

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

**Case No. 107 of 2020**

**In the matter of :-**

**St. Judes English School, Balaji Road, Boodha, Jhansi, Uttar Pradesh-284002**

**..... Petitioner**

**V/s**

- 1. Secretary, Room No. 19, 3<sup>rd</sup> Floor, Sachiv Bhawan, Uttar Pradesh Secretariat, Lucknow, Uttar Pradesh**
- 2. Additional Chief Secretary, Department of Higher & Secondary Education, Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh-226001**
- 3. Principal Secretary, Secondary Education, Babu Bhawan, 7<sup>th</sup> Floor, Lucknow, Uttar Pradesh-226001**

**..... Respondents**

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

**ORDER**

**DATED 25.07.2023**

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

- 1. This petition has been received on 23.12.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Judes English School, Balaji Road, Boodha, Jhansi, Uttar Pradesh-284002.**
- 2. Learned counsel for the petitioner filed an affidavit of Fr. Denis D' Souza, Secretary of the Catholic Diocese of Jhansi 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. : UP/2017/0154117 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 03.09.2019 sent to the State Competent Authority i.e. Secretary, Room No. 19, 3rd Floor, Sachiv Bhawan, Uttar Pradesh Secretariat, Lucknow, Uttar Pradesh alongwith**

postal receipt and its tracking report, certified copy of Certificate of Registration of Catholic Diocese of Jhansi Education Society, certified copy of Memorandum of Association alongwith list of founding members of the Society, certified copy of Amended Memorandum of Association dated 03.11.2015 alongwith list of present members of the Society, notarized copy of letter dated 25.04.2023 issued by the Registrar of Society confirming the date of registration of Amended Memorandum of Association, notarized copy of Affiliation Order dated 08.03.2021 issued by the Deputy Secretary, CBSE to the unaided petitioner institution from 01.04.2021 to 31.03.2024 for Secondary School Examination Class 1 to 10 and resolution of the General Body of the Society in favour of Fr. Denis D' Souza, Secretary of the Catholic Diocese of Jhansi 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 01.06.2019, it is mentioned that out of the total 475 students, 179 students are from the Christian minority community, 10 student are from Muslim minority community, 3 students are from Buddhist minority community and 283 students are Hindus. It is relevant to mention here that as on 01.06.2019, it is mentioned that out of the total 18 teachers, 9 teachers are from Christian Minority community.
5. It is stated in the petition that on dated 03.09.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 05.09.2019 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 petition 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 / email dated 07.02.2020, 28.08.2020, 31.03.2021, 30.12.2021 and 25.04.2022, respondent has sent letter dated 25.01.2022 which was received in the Commission's Office on dated 02.02.2022 which is taken on record wherein they have stated that this matter is not pertaining to their office. 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 26.07.2022. After service of letters, reminder / emails to the physical inspection committee dated 29.07.2022 and 07.10.2022, Physical Inspection Committee, Jhansi has sent physical inspection report dated 13.09.2022, 31.10.2022 and 09.12.2022 which were received in the Commission's Office on dated 19.09.2022, 01.11.2022 and 28.12.2022 and in the reports, said committee members have stated that this institution statistical analysis of data of last three years, out of total students 13.10% students have taken admission belong to the minority communities and also observed that out of total 63.15% staff is recruited belong to the Minority Communities and not recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Fr. Denis D' Souza, Secretary of the Catholic Diocese of Jhansi Education Society. Learned Counsel for the petitioner has submitted that the Hon'ble Apex Court, various High Courts as well as this Commission have categorically held that percentage governing admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution.

8. 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 Uttar Pradesh as per the census of 2011 is 0.18%.
9. 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 Catholic Diocese of Jhansi 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 Fr. Denis D' Souza, Secretary of the Catholic Diocese of Jhansi Education Society.
10. We have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar of Societies on dated 03.11.2015 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 03.09.2019 and petition for grant of MSC on dated 23.12.2019. 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.

11. The Amended Memorandum of Association dated 03.11.2015 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.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Judes English School, Balaji Road, Boodha, Jhansi, Uttar Pradesh-284002 run by Catholic Diocese of Jhansi 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.
13. Consequently, St. Judes English School, Balaji Road, Boodha, Jhansi, Uttar Pradesh-284002, which is for Secondary School Examination Class 1 to 10, 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.
14. After compliance of the above order, a minority status certificate be issued accordingly.

15. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 25<sup>th</sup> Day of July, 2023.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. SHAHID AKHTER  
MEMBER**

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