

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

Case No. 102 of 2023

In the matter of :-

**Christo Jyoti U.P. School, Allada, Allapa P.O., Kashinagar
P.S., Kashinagar Block, District Gajapati, Odisha-761206**

..... **Petitioner**

V/s

**Director, Secondary Education, 6th Floor, HOD Building,
Unit-V, Bhubaneswar, Khordha, Odisha-751001**

..... **Respondent**

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

ORDER

DATED 09.05.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 14.03.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Christo Jyoti U.P. School, Allada, Allapa P.O., Kashinagar P.S., Kashinagar Block, District Gajapati, Odisha-761206.
2. Learned counsel for the petitioner filed an affidavit of Sister Martha Pradhan, President of The Daughters of Charity of St. Vincent De Paul 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. : OR/2017/0170109 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 05.11.2019 sent to the State Competent Authority i.e. Director, Elementary Education alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of The Daughters of Charity of St. Vincent De Paul, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 09.11.2017 alongwith list of present members of the Society, notarized copy of the letter issued by the Board of Revenue, Odisha, Cuttack confirming the date of registration of Amended Memorandum of Association of the said Society, notarized copy of the recognition order dated 28.12.2022 issued by the District Education Officer, Gajapati to the unaided petitioner institution from 01.04.2022 to 31.03.2027 for Class 1st to 8th and resolution of the General Body of the Society in favour of Sister Martha Pradhan, President of The Daughters of Charity of St. Vincent De Paul for obtaining MSC from this Commission.
4. As per the information supplied by the unaided petitioner institution as on 2020-21, it is mentioned that out of the total 224 students, 217 students were from the Christian minority community and 7 students were Hindus, as on 2020-21, it is mentioned that out of the total 232 students, 226 students were from the Christian minority community and 6 students were Hindus and as on 2022-23, it is mentioned that out of the total 278 students, 253 students are from the Christian minority community and 25 students are Hindus. It is relevant to mention here that as on 2020-21, 2021-22 and 2022-23, it

is mentioned that out of the total 12 teachers, 9 teachers are from Christian Minority community.

5. It is stated in the petition that on dated 05.11.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 11.11.2019 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. Despite service of registered notice / email dated 06.04.2023, 24.10.2023 and 03.11.2023, 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 05.12.2023. After service of letter, email to the physical inspection committee dated 07.12.2023, Physical Inspection Committee, Gajapati has sent physical inspection report dated 12.02.2024 which was received in the Commission's Office on dated 22.02.2024 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 Sister Martha Pradhan, President of The Daughters of Charity of St. Vincent De Paul.

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 Daughters of Charity of St. Vincent De Paul 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 Sister Martha Pradhan, President of The Daughters of Charity of St. Vincent De Paul.
9. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar of Societies, Odisha on dated 09.11.2017 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 05.11.2019 and petition for grant of MSC on dated 14.03.2023. 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.
10. The Amended Memorandum of Association dated 09.11.2017 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.
11. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Christo Jyoti U.P.

School, Allada, Allapa P.O., Kashinagar P.S., Kashinagar Block, District Gajapati, Odisha-761206 run by The Daughters of Charity of St. Vincent De Paul 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, Christo Jyoti U.P. School, Allada, Allapa P.O., Kashinagar P.S., Kashinagar Block, District Gajapati, Odisha-761206 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.
13. A minority status certificate be issued accordingly.
14. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Thursday, 9th Day of May, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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