

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

**Case No. 75 of 2023**

**In the matter of :-**

**St. Xavier's English Medium School, Simrawari Bhel, Jhansi Dist.,  
Uttar Pradesh – 284 129.**

..... **Petitioner**

**V/s**

**Additional Chief Secretary, Department of Secondary Education,  
Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar  
Pradesh-226001**

..... **Respondent**

Present:     Mr. Jose Abraham, 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 21.02.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Xavier's English Medium School, Simrawari Bhel, Jhansi Dist., Uttar Pradesh – 284129.
2. Learned counsel for the petitioner filed an affidavit of Fr. Denis D' Souza, Secretary of the Catholic Diocese of Jhansi Education Society 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. : UP/2017/0154117 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 09.11.2022 sent to the State Competent Authority i.e. Additional Chief Secretary, Secondary Education Department, Bapu Bhawan, 7th Floor, Lucknow, Uttar Pradesh alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Catholic Diocese of Jhansi Education Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 03.11.2015 alongwith list of present members of the Society, downloaded copy of order dated 03.12.2021 issued by the Deputy Secretary/Joint Secretary (Aff), CBSE granting affiliation to the unaided petitioner institution from 01.04.2022 to 31.03.2027 and resolution of the General Body of the Society in favour of Fr. Denis D' Souza, Secretary of the Catholic Diocese of Jhansi Education Society 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 2020-21, it is mentioned that out of total 398 students, 15 students were from the Muslim minority community, 05 students were from the Christian minority community, 01 student was from the Sikh minority, 01 student was from the Jain minority community and 376 students were Hindu, In the year 2021-22, it is mentioned that out of total 345 students, 15 students were from the Muslim minority community, 04 students were from the Christian minority community, 01 student was from the Sikh minority community and 325 students were Hindu and in the year 2022-23, it is mentioned that out of total 548 students, 24 students were from the Muslim minority community, 06 students were from the Christian minority community, 01 student was from the Sikh minority community and 517 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of the total 17 teachers, 09 teachers were from the Christian minority community and 08 teachers were Hindu, In the academic year 2021-22, out of the total 20 teachers, 08 teachers were from the Christian minority community and 12 teachers were Hindu and in the academic year 2022-23, out of the total 20 teachers, 07 teachers were from the Christian minority community and 13 teachers were Hindu.
  
5. Some variance was observed in the physical inspection report and application for grant of minority status certificate. A bare reading of the physical inspection report makes it clear that during the academic year 2021-22, out of total 419 students, 25 students belong to Muslim minority community, 12 students belong to Christian minority community, 03 students belong to Sikh minority community, 03 students belong to Jain minority community and 376 students are from the Hindu community. In the year 2022-23, out of total 373 students, 30 students belong to Muslim minority community, 12 students belong to Christian minority community, 03 students belongs to Sikh minority community, 02 students belong to Jain minority community and 326 students are from the Hindu community. Learned counsel for the petitioner has filed clarification affidavit stating that as per MSC application, the total strength of students for the academic year 2021-2022 and 2022-2023 is mentioned as 345 and 548 respectively. Whereas, the inspection report states the total number for the academic year 2021-2022 and 2022-2023 as 419 and 373 respectively. It is further submitted that the process for obtaining NOC for minority status certificate was initiated during the year 2021-2022 and hence, the same information was mentioned in the application for MSC before the Commission which was filed 21/02/2023. It is further clarified that the academic year 2022-2023, due to covid pandemic a large number of students left out from the school but eventually for the academic year 2023-2024, all those students have come back to petition institution are taken on record.
  
6. It is stated in the petition that on dated 09.11.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 14.11.2022 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.

7. After service of registered notice / email dated 06.03.2023, 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 02.11.2023. After service of letters/emails to the physical inspection committee dated 18.12.2023, 23.02.2024, 13.02.2025 and 15.05.2025, Physical Inspection Committee, District Basic Education Officer, Jhansi has sent physical inspection report which was received in the Commission's Office on dated 28.02.2023 wherein they have recommended to grant minority status certificate to the petitioner institution.
8. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Fr. Denis D' Souza, Secretary of the Catholic Diocese of Jhansi Education Society.
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 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 Uttar Pradesh as per the census of 2011 is 0.18%.
10. 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 Catholic Diocese of Jhansi Education 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 Fr. Denis D' Souza, Secretary of the Catholic Diocese of Jhansi Education Society.
11. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar of Societies on dated 03.11.2015 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 09.11.2022 and petition for grant of MSC on dated 21.02.2023. 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.
12. The Amended Memorandum of Association dated 03.11.2015 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.
13. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Xavier's English Medium School, Simrawari Bhel,

Jhansi Dist., Uttar Pradesh – 284129 run by Catholic Diocese of Jhansi Education 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.

14. Consequently, St. Xavier's English Medium School, Simrawari Bhel, Jhansi Dist., Uttar Pradesh – 284129 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."
15. A minority status certificate be issued accordingly.
16. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 26<sup>th</sup> Day of August, 2025.**

**DR. SHAHID AKHTER  
MEMBER**

DSS