

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

**Case No. 244 of 2022**

**In the matter of :-**

**Jesus and Mary Convent School, HS-12, Delta-III, O  
Block, Greater Noida, District Gautam Budh Nagar, Uttar  
Pradesh-201308**

**..... Petitioner**

**V/s**

**1. Principal Secretary, Secondary Education Department,  
Bapu Bhawan, 7<sup>th</sup> Floor, Lucknow-226001**

**2. Additional Chief Secretary, Department of Secondary  
Education, Govt. of UP, Bahukhandi Secretariat,  
Lucknow, UP**

**..... Respondent**

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

**ORDER**

**DATED 04.04.2024**

**Dr. Shahid Akhter, Member, NCMEI**

1. This petition has been received on 16.11.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Jesus and Mary Convent School, HS-12, Delta-III, O Block, Greater Noida, District Gautam Budh Nagar, Uttar Pradesh-201308.
2. Learned counsel for the petitioner filed an affidavit of Rev. Fr. Sunny Kottoor Kuruvila, Secretary of The Roman Catholic Diocese of Agra 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 and also stating that the 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 notarized copy of Unique ID No. : UP/2017/0161534 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 15.06.2022 sent to the State Competent Authority i.e. Principal Secretary, Secondary Education Department alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of The Roman Catholic Diocese of Agra Education Society, notarized copy of renewed certified copy of Certificate of Registration dated 01.07.2023 of the said Society, Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 09.05.2022 alongwith list of present members of the Society, notarized copy of the Certificate of Affiliation dated 13.05.2022 issued by the Chairman, Council for the Indian School Certificate Examinations, New Delhi to the unaided petitioner institution and resolution of the General Body of the Society in favour of Rev. Fr. Sunny Kottoor Kuruvila, Secretary of The Roman Catholic Diocese of Agra Education Society for obtaining MSC from this Commission. Learned Counsel for the petitioner has also filed certificate issued by the Chief Executive & Secretary, Council for the Indian School Certificate Examinations, New Delhi stating that the school is preparing and presenting candidates for Class X and XII Examinations.
4. As per the information supplied by the petitioner unaided institution with regard to students strength as on Academic Year 2019-20, it is mentioned that out of total 2732 students, 44 students were from the Christian minority community, 108 students were from the Muslim minority community, 21

students were from the Sikh minority community and 2559 students were Hindus, in the year 2020-21, it is mentioned that out of total 2681 students, 43 students were from the Christian minority community, 102 students were from the Muslim minority community, 20 students were from the Sikh minority community, 1 student was from the Buddhist minority community and 2515 students were Hindus and in the year 2021-22, it is mentioned that out of total 2800 students, 45 students are from the Christian minority community, 99 students are from the Muslim minority community, 22 students are from the Sikh minority community, 1 student is from the Buddhist minority community and 2633 students are Hindus. It is relevant to mention here that in the year 2019-20, out of the total 98 teachers, 25 teachers were from Christian Minority community, in the year 2020-21, out of the total 107 teachers, 27 teachers were from Christian Minority community and in the year 2021-22, out of the total 103 teachers, 25 teachers are from Christian Minority community.

5. It is stated in the petition that on dated 15.06.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 20.06.2022 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. After service of registered notice dated 02.01.2023, District School Inspector, Gautam Budh Nagar on behalf of the respondent has sent letter dated 13.03.2024 which was received in the Commission's office on dated 14.03.2024, was taken on 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 11.07.2023. After service of letter/email to the physical inspection committee dated 18.07.2023, 05.10.2023, 19.12.2023 and 14.02.2024, Physical Inspection Committee, Gautam Budh Nagar District has sent physical inspection report dated 06.11.2023 which was received in the Commission's Office on dated 08.11.2023 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Rev. Fr. Sunny Kottoor Kuruvila, Secretary of The Roman Catholic Diocese of Agra Education Society.
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 The Roman Catholic Diocese of Agra 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 Rev. Fr. Sunny Kottoor Kuruvila, Secretary of The Roman Catholic Diocese of Agra Education Society.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar, Firms, Societies and Chits, Agra on dated 09.05.2022 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 15.06.2022 and petition for grant of MSC on dated 16.11.2022. 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 Amended Memorandum of Association dated 09.05.2022 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 Jesus and Mary Convent School, HS-12, Delta-III, O Block, Greater Noida, District Gautam Budh Nagar, Uttar Pradesh-201308 run by The Roman Catholic Diocese of Agra 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, Jesus and Mary Convent School, HS-12, Delta-III, O Block, Greater Noida, District Gautam Budh Nagar, Uttar Pradesh-201308 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 **Thursday, 4<sup>th</sup> Day of April, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB