

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

CASE NO. 09 OF 2023

In the matter of:

**St. Thomas School, G.T. Road, Near Mittal Petrol Pump, Khatauli,
Muzaffarnagar District, Uttar Pradesh – 251 201.**

... Petitioner

Versus

- 1. Additional Chief Secretary, Department of School Education,
Government of Uttar Pradesh, Bahu Khandi, Secretariat,
Lucknow.**
- &**
- 2. Additional Chief Secretary, Department of Secondary Education,
Government of Uttar Pradesh.**

... Respondents

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

ORDER

Date: 04.09.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 14.12.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Thomas School, G.T. Road, Near Mittal Petrol Pump, Khatauli, Muzaffarnagar District, Uttar Pradesh.

2. Learned counsel for the petitioner filed affidavit of Fr. Benny Thettayil Poulouse, President of the petitioner 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 further stated that the petitioner institution shall not deny admission of eligible candidate of the Christian minority community.

3. Learned counsel for the petitioner has filed a copy of Unique ID No.: UP/2021/0294041 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 20.10.2021 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration, Memorandum of

Association, Rules and Regulations, founding members and present governing body members list of Sanjo Charitable Society. He has also filed notarized copy of Certificate of Affiliation issued by ICSE to the petitioner institution.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength during the academic year 2020-21, it is mentioned that out of the total 1696 students, 281 students were from the Muslim minority community, 20 students were from the Christian minority community, 12 students were from the Sikh minority community, 119 students were from the Jain minority community and 1264 students belong to Hindu community. In the year 2021-22, it is mentioned that out of the total 1818 students, 285 students were from the Muslim minority community, 21 students were from the Christian minority community, 11 students were from the Sikh minority community, 95 students were from the Jain minority community and 1406 students were belong to Hindu community. In the year 2022-23, it is mentioned that out of the total 1950 students, 326 students were from the Muslim minority community, 20 students were from the Christian minority community, 10 students were from the Sikh minority community, 105 students were from the Jain minority community and 1489 students were belong to Hindu community. It is relevant to mention here that during the academic year 2020-21, out of the total 55 teachers, 01 teacher belong to Muslim minority community, 15 teachers were from the Christian minority community, 1 teacher belongs to Sikh minority community, 4 teachers were from the Jain minority community and 34 teachers were Hindu. In the year 2021-22, out of the total 52 teachers, 01 teacher belong to Muslim minority community, 14 teachers were from the Christian minority community, 1 teacher belongs to Sikh minority community, 4 teachers were from the Jain minority community and 32 teachers were Hindu. In the year 2022-23, out of the total 64 teachers, 03 teachers were from the Muslim minority community, 16 teachers were from the Christian minority community, 1 teacher belongs to Sikh minority community, 4 teachers were from the Jain minority community and 40 teachers were Hindu.

5. It is stated in the petition that on dated 23.10.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 26.11.2021 and the same 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/email dated 01.02.2023, 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 18.04.2023, after service of letter/ email to the physical inspection committee dated 02.05.2023 and 01.08.2023, 08.11.2023, 02.01.2024, District Minority Welfare Officer, Muzaffarnagar, has sent physical inspection report dated 19.02.2024, which was received in the Commission's Office on dated 27.02.2024 wherein they have recommended to grant minority status certificate to the petitioner institution.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Fr. Benny Thettayil Poullose, President of the petitioner 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 the Sanjo Charitable 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 Fr. Benny Thettayil Poullose, President of the petitioner 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 this Commission in Case No. 1320 of 2009 dated 06.07.2010) 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 Uttar Pradesh as per the census of 2011 is 0.18%.

10. I have perused the Memorandum of Association of the petitioner institution, which was registered before the Sub-Registrar of Societies, Meerut, Uttar Pradesh, on dated 30.08.1993 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 23.10.2021 and petition for grant of MSC on dated 14.12.2022.

11. The Memorandum of Association dated 30.08.1993 of the said society and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily the members of the Christian minority community. In addition, the said fact 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 before this Commission.

12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that the St. Thomas School, G.T. Road, Near Mittal Petrol Pump, Khatauli, Muzaffarnagar District, Uttar Pradesh, run by the Sanjo Charitable 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. Thomas School, G.T. Road, Near Mittal Petrol Pump, Khatauli, Muzaffarnagar District, Uttar Pradesh, is declared as 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 Wednesday, **04th day of September, 2024.**

**DR. SHAHID AKHTER
MEMBER**