

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

**Case No. 142 of 2023**

**In the matter of :-**

**St. Arnolds English Medium High School, Meghnagar, District  
Jhabua, Madhya Pradesh-457779**

..... **Petitioner**

**V/s**

**Secretary, Backward Classes and Minority Welfare  
Department, Govt. of MP, Room No. 339, Mantralaya, Bhopal,  
MP**

..... **Respondent**

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

**ORDER**

**DATED 16.05.2024**

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

1. This petition has been received on 23.05.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Arnolds English Medium High School, Meghnagar, District Jhabua, Madhya Pradesh-457779.
2. Learned counsel for the petitioner filed an affidavit of Mr. Veigas Dominic, Secretary of the St. Arnold's 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 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. : MP/2017/0172713 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 06.02.2023 sent to the State Competent Authority i.e. Secretary,

Backward Classes and Minority Welfare Department, Govt. of MP alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of St. Arnold's Education Society, notarized copy of the Memorandum of Association alongwith list of founding members of the Society, notarized copy of the Amended Memorandum of Association dated 29.09.2020 alongwith list of present members of the Society, notarized copy of affiliation order dated 03.10.2020 issued by the Deputy Secretary / Joint Secretary (Aff), CBSE to the unaided petitioner institution from 01.04.2020 to 31.03.2025 for the Secondary / Senior Secondary Level and resolution of the General Body of the Society in favour of Mr. Veigas Dominic, Secretary of the St. Arnold's Education Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in Academic Year 2020-21, it is mentioned that out of total 1567 students, 238 students were from the Christian minority community, 95 students were from the Muslim minority community, 53 students were from the Jain minority community and 1181 students were Hindus, in Academic Year 2021-22, it is mentioned that out of total 1550 students, 231 students were from the Christian minority community, 93 students were from the Muslim minority community, 54 students were from the Jain minority community and 1172 students were Hindus and in Academic Year 2022-23, it is mentioned that out of total 1659 students, 255 students are from the Christian minority community, 87 students are from the Muslim minority community, 1 student is from the Sikh minority community, 46 students are from the Jain minority community and 1270 students are Hindus. It is relevant to mention here that in Academic Year 2020-21, out of 54 teachers, 35 teachers were from the Christian Minority community, in Academic Year 2021-22, out of 51 teachers, 34 teachers were from the Christian Minority community and in Academic Year 2022-23, out of 54 teachers, 37 teachers are from the Christian Minority community.

5. It is stated in the petition that on dated 06.02.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 09.02.2023 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/email dated 08.06.2023, Joint Director, Backward Classes and Minority Welfare Department on behalf of the respondent has sent letter dated 17.07.2023, which was received in the Commission's office on dated 20.07.2023 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 13.09.2023. After service of letters/emails to the physical inspection committee dated 23.10.2023 and 15.01.2024, Physical Inspection Committee, Jhabua District has sent physical inspection report dated 18.01.2024 which was received in the Commission's Office on dated 05.02.2024 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Mr. Veigas Dominic, Secretary of the St. Arnold's Education 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 St. Arnold's 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 Mr. Veigas Dominic, Secretary of the St. Arnold's Education 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 Madhya Pradesh as per the census of 2011 is 0.29%.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar, Indore on dated 29.09.2020 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 06.02.2023 and petition for grant of MSC on dated 23.05.2023. 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.
11. The Amended Memorandum of Association dated 29.09.2020 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. Arnolds English Medium High School, Meghnagar, District Jhabua, Madhya Pradesh-457779 run by St. Arnold's 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, St. Arnolds English Medium High School, Meghnagar, District Jhabua, Madhya Pradesh-457779 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, 16<sup>th</sup> Day of May, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB