

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

Case No. 85 of 2023

In the matter of :-

**St. Francis Hr. Sec. School, Church Road, Jinsi, Jehangirabad, P.O. Bhopal,
Madhya Pradesh – 462 008.**

..... **Petitioner**

V/s

**Secretary, Backward Classes and Minority Welfare Department, Government
of Madhya Pradesh, Room No. 339, Mantralaya, Bhopal, Madhya Pradesh**

..... **Respondent**

Present: Mr. Junais P., Advocate for the petitioner
None for the respondent

ORDER

DATED 26.08.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 28.02.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Francis Hr. Sec. School, Church Road, Jinsi, Jehangirabad, P.O. Bhopal, Madhya Pradesh – 462 008.
2. Learned counsel for the petitioner filed an affidavit of Bro. James Ekka, President of The Brother of St. Gabriel Society Province of Delhi 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.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : MP/2017/0172677 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 04.11.2022 by hand to the State Competent Authority, notarized copy of Certificate of Registration of The Brother of St. Gabriel Society Province of Delhi, certified copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 07.10.2022 alongwith list of present members of the Society, notarized copy of Rules and Regulation of Society, He has also filed downloaded/notarized copy of affiliation order dated 27.09.2022 issued by the Deputy Secretary/Joint Secretary (Aff), CBSE granting affiliation from 01.04.2023 to 31.03.2028 for the Secondary/Senior Secondary Level to the petitioner institution and resolution of the General Body of the Society in favour of Bro. James Ekka, President of The Brother of St. Gabriel Society Province of Delhi for obtaining MSC from this Commission.
4. As per the PIC Sent by District Collector, Bhopal information about petitioner institution with regard to students' strength during the academic year 2021-22, it is mentioned that out of total 1620 students, 911 students were from the Muslim minority community, 52 students were from the Christian minority community, 02 students were from the Sikh minority community, 12 students were from the Jain minority community and 643 students were Hindu, In the academic year 2022-23, it is mentioned that out of total 1685 students, 900 students were from the Muslim minority community, 115 students were from the Christian minority community, 02 students were from the Sikh minority community, 03 students were from the Jain minority community and 665 students were Hindu, In the academic year 2023-24, it is mentioned that out of total 1816 students, 1162 students were from the Muslim minority community, 43 students were from the Christian minority community, 02 students were from the Sikh minority community, 10 students were from the Jain minority community and 599 students were Hindu It is relevant to mention here that

during the in the academic year 2021-22, out of the total 59 teachers, 09 teachers were from the Muslim minority community, 18 teachers were from the Christian minority community, 01 teacher was from the Sikh minority community, 01 teacher was from the Jain minority community and 30 teachers were Hindu, In academic year 2022-23, out of the total 59 teachers, 10 teachers were from the Muslim minority community, 17 teachers were from the Christian minority community, 01 teacher was from the Sikh minority community, 01 teacher was from the Jain minority community and 30 teachers were Hindu and in the academic year 2023-24, out of the total 65 teachers, 11 teachers were from the Muslim minority community, 18 teachers were from the Christian minority community, 01 teacher was from the Sikh minority community, 01 teacher was from the Jain minority community and 34 teachers were Hindu

5. It is stated in the petition that on dated 04.11.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 04.11.2022 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 15.03.2023, Commissioner, Backward Classes & Minority Welfare Department, Government of Madhya Pradesh has sent two E-mail which was received before the Commission's office on dated 10.05.2023 Which was taken on record. 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 05.12.2023. After service of letters/emails to the physical inspection committee dated 09.01.2024, and 21.03.2024, Physical Inspection Committee, District Collector, Bhopal has sent physical inspection report dated 21.02.2024 which was received in the Commission's Office on dated 07.03.2024 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 Bro. James Ekka, President of The Brother of St. Gabriel Society Province of Delhi.
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 Madhya Pradesh as per the census of 2011 is 0.29%.
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 The Brother of St. Gabriel Society Province of Delhi 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 Bro. James Ekka, President of The Brother of St. Gabriel Society Province of Delhi.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar of Societies, Bhopal

on dated 07.10.2022 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 04.11.2022 and petition for grant of MSC on dated 28.02.2023. 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 07.10.2022 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 St. Francis Hr. Sec. School, Church Road, Jinsi, Jehangirabad, P.O. Bhopal, Madhya Pradesh – 462 008 run by The Brother of St. Gabriel Society Province of Delhi 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 Hr. Sec. School, Church Road, Jinsi, Jehangirabad, P.O. Bhopal, Madhya Pradesh – 462 008 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 subject to the condition that the petitioner would file an affidavit or undertaking to the fact 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. 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, 26th Day of August, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS