

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

Case No. 335 of 2023

In the matter of :-

**St. Joseph's School (CISCE), Ward No. 9, Tickamagha, Mirzaganj,
Jamua, Giridih District, Jharkhand- 815 315.**

..... Petitioner

Vs

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

..... Respondent

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

ORDER

DATED: 22.01.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 17.11.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Joseph's School (CISCE), Ward No. 9, Tickamagha, Mirzaganj, Jamua, Giridih District, Jharkhand- 815 315.
2. Learned counsel for the petitioner filed an affidavit of Rt. Rev. Kurien V P, President of Giridih Parish 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. It is also stated in the affidavit 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 copy of Unique ID No.: JH/2017/0161011 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of NOC application dated 05.08.2023 sent to the State Competent Authority i.e. Director, Primary Education, Department of School Education & Literacy S.E. & L, MDI Building Post Dhurwa, District Ranchi, Jharkhand- 834 004 alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Giridih Parish Society, notarized copy of Memorandum of Association and Rules

& Regulations, notarized copy of the amended Memorandum of Association (amended on 6.3.2019), alongwith list of Governing Body Members for 2023-25, notarized copy of the Certificate dated 5.4.2023 issued by ICSE certifying that the petitioner institution is affiliated to the said council and resolution of the General Body of the petitioner Society in favour of Rt. Rev. Kurien V.P., President of Giridih Parish Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength, it is stated that during the academic year 2023-24, out of total 1012 students, 52 students were from the Christian minority community, 140 students were from the Muslim minority community and 820 students were Hindu. It is relevant to mention here that during the academic year 2023-24, out of 29 teachers, 16 teachers were from the Christian Minority community, 02 teachers were from the Muslim minority community, 02 teachers were from the Buddhist and 9 teachers were Hindu.

5. It is stated in the petition that on dated 05.08.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 14.08.2023 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 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. After service of registered notice/ email dated 12.01.2024, 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 19.03.2024. After service of letter/email to the physical inspection committee dated 12.04.2024 and reminder letter dated 6.8.2024, Deputy Commissioner-cum-District Magistrate vide letter dated 21.8.2024 has sent physical inspection report, which was received in the

Commission's Office on 30.8.2024 wherein they have recommended to grant MSC to the petitioner institution.

7. Heard Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Rt. Rev. Kurien V P, President of Giridih Parish 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 Giridih Parish 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 Rt. Rev. Kurien V P, President of Giridih Parish 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 notarized copy of the amended Memorandum of Association, which was amended on 6.3.2019, which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 05.08.2023 and petition for grant of MSC on dated 17.11.2023. 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 Amended Memorandum of Association 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 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that St. Joseph's School (CISCE), Ward No. 9, Tickamagha, Mirzaganj, Jamua, Giridih District, Jharkhand- 815 315 run by Giridih Parish 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. Joseph's School (CISCE), Ward No. 9, Tickamagha, Mirzaganj, Jamua, Giridih District, Jharkhand- 815 315 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, 22nd Day of January, 2025.**

**DR. SHAHID AKHTER
MEMBER**

MD