e. Director, Secondary Education, Under School Education and Literacy, notarized copy of order no. 10/V 4-05/19-2719 dated 25.10.2022 passed by the

Director, Secondary Education, Ranchi, Jharkhand, notarized copy of Certificate of Registration of Dumka Catholic Diocese, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 08.02.2018 alongwith list of present members of the Society, notarized copy of affiliation order dated 31.10.2022 issued by the Deputy Secretary / Joint Secretary (Affiliation), CBSE to the unaided petitioner institution for Secondary Level from 01.04.2023 to 31.03.2028 and resolution of the General Body of the Society in favour of Rt. Rev. Julius Marandi, President of Dumka Catholic Diocese for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in the year 2020-21, it is mentioned that out of total 987 students, 693 students were from the Christian minority community, 75 students were from the Muslim minority community and 219 students were Hindus, in the year 2021-22, it is mentioned that out of total 996 students, 704 students were from the Christian minority community, 81 students were from the Muslim minority community and 211 students were Hindus and in the year 2022-23, it is mentioned that out of total 995 students, 714 students are from the Christian minority community, 73 students are from the Muslim minority community and 208 students are Hindus. It is relevant to mention here that in the year 2020-21, 2021-22 and 2022-23, out of the total 31 teachers, 16 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. This Commission has also decided that there must be reasonable strength of students of particular minority community in a minority educational institution.

The percentage could be determined based on the actual proportion of specific minority community in the State population as per prevailing census. Population of Christian minority community in the State of Jharkhand as per the census of 2011 is 4.30%.

5. The petitioner institution has filed application for grant of NOC before the State Competent Authority on dated 23.04.2019 and that application was accepted by the State Competent Authority and the following order dated 25.10.2022 has been passed :-

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6. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Rt. Rev. Julius Marandi, President of Dumka Catholic Diocese. In fact and circumstances of the case, need not to give notice of this petition, because respondent has granted NOC in favour of the petitioner institution.
7. 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 Dumka Catholic Diocese 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 Rt. Rev. Julius Marandi, President of Dumka Catholic Diocese.

8. We have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Inspector General of Registration on dated 08.02.2018 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 23.04.2019 and petition for grant of MSC on dated 18.04.2023. So it is clear that the amendment has been done before the application filed before the State Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.
9. The Amended Memorandum of Association dated 08.02.2018 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. We have perused the order No. 10/V 4-05/19-2719 dated 25.10.2022 passed by the State Competent Authority. By the above order State Competent Authority of Kerala has granted NOC in favour of the petitioner institution.
11. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Mary's High School, Bakshi Bandh, Dumka, Jharkhand-814101 run by Dumka Catholic Diocese 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.

12. Consequently, St. Mary's High School, Bakshi Bandh, Dumka, Jharkhand-814101, which is for Secondary Level, is declared as a minority unaided 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.
13. After compliance of the above order, a minority status certificate be issued accordingly.
14. However, it is made clear that if State Govt. has any objection in granting MSC in favour of the petitioner institution i.e. St. Mary's High School, Bakshi Bandh, Dumka, Jharkhand-814101, is free to file an application for cancellation of MSC under section 12(c) of the NCMEI Act, 2004.
15. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Thursday, 11th Day of May, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

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