

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

Case No. 02 of 2021

In the matter of :-

**Little Flower School, Telco Colony, District Jamshedpur,
Jharkhand-831004**

..... Petitioner

V/s

**Director, Secondary Education, Department of School
Education & Literacy S.E & L. Department, MDI Building, Post
- Dhurwa, District - Ranchi, Jharkhand- 834 004**

..... Respondent

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

ORDER

DATED 06.08.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 01.12.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Little Flower School, Telco Colony, District Jamshedpur, Jharkhand-831004.
2. Learned counsel for the petitioner filed an affidavit of Sister Punam Soreng, Secretary of the St. Joseph's Convent Educational 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 but name of the society as per the Certificate of Registration and Memorandum of Association is St. Joseph's Convent Education Society.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : JH/2017/0168386 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of NOC application dated 14.08.2020 sent to the State Competent Authority i.e. Director, Primary Education Department of School Education & Literacy,

SE & L Department alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of St. Joseph's Convent Education Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 07.03.2017 alongwith list of present members of the Society, original Affiliation Certificate dated 06.02.2024 issued by the Deputy Secretary, Council for the Indian School Certificate Examinations, New Delhi to the unaided petitioner institution stating the petitioner institution has been affiliated to the Council for the Indian School Certificate Examinations, New Delhi since the year 1972 and is preparing and presenting candidates for ICSE X and ISC XII Examinations and resolution of the General Body of the Society in favour of Sister Punam Soreng, Secretary of the St. Joseph's Convent Education Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength as on 01.01.2020, it is mentioned that out of total 1915 students, 317 students were from the Christian minority community, 56 students were from the Muslim minority community, 84 students were from the Sikh minority community, 1 student was from the Jain minority community, 3 students were from the Buddhist minority community and 1454 students were Hindus. It is relevant to mention here that as on 01.01.2020, out of 71 teachers, 32 teachers were from the Christian Minority community.
5. It is stated in the petition that on dated 14.08.2020, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 14.08.2020 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 dated 06.09.2022 and 31.10.2022, 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 30.11.2022. After service of letters/emails to the physical inspection committee dated 13.12.2022, 07.02.2023 and 20.04.2023, Physical Inspection Committee, Jamshedpur has sent physical inspection report dated 08.04.2023 which was received in the Commission's Office on dated 02.05.2023 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Sister Punam Soreng, Secretary of the St. Joseph's Convent 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. Joseph's Convent 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 Sister Punam Soreng, Secretary of the St. Joseph's Convent 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 Jharkhand as per the census of 2011 is 4.30%.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Inspector General of Registration, Jharkhand on dated 07.03.2017 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 14.08.2020 and petition for grant of MSC on dated 01.12.2020. 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 07.03.2017 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.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Little Flower School, Telco Colony, District Jamshedpur, Jharkhand-831004 run by St. Joseph's Convent 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, Little Flower School, Telco Colony, District Jamshedpur, Jharkhand-831004 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 affidavit of Sister Punam Soreng, Secretary of the St. Joseph's Convent 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. 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, 6th Day of August, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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