

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

CASE NO. 213 OF 2023

In the matter of:

**Christ the King College, Safa Village, Bedora Road, Babina Block,
Jhansi District, Uttar Pradesh – 284 003.**

... Petitioner

Versus

**Additional Chief Secretary, Basic Education Department, Government
of Uttar Pradesh, Bahu Khandi, Lucknow, Uttar Pradesh.**

... Respondent

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

ORDER

Date: 24.09.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 11.08.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Christ the King College, Safa Village, Bedora Road, Babina Block, Jhansi District, Uttar Pradesh.

2. Fr. Denis D Souza, Secretary of petitioner society and authorized representative of the petitioner institution filed his affidavit, 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. He further stated in his affidavit that the petitioner institution shall not deny admission of eligible students of the Christian minority community.

3. Learned counsel for the petitioner has filed a notarized copy of Unique ID No.: UP/2017/0154117 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 05.012.2022 submitted before the State Competent authority for NOC alongwith postal receipt and tracking report, notarized copies of Certificate of Registration, Memorandum of Association, Rules and Regulations alongwith list of founding Members, amended Memorandum of Association and amended Rules and Regulations of the Catholic Diocese of Jhansi Education Society. He has also filed original resolution passed by the Governing Body to obtain minority status certificate from this Commission, which is signed by all the members of the petitioner society. He has also filed notarized copy of order of permanent affiliation dated 13.01.2021 of the petitioner institution issued by the District Basic Education Officer, Jhansi.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength, it is mentioned that during the academic year 2020-22, out of the total 200 students, 03 students were from the Muslim minority community, 08 students were from the Christian minority community and 189 students were Hindu and in the year 2022-23, out of the total 160 students, 03 students were from the Muslim minority community, 08 students were from the Christian minority community and 149 students were Hindu. It is relevant to mention here that in the year 2020-22, out of the total 07 teachers, all teachers were from Muslim minority community. In the year 2022-23, out of total 39 teachers, 01 teacher is from the Muslim minority community, 21 teachers were from the Christian and 17 teachers were Hindu.

5. It is stated in the petition that on dated 05.12.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 09.12.2022 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. The Commission issued registered notice/email dated 25.09.2023 and 03.11.2023 to respondent and on 05.12.2023, Mr. Rajvendra Singh, Accountant appeared before the Court of the Commission on behalf of Basic Shiksha Adhikari, Jhansi and wanted to file certain documents.. On 28.02.2024, Mr. Rajvendra Singh, Accountant filed physical inspection report by hand before the Commission's office. The members of the physical inspection committee have recommended to grant MSC to the petitioner institution. It is pertinent to note here that the Commission has not constituted any physical inspection committee in this case but physical inspection report received on behalf of members of the physical inspection committee. On 29.02.2024, learned counsel for the petitioner submitted before the Court of the Commission that if original physical inspection report has been sent by the competent authority, consider it for this time only.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Fr. Denis D'Souza, Secretary of petitioner society and authorized representative of the petitioner institution.

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 Catholic Diocese of Jhansi 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 Fr. Denis D'Souza, Secretary of petitioner society and authorized representative of the petitioner institution.

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 amended Memorandum of Association of the petitioner institution, which was registered before the Registrar of Societies, Firms Societies and Chits, Lucknow, on dated 19.01.2021 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 05.12.2022 and petition for grant of MSC on dated 11.08.2023. 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 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.

12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that the Christ the King College, Safa Village, Bedora Road, Babina Block, Jhansi District, Uttar Pradesh, run by the Catholic Diocese of Jhansi 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, Christ the King College, Safa Village, Bedora Road, Babina Block, Jhansi District, 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.

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 **Tuesday, 24th day of September, 2024.**

**DR. SHAHID AKHTER
MEMBER**