

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

Case No. 346 of 2023

In the matter of:-

St. Aloysius School, Niwas, Mandla District, Madhya Pradesh-481 885.

.....Petitioner

V/s

**Secretary, Backward Classes and Minority Welfare Department,
Government of Madhya Pradesh, Room No. 339, Mantralaya, Bhopal,
Madhya Pradesh.**

..... Respondent

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

ORDER

DATED: 16.10.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 21.11.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Aloysius School, Niwas, Mandla District, Madhya Pradesh- 481 885.

2. Learned counsel for the petitioner filed an affidavit of Fr. A. Jagan Raj, Secretary of the Diocesan Corporation of Jabalpur and authorized representative of the applicant institution i.e. St. Aloysius School, Niwas, Mandla District, Madhya Pradesh- 481 885 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. It is also stated in the affidavit that 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 notarized copy of Unique ID No.: MP/2017/0119089 of the petitioner's company as given by the Niti Aayog Portal NGO Darpan, copy of application dated 25.7.2023 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, notarized copy of Certificate dated 21.5.1936 issued by Assistant Registrar of Joint Stock Companies,

Central Provinces and Berar regarding Incorporation of 'Prefecture Apostolic of Jubbulpore' under Indian Companies Act VII of 1913, notarized copy of the certificate dated 20.5.1955 issued by the Assistant Registrar, Joint Stock Companies, Madhya Pradesh certifying that the name of 'Prefecture Apostolic of Jabalpur' has been changed to 'Diocesan Corporation of Jabalpur', notarized copy of Memorandum of Association dated 14.3.1936 and Articles of Association of the said company, notarized copy of list of members for the period 1.10.2021 to 30.9.2024, notarized downloaded copy of letter issued by District Education Officer, Mandala, Madhya Pradesh granting renewal of recognition to the petitioner institution for the period 1.4.2022 to 31.3.2025 resolution passed by the Governing Body of the petitioner Society in favour of Fr. A. Jagan Raj, Secretary of Diocesan Corporation of Jabalpur 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 2021-22, it is mentioned that out of total 392 students, 09 students were from the Christian minority community, 11 students were from the Muslim minority community, 10 students were from the Jain minority community and 362 students were Hindu. During the academic year 2022-23, out of total 451 students, 12 students were from the Christian minority community, 7 student were from the Muslim minority community, 13 students were from the Jain minority community and 419 students were Hindu and during the academic year 2023-24, out of total 501 students, 16 students were from the Christian minority community, 09 students were from the Muslim minority community, 07 students were from the Jain minority community, 01 students was from the Buddhist minority community and 468 students were Hindu. It is relevant to mention here that in academic year 2021-22, out of total 17 teachers, 13 teachers were from the Christian minority community and 04 teachers were Hindu. During the academic year 2022-23, out of 22 teachers, 16 teachers were from the Christian minority community, 01 teacher was from Muslim minority community and 04 teachers were Hindu. During the academic year 2023-24, out of 23 teachers, 16 teachers were from the Christian minority community, 01 teacher was from Muslim minority community and 06 teachers were Hindu.

5. It is stated in the petition that on 25.7.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 28.7.2023 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 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 to the respondent dated 29.12.2023, the respondent has failed to apprise the Commission about the status of the said application. 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 26.03.2024. After service of letter/email to the physical inspection committee dated 24.4.2024, District Collector, Mandala has sent letter dated 8.7.2024 along with physical inspection report, which was received in the Commission's Office on dated 15.7.2024 wherein they have recommended to grant MSC to the petitioner institution.

7. Heard learned counsel for the petitioner, perused the pleadings of the parties, the documents filed by the petitioner and affidavit of Fr. A. Jagan Raj, Secretary of the Diocesan Corporation of Jabalpur and authorized representative of the applicant institution i.e. St. Aloysius School, Niwas, Mandla District, Madhya Pradesh- 481 885.

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 Diocesan Corporation of Jabalpur 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. A. Jagan Raj, Secretary of the Diocesan

Corporation of Jabalpur and authorized representative of the applicant institution i.e. St. Aloysius School, Niwas, Mandla District, Madhya Pradesh- 481 885.

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 notarized copy of Memorandum of Association of Diocesan Corporation of Jabalpur registered on 14.3.1936 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 25.7.2023 and petition for grant of MSC on dated 21.11.2023. 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 notarized copy of Memorandum of Association of Diocesan Corporation of Jabalpur registered on 14.3.1936 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 facts also stand 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. Aloysius School, Niwas, Mandla

District, Madhya Pradesh- 481 885 run by the Diocesan Corporation of Jabalpur 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. Aloysius School, Niwas, Mandla District, Madhya Pradesh- 481 885 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 **Wednesday, 16th Day of October, 2024.**

**DR. SHAHID AKHTER
MEMBER**

MD