

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

CASE NO. 130 OF 2024

In the matter of:

St. Ann's Senior Secondary School, Near Doon Helidrome, Tarla Nagal, Sahastradhara Road, Dehradun, Uttarakhand- 248 001

... Petitioner

Versus

Secretary, Higher Education, Uttarakhand Govt., Room No. 7, Ground Floor, Late Soban Singh Jeena Bhawan (SBI Bank Building), Uttarakhand Secretariat, Uttarakhand- 248 001.

... Respondent

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

ORDER

Date: 04.02.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 15.03.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Ann's Senior Secondary School, Near Doon Helidrome, Tarla Nagal, Sahastradhara Road, Dehradun, Uttarakhand- 248 001.

2. Learned counsel for the petitioner filed affidavit of Sr. Alica Joseph, Secretary, "St. Ann's Society" and authorized representative of petitioner institution 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 and 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 a notarized copy of Unique ID No.: UA/2024/0391305 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 24.11.2023 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration dated 09.08.2021, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Rules and Regulations ,notarized copy of Amended Memorandum of Association alongwith list of present members of the Society. He has also filed notarized

copy of the certificate of recognition issued by the Chief Education Officer, Dehradun, letter dated 17.01.2020 to the unaided petitioner institution from 15.01.2020 to 31.01.2025 to the petitioner institution. He has filed original resolution of the General Body of the Society in favour of Sr. Alica Joseph, Secretary, "St. Ann's Society" for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength during the academic year 2021-22, it is mentioned that out of the total 155 students, 07 students were from the Muslim minority community, 04 students were from the Christian minority community, 01 student was from the Sikh minority community, 06 students were from the Buddhist minority community and 137 students were Hindu. In the year 2022-23, it is mentioned that out of the total 212 students, 11 students were from the Muslim minority community, 08 students were from the Christian minority community, 03 students were from the Sikh minority community, 07 students were from the Buddhist minority community and 183 students were Hindu. In the year 2023-24, it is mentioned that out of the total 255 students, 14 students were from the Muslim minority community, 13 students were from the Christian minority community, 05 students were from the Sikh minority community, 05 students were from the Buddhist minority community and 218 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 13 teachers, 06 teachers were from Christian minority community, 07 teachers were Hindu. In the year 2022-23, out of the total 13 teachers, 06 teachers were from Christian minority community, 07 teachers were Hindu. In the year 2023-24, out of the total 13 teachers, 06 teachers were from Christian minority community, 07 teachers were Hindu.

5. It is stated in the petition that on dated 24.11.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 27.11.2023 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. Despite service of registered notice/email dated 03.06.2024 and 12.08.2024 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 18.07.2024, after service of letter/ email to the physical inspection committee dated 12.08.2024 and 09.10.2024, the District Collector, Dehradun, has sent physical inspection report dated 18.09.2024, which was received in the Commission's Office on dated 23.10.2024 wherein they have not recommended to grant minority status certificate to the petitioner institution but they have not given any adverse remarks. As per census report of 2011 Christian minority community in the state of uttrakhand is 0.37%. it is

mentioned in the physical inspection report that in the year 2024-25, out of the total 255 students, 25 students were from the Christian minority community which is 9% the total student which is more than the state census of 2011 i.e. 0.37%.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit Sr. Alica Joseph, Secretary, "St. Ann's Society" and authorized representative of 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 St. Ann's 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 Sr. Alica Joseph, Secretary, "St. Ann's Society" and authorized representative of 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 Uttarakhand as per the census of 2011 is 0.37%.

10. I have perused the amended Memorandum of Association of the petitioner institution, which was registered before the Administration Officer, Firms, Society, Chits, Dehradun, Uttarakhand, on dated 10.10.2023 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 24.11.2023 and petition for grant of MSC on dated 15.03.2024.

11. The amended Memorandum of Association dated 10.10.2023 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 St. Ann's Senior Secondary School, Near Doon Helidrome, Tarla Nagal, Sahastradhara Road, Dehradun, Uttarakhand- 248 001, run by the St. Ann's 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.

13. Consequently, St. Ann's Senior Secondary School, Near Doon Helidrome, Tarla Nagal, Sahastradhara Road, Dehradun, Uttarakhand- 248 001, is declared as 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 to file updated affiliation order issued by the consent authority. 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.

14. After compliance of the above order, 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, 04th day of February, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS