

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

CASE NO. 214 OF 2024

In the matter of:

Don Bosco School, Khobong, Talap P.O., Tinsukia District, Assam-786156.

... Petitioner

Versus

Joint Secretary, Department of Higher Education, Assam Secretariat, Block C, Secretariat Complex, Dispur, Guwahati.

... Respondent

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

ORDER

Date: 03.09.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 20.05.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Don Bosco School, Khobong, Talap P.O., Tinsukia District, Assam- 786156.
2. Learned counsel for the petitioner filed affidavit of Fr. Alex Pulimoottil, President, Don Bosco Khobong 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.: AS/2023/0379031 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 19.01.2024 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Don Bosco Khobong, notarized copy of Memorandum of Association and Rules & Regulations alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association and Amended Rules & Regulations dated 05.01.2024 alongwith list of present members of the Society, notarized copy of order dated 30.11.2019 issued by the Joint Director of Secondary Education, Assam, Guwahati granting affiliation to the unaided petitioner institution and resolution. of the General Body of the

Society in favour of Fr. Alex Pulimoottil, President, "Don Bosco Khobong" 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 453 students, 287 students were from the Christian minority community and 166 students were Hindu. In the year 2022-23, it is mentioned that out of the total 410 students, 03 students were from the Muslim minority community, 219 students were from the Christian minority community and 188 students were Hindu. In the year 2023-24, it is mentioned that out of the total 456 students, 15 students were from the Muslim minority community, 233 students were from the Christian minority community and 208 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 15 teachers, 13 teachers were from Christian minority community and 02 teachers were Hindu. In the year 2022-23, out of the total 15 teachers, 13 teachers were from Christian minority community and 02 teachers were Hindu. In the year 2023-24, out of the total 18 teachers, 01 teacher was from Muslim minority community, 14 teachers were from Christian minority community and 03 teachers were Hindu.

5. It is stated in the petition that on dated 19.01.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 24.01.2024 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. After service of registered notice/email dated 15.07.2024, 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 12.09.2024, after service of letter/ email to the physical inspection committee dated 30.09.2024 and 03.12.2024, the Addl. District Commissioner (Edn), Tinsukia has sent physical inspection report dated 29.01.2025, which was received in the Commission's Office on dated 04.02.2025 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 Fr. Alex Pulimoottil, President, "Don Bosco Khobong" 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 Don Bosco Khobong, 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. Alex Pulimoottil, President, "Don Bosco Khobong" 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 Assam as per the census of 2011 is 3.74%.

10. I have perused the Amended Memorandum of Association of the petitioner institution, which was registered before the Registrar, Firms, Societies, Chits, Dispur, Guwahati, Assam, on dated 05.01.2024 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 19.01.2024 and petition for grant of MSC on dated 20.05.2024. 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 05.01.2024 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that Don Bosco School, Khobong, Talap P.O., Tinsukia District, Assam- 786156, run by the Don Bosco Khobong, 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, Don Bosco School, Khobong, Talap P.O., Tinsukia District, Assam- 786156, 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 **Wednesday, 03rd day of September, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS