

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

Case No. 172 of 2022

In the matter of :-

**Holy Family School, Barharwa, Jhikitia, District Sahibganj,
Jharkhand-816101**

..... Petitioner

V/s

**Director, Primary & Secondary Education, Department of
School Education & Literacy Department, 3rd Floor, MDI
Building, S.E. & L Department, Behind Project Bhawan, Post
– Dhurwa, District Ranchi, Jharkhand-834004**

..... Respondent

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

ORDER

DATED 13.03.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 22.09.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Holy Family School, Barharwa, Jhikitia, District Sahibganj, Jharkhand-816101.
2. Learned counsel for the petitioner filed an affidavit of Sr. Daisy Thomas, President of The Poreyahat Holy Family 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 and also stating 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.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : BR/2017/0162387 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of NOC application dated 31.05.2022 sent to the State Competent Authority i.e. Director,

Secondary Education under School Education & Literacy Department alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of The Poreyahat Holy Family Society, notarized copy of Memorandum of Association dated 13.01.2015 alongwith list of founding and present members of the Society, notarized copy of the Certificate of Provisional Affiliation issued by the Council for the Indian School Certificate Examinations, New Delhi issued by the Chief Executive & Secretary, CISCE till 31.03.2024 for the Secondary Education (Year 10) and resolution of the General Body of the Society in favour of Sr. Daisy Thomas, President of The Poreyahat Holy Family 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 2019-20, it is mentioned that out of total 853 students, 141 students were from the Christian minority community, 94 students were from the Muslim minority community, 3 students were from the Sikh minority community and 615 students were Hindus, as on 2020-21, it is mentioned that out of total 1020 students, 162 students were from the Christian minority community, 98 students were from the Muslim minority community, 3 students were from the Sikh minority community and 757 students were Hindus and as on 2021-22, it is mentioned that out of total 843 students, 144 students are from the Christian minority community, 81 students are from the Muslim minority community, 3 students are from the Sikh minority community and 615 students are Hindus. It is relevant to mention here that as on 2019-20, out of 26 teachers, 14 teachers were from the Christian Minority community, as on 2020-21, out of 29 teachers, 17 teachers were from the Christian Minority community and as on 2021-22, out of 30 teachers, 15 teachers are from the Christian Minority community.
5. It is stated in the petition that on dated 31.05.2022, the petitioner institution has applied to the State Competent Authority for grant

of NOC which was received by the State Competent Authority on 13.06.2022 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. Despite service of registered notice dated 31.10.2022, no reply /response has been received from the respondent. 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 30.11.2022. After service of letter/email to the physical inspection committee dated 29.12.2022, 23.03.2022 and 06.09.2023, Physical Inspection Committee, Sabebganj has sent physical inspection report dated 12.10.2023 which was received in the Commission's Office on dated 27.10.2023 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Sr. Daisy Thomas, President of The Poreyahat Holy Family 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 Poreyahat Holy Family 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. Daisy Thomas, President of The Poreyahat Holy Family Society.

9. 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%.
10. I have perused the Memorandum of Association of the petitioner institution which was registered before the Director General, Registration, Bihar, Patna on dated 13.01.2015 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 31.05.2022 and petition for grant of MSC on dated 22.09.2022. 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 Memorandum of Association dated 13.01.2015 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 Holy Family School, Barharwa, Jhikitia, District Sahibganj, Jharkhand-816101 run by The Poreyahat Holy Family 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, Holy Family School, Barharwa, Jhikitia, District Sahibganj, Jharkhand-816101 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.
14. 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 **Wednesday, 13th Day of March, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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