

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

Case No. 69 of 2024

In the matter of:-

**St. Thomas School, Lower Lines, Chunar P.O., Mirzapur District,
Uttar Pradesh-231 304.**

..... **Petitioner**

Vs.

**Additional Chief Secretary, Secondary Education Department, Bapu
Bhawan, 7th Floor, Lucknow-226 001.**

..... **Respondent**

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

ORDER

DATED: 30.01.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 02.02.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Thomas School, Lower Lines, Chunar P.O., Mirzapur District, Uttar Pradesh-231 304.

2. Learned counsel for the petitioner filed an affidavit of Most Rev. Raphy Manjaly, President of Saint Mary's Educational Society and the authorized representative of the applicant institution i.e. St. Thomas School, Lower Lines, Chunar P.O., Mirzapur District, Uttar Pradesh-231304 in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Muslim minority community and also stating 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.: UP/2017/0161455 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 04.08.2023 sent to the State Competent Authority i.e. Additional Chief Secretary, Secondary Education Department, Bapu Bhawan, 7th Floor, Lucknow-226 001 alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Saint Mary's Educational Society, notarized copy of Memorandum of Association, Rules & Regulations, amended Memorandum of Association dated 9.2.2018, list of members of the

Managing Committee for the year 2023-25, notarized copy of the letter dated 01.10.2020 issued by CBSE granting affiliation to the petitioner institution for the period 01.04.2021 to 31.03.2026 and resolution of the Governing Body of the Society in favour of Most Rev. Raphy Manjaly, President of Saint Mary's Educational Society for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength, it is mentioned that during the academic year academic year 2021-22, out of total 1208 students, 13 students were from the Christian minority community, 54 students were from Muslim minority community, 01 student was from the Sikh minority community and 1140 students were Hindu. During the academic year 2022-23, out of total 1245 students, 13 students were from the Christian minority community, 58 students were from Muslim minority community, 01 student was from the Sikh minority community and 1173 students were Hindu. During the academic year 2023-24, out of total 1288 students, 14 students were from the Christian minority community, 62 students were from Muslim minority community, 01 student was from the Sikh minority community and 1211 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 34 teachers, 10 teachers were from the Christian minority community, 02 teachers were from the Muslim minority community and 22 teachers were Hindu. During the academic year 2022-23, out of the total 38 teachers, 13 teachers were from the Christian minority community, 02 teachers were from the Muslim minority community and 23 teachers were Hindu. In the year 2023-24, out of the total 37 teachers, 13 teachers were from the Christian minority community and 24 teachers were Hindu.

5. It is stated in the petition that on dated 04.08.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 05.08.2023 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. Despite service of registered notice to the respondent dated 18.3.2024, 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 25.04.2024. After service of letter/email to the physical inspection committee dated 14.06.2024, District Magistrate, Mirzapur vide letter dated 06.08.2024 has sent Physical Inspection Report, which was received in the Commission's Office on dated 13.08.2024 wherein they have recommended to grant minority status certificate to the petitioner institution.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Most Rev. Raphy Manjaly, President of Saint Mary's Educational 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 Saint Mary's Educational 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 Most Rev. Raphy Manjaly, President of Saint Mary's Educational 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 Uttar Pradesh as per the census of 2011 is 0.18%.

10. I have perused the Amended Memorandum of Association of the petitioner Society which was registered before the Assistant Registrar, Firms Societies & Chits, Allahabad on 09.02.2018, which is before filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 04.8.2023 and also petition for grant of MSC dated 02.02.2024. So, it is clear that the amendment in the Memorandum of Association of the petitioner Society 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 dated 09.02.2018 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. Thomas School, Lower Lines, Chunar P.O., Mirzapur District, Uttar Pradesh-231304 run by Saint Mary's Educational 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, Lower Lines, Chunar P.O., Mirzapur District, Uttar Pradesh-231304 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 **Thursday, 30th Day of January, 2025.**

**DR. SHAHID AKHTER
MEMBER**

MD