

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

**Case No. 131 of 2022**

**In the matter of :-**

**St. Joseph English Medium School, Mansapur, Khanapur T.Q.,  
Belgaum District, Karnataka-591302**

..... **Petitioner**

**V/s**

**Additional Chief Secretary to Government, Education  
Department (Higher Education), Govt. of Karnataka, Sixth  
Floor, Multi Storeyed Building, Bengaluru, Karnataka-560001**

..... **Respondent**

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

**ORDER**

**DATED 13.08.2024**

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

1. This application has been received on 01.08.2022 by post from the petitioner for grant of Minority Status Certificate (in short 'MSC') to St. Joseph English Medium School, Mansapur, Khanapur T.Q., Belgaum District, Karnataka-591302.
2. Learned Counsel for the petitioner filed the affidavit of Sr. Juliet Lobo, Managing Trustee of Queen of Apostles Education Trust 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 copy of Unique ID No. : KA/2019/0239649 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 08.02.2021 sent to the State Competent Authority i.e. Additional Chief Secretary to Government, Education Department (Higher Education) alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 10.12.2003 of Queen of Apostles Education Trust, notarized copy of Amended / Supplementary Trust Deed dated 17.05.2016, notarized copy of

recognition Order dated 12.07.2024 issued by the Deputy Director (Management), Public Education Department, Belagavi District for the academic session 2024-25 from class 1<sup>st</sup> to 10<sup>th</sup> Std. in Kannad language alongwith its English translation and resolution of the General Body of the Trust in favour of Sr. Juliet Lobo, Managing Trustee of Queen of Apostles Education Trust for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in the year 2020-21 and 2021-22, it is mentioned that out of total 296 students, 49 students were from the Christian minority community, 48 students were from the Muslim minority community and 199 students were Hindus and in the year 2022-23, it is mentioned that out of total 303 students, 43 students were from the Christian minority community, 48 students were from the Muslim minority community and 212 students are Hindus. It is relevant to mention here that in the year 2020-21 and 2021-22, out of the total 16 teachers, 7 teachers were from the Christian Minority community and in the year 2022-23, out of the total 21 teachers, 9 teachers were from the Christian Minority community.
5. It is stated in the petition that on dated 08.02.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 10.02.2021 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 application 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 dated 29.08.2022, 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 13.10.2022 and after service of letter/email to the physical inspection committee dated 10.11.2022, 19.12.2022, 16.02.2023, 15.05.2023, 22.08.2023, 06.11.2023, 29.11.2023 and 16.02.2024 Physical Inspection Committee, District Belgavi have sent the physical inspection report dated 09.02.2024 which was received in the Commission's office on dated 14.02.2024, 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 and the documents filed by the petitioner and affidavit of Sr. Juliet Lobo, Managing Trustee of Queen of Apostles Education Trust.
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 Queen of Apostles Education Trust 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 Sr. Juliet Lobo, Managing Trustee of Queen of Apostles Education Trust.
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 Karnataka as per the census of 2011 is 1.87%.

10. I have perused the Amended Trust Deed of the petitioner institution which was registered before the office of the Sub Registrar on dated 17.05.2016 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 08.02.2021 and petition for grant of MSC on dated 01.08.2022. 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 Trust Deed dated 17.05.2016 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. Joseph English Medium School, Mansapur, Khanapur T.Q., Belgaum District, Karnataka-591302 run by the Queen of Apostles Education Trust 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. Joseph English Medium School, Mansapur, Khanapur T.Q., Belgaum District, Karnataka-591302 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 fails 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, 13<sup>th</sup> Day of August, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB