

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

**Case No. 57 of 2022**

**In the matter of :-**

**St. Patrick's Academy, Post Office Road, Clement Town  
P.O., Dehradun, Uttarakhand-248002**

..... **Petitioner**

**V/s**

**In-Charge, Secretary, Higher Education, Uttarakhand  
Govt., Room No. 7, Ground Floor, Late Soban Singh  
Jeena Bhawan (SBI Bank Building), Uttarakhand  
Secretariat**

..... **Respondent**

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

**ORDER**

**DATED 28.02.2024**

**Dr. Shahid Akhter, Member NCMEI**

1. This petition has been received on 04.05.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Patrick's Academy, Post Office Road, Clement Town P.O., Dehradun, Uttarakhand-248002.
2. Learned counsel for the petitioner filed an affidavit of Bro. Jeyaseelan, Secretary of The Society of the Brothers of St. Patrick 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.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : UA/2018/0205215 of the petitioner's Society as given by

the Niti Aayog Portal NGO Darpan, photocopy of application dated 28.01.2022 sent to the State Competent Authority i.e. In-Charge, Secretary, Higher Education, Uttarakhand Govt alongwith postal receipt and its tracking report, certified copy of Certificate of Registration of The Society of the Brothers of St. Patrick, certified copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 20.01.2022 alongwith list of present members of the Society, notarized copy of the Certificate of Provisional Affiliation dated 09.10.2018 issued by the Chief Executive & Secretary, Council for the Indian School Certificate Examinations, New Delhi to the unaided petitioner institution till 31<sup>st</sup> March, 2024 for the Secondary Education (Year 10) and resolution of the General Body of the Society in favour of Bro. Jeyaseelan, Secretary of The Society of the Brothers of St. Patrick for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength as on 2019-20, it is mentioned that out of total 1711 students, 19 students were from the Christian minority community, 67 students were from the Muslim minority community, 36 students were from the Sikh minority community, 6 students were from the Jain minority community and 1576 were Hindus, as on 2020-21, it is mentioned that out of total 1805 students, 19 students were from the Christian minority community, 76 students were from the Muslim minority community, 38 students were from the Sikh minority community, 8 students were from the Jain minority community, 5 students were from the Buddhist minority community and 1576 were Hindus and as on 2021-22, it is mentioned that out of total 2018 students, 23 students are from the Christian minority community, 90 students are

from the Muslim minority community, 44 students are from the Sikh minority community, 12 students are from the Jain minority community, 6 students are from the Buddhist minority community and 1843 are Hindus. It is relevant to mention here that in Academic Year 2019-20, out of total 76 teachers, 10 teachers were from the Christian Minority community, in Academic Year 2020-21, out of total 85 teachers, 8 teachers were from the Christian Minority community and in Academic Year 2021-22, out of total 79 teachers, 8 teachers are from the Christian Minority community.

5. It is stated in the petition that on dated 28.01.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 31.01.2022 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 04.10.2022, Upper Secretary on behalf of the respondent has sent letter dated 21.10.2022 which was received before the Commission's office on dated 27.10.2022 which 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 01.11.2022. After service of letters / emails to the physical inspection committee dated 14.12.2022, 22.02.2023, 11.05.2023, 31.07.2023 and 16.10.2023, Physical Inspection Committee, Dehradun has sent physical inspection report dated 06.11.2023 which was received before the Commission's office on dated 13.11.2023 wherein they have not recommended to grant MSC to the petitioner institution due to less number of minority students.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Bro. Jeyaseelan, Secretary of The Society of the Brothers of St. Patrick. 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 Uttarakhand as per the census of 2011 is 0.37%.

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 Society of the Brothers of St. Patrick 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 Bro. Jeyaseelan, Secretary of The Society of the Brothers of St. Patrick.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Administrative Officer, Firms, Societies and Chits, Dehradun on dated 20.01.2022 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 28.01.2022 and petition for grant of MSC on dated 04.05.2022. 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 20.01.2022 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 St. Patrick's Academy, Post Office Road, Clement Town P.O., Dehradun, Uttarakhand-248002 run by The Society of the Brothers of St. Patrick 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 subserving the interests of the Christian minority community.
13. Consequently, St. Patrick's Academy, Post Office Road, Clement Town P.O., Dehradun, Uttarakhand-248002 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, 28<sup>th</sup> Day of February, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB