

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

Case No. 07 of 2024

In the matter of :-

**Jai Krista Convent High School, Pahurbal P.O., Bakawand Block,
Bastar District, Chhattisgarh- 494 222.**

..... **Petitioner**

V/s

**Commissioner, Department of Development of Tribal and Scheduled
Caste, Nava Raipur, Ground Floor, Indrawati Bhawan, Raipur
District, Chhattisgarh- 492 015**

..... **Respondent**

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

ORDER

DATED 25.02.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 20.12.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Jai Krista Convent High School, Pahurbal P.O., Bakawand Block, Bastar District, Chhattisgarh- 494222.
2. Learned counsel for the petitioner filed an affidavit of Mrs. Lilly Joseph, President of the Bastar Samagra Vikas Samiti 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 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. : CG/2017/0171721 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 15.09.2023 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Bastar Samagra Vikas Samiti, 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 dated 01.03.2023 alongwith list of present members of the Society, download/notarized copy of the Affiliation issued by CBSE, Secondary Level to the petitioner institution valid upto 31.03.2025 and resolution of the General Body of the Society in favour of Mrs. Lilly Joseph, President of the Bastar Samagra Vikas Samiti for obtaining MSC from this Commission.
4. As per the information supplied by the petitioner unaided institution with regard to students strength as on Academic Year 2021-22, it is mentioned that out of total 559 students, 04 students were from the Muslim minority community, 13 students were from the Christian minority community, 02

students were from the Jain minority community, and 540 students were Hindu, In the year 2022-23, it is mentioned that out of total 551 students, 03 students were from the Muslim minority community, 12 students were from the Christian minority community, 02 students were from the Jain minority community, and 534 students were Hindu and in the year 2023-24, it is mentioned that out of total 595 students, 04 students were from the Muslim minority community, 13 students were from the Christian minority community, 01 student was from the Jain minority community, and 577 students were Hindu. In the academic year 2021-22, out of the total 33 teachers, 01 teacher was from the Muslim minority community, 12 teachers were from the Christian minority community and 20 teachers were Hindu, In the academic year 2022-23, out of the total 33 teachers, 10 teachers were from the Christian minority community and 23 teachers were Hindu and in the academic year 2023-24, out of the total 35 teachers, 12 teachers were from the Christian minority community and 23 teachers were Hindu.

5. It is stated in the petition that on dated 15.09.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 18.09.2023 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 / email dated 14.02.2024, 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 13.03.2024. After service of letters/emails to the physical inspection committee dated 03.04.2024, 03.07.2024 and 23.09.2024, Physical Inspection Committee, District Education Officer, Bastar has sent a letter dated 04.09.2024 physical inspection report which was received in the Commission's Office on dated 19.09.2024 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 petition, the documents filed by the petitioner and affidavit of Mrs. Lilly Joseph, President of the Bastar Samagra Vikas Samiti.
8. 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 Chhattisgarh as per the census of 2011 is 1.92%.

9. 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 Bastar Samagra Vikas Samiti 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 Mrs. Lilly Joseph, President of the Bastar Samagra Vikas Samiti.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar of Societies on dated 01.03.2023 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 15.09.2023 and petition for grant of MSC on dated 20.12.2023. 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 dated 01.03.2023 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 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.
12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Jai Krista Convent High School, Pahurbal P.O., Bakawand Block, Bastar District, Chhattisgarh- 494222 run by Bastar Samagra Vikas Samiti 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, Jai Krista Convent High School, Pahurbal P.O., Bakawand Block, Bastar District, Chhattisgarh- 494222, 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, 25th Day of February, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS