

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

**Case No. 132 of 2024**

**In the matter of :-**

**Carmel Convent School, Noorbari P.O., Harigaon, Tezpur, Nikhamul Satra, Sonitpur District, Assam – 784 154.**

**..... Petitioner**

**V/s**

**Joint Secretary, Education Department (Higher), Assam Secretariat, Block C, Secretariat Complex, Dispur, Guwahati, Assam – 781 006.**

**..... Respondent**

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

**ORDER**

**DATED: 27.05.2025**

**Dr. Shahid Akhter, Member, NCMEI**

1. This petition has been received on 20.03.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Carmel Convent School, Noorbari P.O., Harigaon, Tezpur, Nikhamul Satra, Sonitpur District, Assam – 784154.
2. Learned counsel for the petitioner filed an affidavit of Sr. Sibi, President of Carmel Bhavan 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 notarized copy of Unique ID No. : NL/2017/0169343 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of the application dated 01.12.2023 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Carmel Bhavan, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Rules and Regulation of Society, notarized copy of Amended Memorandum of Association alongwith list of present members of the Society notarized copy of recognition dated 01.08.2023 issued by the Director of Secondary Education, Assam to the unaided petitioner institution and resolution of the General Body of the Society in favour of Sr. Sibi, President of Carmel Bhavan 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 462 students, 215 students were from the Muslim minority community, 19 students were from the Christian minority community and 228 students were Hindus, in the year 2022-23, it is mentioned that out of total 526 students, 242 students were from the Muslim minority community, 22 students were from the Christian minority community and 262 students were Hindus and in the year 2023-24, it is mentioned that out of total 543 students, 254 students

were from the Muslim minority community, 23 students were from the Christian minority community and 266 students were Hindus. It is relevant to mention here that during the academic year 2021-22, out of the total 19 teachers, 09 teachers were from the Christian minority community and 10 teachers were Hindu, In the academic year 2022-23, out of the total 19 teachers, 01 teacher was from the Muslim minority community, 09 teachers were from the Christian minority community and 09 teachers were Hindu and in the academic year 2023-24, out of the total 19 teachers, 01 teacher was from the Muslim minority community, 09 teachers were from the Christian minority community and 09 teachers were Hindu.

5. It is stated in the petition that on dated 01.12.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 05.12.2023 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 28.05.2024 and 06.09.2024, 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 24.09.2024. After service of letters/emails to the physical inspection committee dated 25.09.2024 and 20.12.2024, Physical Inspection Committee, Inspector of Schools, Tezpur has sent physical inspection report dated 30.11.2024 which was received in the Commission's Office on dated 13.01.2025 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 Sr. Sibi, President of Carmel Bhavan.

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 Assam as per the census of 2011 is 3.74%.

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 Carmel Bhavan 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. Sibi, President of Carmel Bhavan.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Additional Secretary, Nagaland on dated 27.10.2023 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 01.12.2023 and petition for grant of MSC on dated 20.03.2024. 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 Memorandum of Association dated 27.10.2023 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that Carmel Convent School, Noorbari P.O., Harigaon, Tezpur, Nikhamul Satra, Sonitpur District, Assam– 784154 run by Carmel Bhavan 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, Carmel Convent School, Noorbari P.O., Harigaon, Tezpur, Nikhamul Satra, Sonitpur District, Assam– 784154 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, 27<sup>th</sup> Day of May, 2025.**

**DR. SHAHID AKHTER**  
**MEMBER**

DSS