

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

**CASE NO. 130 OF 2022**

**In the matter of:**

**St. Xavier's English Medium School, Civil Lines Road, Robertsganj,  
Sonebhadra District, Uttar Pradesh – 231 216.**

**... Petitioner**

**Versus**

**Additional Chief Secretary, Department of School Education,  
Government of U.P., Bahu Khandi, Secretariat, Lucknow, U.P. – 226  
001.**

**... Respondent**

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

**ORDER**

**Date: 04.10.2023**

**Dr. Shahid Akhter, Member**

1. This petition has been received on 01.08.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Xavier's English Medium School, Civil Lines Road, Robertsganj, Sonebhadra District, Uttar Pradesh.
2. Learned counsel for the petitioner has filed an affidavit of Isidore D Souza, President, and authorized representative of the petitioner society i.e. Diocese of Allahabad 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.
3. Learned counsel for the petitioner has filed a copy of Unique ID No.: UP/2017/0158861 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 05.08.2021 submitted before the State Competent authority for NOC, Notarized copy of Certificate of Registration of the Diocese of Allahabad Education Society, certified copies of Memorandum of Association, Rules and Regulations, amended Memorandum of Association of the said society and original list of members of the Governing Body of the said society. He has also filed a notarized copy of certificate of recognition of petitioner institution issued by the District Basic Education Officer, Sonbhadra.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength, it is mentioned that in the year 2020-21, out of the total 345 students, 39 students belong to the Muslim minority community, 07 students belong to the Christian minority community and 299 students were Hindu. In the year 2021-22, out of the total 358 students, 45 students belong to the Muslim minority community, 6 students belong to the Christian minority community and 307 students were Hindu. In the year 2022-23, out of the total 483 students, 53 students belong to Muslim minority community, 08 students belong to the Christian minority community and 422 students are Hindu. In the year 2020-21, out of the total 15 teachers, 02 teachers were from Muslim Minority community, 09 teachers were from the Christian minority community and 04 teachers were Hindu. In the year 2021-22, out of the total 15 teachers, 02 teachers belong to Muslim minority community, 09 teachers belong to Christian minority community and 04 teachers were Hindu. In the year 2022-23, out of the total 15 teachers, 02 teachers belong to Muslim minority community, 09 teachers belong to Christian minority community and 04 teachers were Hindu. It is relevant to mention here that the 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.

5. It is stated in the petition that on dated 05.08.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 09.08.2021 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. After service of registered notice/email dated 26.08.2022, 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 25.10.2022, after service of letter/ email to the physical inspection committee dated 29.11.2022 and 13.01.2023, District Magistrate, Sonbhadra, U.P., has sent physical inspection report dated 11.01.2023, which was received in the Commission's Office on dated 17.01.2023.

7. Heard learned counsel for the petitioner, perused the pleadings of the parties, the documents filed by the petitioner and affidavit of Isidore D Souza, President, and authorized representative of the petitioner society i.e. Diocese of Allahabad 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 the Diocese of Allahabad 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 Isidore D Souza, President, and authorized representative of the petitioner society i.e. Diocese of Allahabad Education Society.

9. The amended Memorandum of Association 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.

10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that the St. Xavier's English Medium School, Civil Lines, Robertsganj, Sonbhadra Dt., Uttar Pradesh, run by the Diocese of Allahabad 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 subserving the interests of the Christian minority community.

11. Consequently, St. Xavier's English Medium School, Civil Lines, Robertsganj, Sonbhadra Dt., Uttar Pradesh, 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 failed 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.

12. After compliance of the above order, a minority status certificate be issued accordingly.

13. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 04<sup>th</sup> day of October, 2023.**

**DR. SHAHID AKHTER  
MEMBER**