

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

CASE NO. 78 OF 2024

In the matter of:

St. Francis School, Gundle P.O., Mahagaon, Boisar (East), Palghar District, Maharashtra- 401501.

... Petitioner

Versus

Joint Secretary, Minorities Development Department, Room No. 715, Mantralaya (Annexe), Mumbai, Maharashtra- 400032.

... Respondent

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

ORDER

Date: 27.05.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 06.02.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Francis School, Gundle P.O., Mahagaon, Boisar (East), Palghar District, Maharashtra- 401501.

2. Learned counsel for the petitioner filed affidavit of Ms. Stella, President, The Assisi Convent Educational 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.: MH/2017/0152010 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 16.10.2023 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration, 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. Downloaded copy of affiliation order dated 17.05.2021 issued by the Deputy Secretary/Joint Secretary (Aff), CBSE to the unaided petitioner institution from 01.04.2022 to 31.03.2027 for the Secondary/Senior Secondary Level to the unaided petitioner institution. He has filed original resolution of the General Body of the Society in favour of Ms. Stella, President, "The Assisi Convent Educational 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 1435 students, 70 students were from the Muslim minority community, 76 students were from the Christian minority community, 09 students were from the Sikh minority community, 05 students were from the Jain minority community and 1275 students were Hindu. In the year 2022-23, it is mentioned that out of the total 1681 students, 94 students were from the Muslim minority community, 53 students were from the Christian minority community, 15 students were from the Sikh minority community, 11 students were from the Jain minority community and 1508 students were Hindu. In the year 2023-24, it is mentioned that out of the total 1740 students, 98 students were from the Muslim minority community, 65 students were from the Christian minority community, 17 students were from the Sikh minority community, 09 students were from the Jain minority community and 1551 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 62 teachers, 01 teacher was from Muslim minority community, 03 teachers were from Christian minority community and 58 teachers were Hindu. In the year 2022-23, out of the total 62 teachers, 02 teachers were from Muslim minority community, 03 teachers were from Christian minority community and 57 teachers were Hindu and in the year 2023-24, out of the total 67 teachers, 02 teachers were from Muslim minority community, 02 teachers were from Christian minority community, 01 teacher was from Sikh minority community and 63 teachers were Hindu.

5. It is stated in the petition that on dated 16.10.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 20.10.2023 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 20.02.2024, 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 01.05.2024, after service of letter/

email to the physical inspection committee dated 20.06.2024 and 03.09.2024, the District Collector Palghar, has sent physical inspection report dated 16.10.2024, which was received in the Commission's Office on dated 23.10.2024 wherein they have recommended to grant minority status certificate to the petitioner institution.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Ms. Stella, President, The Assisi Convent Educational 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 Assisi Convent 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 Ms. Stella, President, Assisi Convent Educational 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 Maharashtra as per the census of 2011 is 0.96%.

10. I have perused the amended Memorandum of Association of the petitioner institution, which was registered before the Assistant Registrar, Firms, Society, Chits, Kanpur, Uttar Pradesh, on dated 18.11.2022 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 16.10.2023 and petition for grant of MSC on dated 06.02.2024. 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 18.11.2022 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Francis School, Gundle P.O., Mahagaon, Boisar (East), Palghar District, Maharashtra- 401501 run by The Assisi Convent 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. Francis School, Gundle P.O., Mahagaon, Boisar (East), Palghar District, Maharashtra- 401501, 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.

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, 27th Day of May, 2025**

DR. SHAHID AKHTER
MEMBER