

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

Case No. 232 of 2022

In the matter of :-

Good Samaritan School, Village Bhelwabhata, Post-Bademurma, Block Tokapal, Bastar District, Chattisgarh-494001

..... Petitioner

V/s

Commissioner, ST&SC Development Department, Indrawati Bhawan, Nava Raipur Atal Nagar, Chhattisgarh-492101

..... Respondent

Present: Mr. Junais P, Advocate for the petitioner
None for the respondent

ORDER

DATED 21.05.2024

Dr. Shahid Akhter, Member NCMEI

1. This petition has been received on 10.11.2022 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Good Samaritan School, Village Bhelwabhata, Post-Bademurma, Block Tokapal, Bastar District, Chattisgarh-494001.
2. Learned counsel for the petitioner filed an affidavit of Dr. Ananthi Jebasingh, Chairman of The Good Samaritans and the authorized representative of the applicant institution i.e. Good Samaritan School, Village Bhelwabhata, Post-Bademurma, Block Tokapal, Bastar District, Chattisgarh-494001 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. : DL/2017/0166323 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 09.05.2022 sent to the State Competent Authority i.e. Commissioner, ST&SC Development Department

alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of The Good Samaritans, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 22.12.2021 alongwith list of present members of the Society, notarized copy of the recognition order dated 15.02.2024 issued by the District Education Officer, District Bastar, Jagdalpur to the unaided petitioner institution from the academic session 2023-24 to 2025-26 from Nursery to 10th Std. and resolution of the General Body of the Society in favour of Dr. Ananthi Jebasingh, Chairman of The Good Samaritans for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength as on 2020-21, it is mentioned that out of total 212 students, 70 students were from the Christian minority community and 142 students were Hindus, in Academic Year 2021-22, it is mentioned that out of total 211 students, 59 students were from the Christian minority community and 152 students were Hindus and in Academic year 2022-23, it is mentioned that out of total 164 students, 51 students are from the Christian minority community and 113 students are Hindus. It is relevant to mention here that in Academic Year 2020-21, out of total 19 teachers, 17 teachers were from the Christian Minority community, in Academic Year 2021-22, out of total 19 teachers, 16 teachers were from the Christian Minority community and in Academic Year 2022-23, out of total 21 teachers, 18 teachers are from the Christian Minority community.
5. It is stated in the petition that on dated 09.05.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 17.05.2022 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 30.12.2022, Uppar Sanchalak, SC/ST Development sent a letter dated 18.01.2023 address to the Assistant Commissioner, Tribal Development, Bastar, Chhattisgarh and copy of the letter received in the Commission on dated 15.02.2023, 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 21.03.2023. After service of letters / emails to the physical inspection committee dated 27.03.2023, 19.06.2023, 21.09.2023, 15.12.2023 and 18.01.2024, Physical Inspection Committee, Baskar has sent physical inspection report dated 19.02.2024 which was received before the Commission's office on dated 04.03.2024 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 Dr. Ananthi Jebasingh, Chairman of The Good Samaritans.
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 Chhattisgarh as per the census of 2011 is 1.92%.

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 Good Samaritans 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 Dr. Ananthi Jebasingh, Chairman of The Good Samaritans.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar of Societies, South East District on dated 22.12.2021 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 09.05.2022 and petition for grant of MSC on dated 10.11.2022. 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 22.12.2021 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that Good Samaritan School, Village Bhelwabhata, Post-Bademurma, Block Tokapal, Bastar

District, Chattisgarh-494001 run by The Good Samaritans 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, Good Samaritan School, Village Bhelwabhata, Post-Bademurma, Block Tokapal, Bastar District, Chattisgarh-494001 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, 21st Day of May, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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