

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

CASE NO. 282 OF 2024

In the matter of:

Our Lady of Fatima School, New Colony, Gurgaon District, Haryana-122 001.

... Petitioner

Versus

Secretary, School Education Department for Schools/Primary Schools, Room No. 37, 7th Floor, Haryana Civil Secretariat, Sector-1, Chandigarh.

... Respondent

Present: Mr. Jose Abraham, Advocate for the petitioner.
Ms. Naveen Aggarwal, o/o Dte. of Elementary Education,
Haryana for the respondent.

ORDER

Date: 11.11.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 19.11.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Our Lady of Fatima School, New Colony, Gurgaon District, Haryana- 122 001.

2. Learned counsel for the petitioner filed an affidavit of Matilda George, President of The Institute of the Franciscan Clarist Sisters of the Most Blessed Sacrament 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.: DL/2017/0168330 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 05.04.2024 by post to the State Competent Authority along with postal receipt and its tracking report, notarized copy of Certificate of Registration of The Institute of the Franciscan Clarist Sisters of the Most Blessed Sacrament, notarized copy of Memorandum of Association along with list of founding members of the Society, notarized copy of Rules and Regulations of the Society, notarized copy of Amended Memorandum of Association dated 14.05.2015 along with list of present members of the Society. notarized copy of order dated 24.03.2022 issued by the Director, Elementary Education, Panchkula, Haryana granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Matilda George, President of The Institute of the Franciscan Clarist Sisters of the Most Blessed Sacrament for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students' strength, it is mentioned that during the academic year 2022-23, out of the total 699 students, 09 students were from the Muslim minority community, 22 students were from the Christian minority community, 15 students were from the Sikh minority community, 10 students were from the Jain minority community and 643 students were Hindu. During the academic year 2023-24, out of the total 687 students, 10 students were from the Muslim minority community, 30 students were from the Christian minority community, 13 students were from the Sikh minority community, 14 students were from the Jain minority community and 620 students were Hindu and during the academic year 2024-25, out of the total 685 students, 12 students were from the Muslim minority community, 32 students were from the Christian minority community, 14 students were from the Sikh minority community, 15 students were from the Jain minority community and 612 students were Hindu. It is relevant to mention here that during the academic year 2022-23, out of 33 teachers, 03 teachers were from the Christian Minority community and 30 teachers were Hindu, During the academic year 2023-24, out of 34 teachers, 04 teachers were from the Christian Minority community and 30 teachers were Hindu and during the academic year 2024-25, out of 33 teachers, 05 teachers were from the Christian Minority community and 28 teachers were Hindu.

5. It is stated in the petition that on dated 05.04.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 09.04.2024 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 20.12.2024 and 27.05.2025, reply has been received vide letter dated 18.02.2025 which was received in the Commission's Office by post on 24.02.2025 from ARO-cum-Deputy Superintendent P.S., Directorate of Elementary Education, Haryana alongwith guideline for grant of NOC for minority status to the school to be set up by minority educational institutions in Haryana, which is already taken on record. and several email have been received from Directorate of Elementary Education, Haryana all are already 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 18.02.2025. After service of letter/emails to the physical inspection committee dated 03.03.2025 and reminder dated 28.04.2025, Physical Inspection Committee, has sent letter dated 15.05.2025, which was received by post in the Commission's Office on dated 13.06.2025 which was duly signed by members of the physical Inspection Committee stating therein that as per the report submitted but they have not given any adverse remarks.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Matilda George, President of The Institute of the Franciscan Clarist Sisters of the Most Blessed Sacrament 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 Institute of the Franciscan Clarist Sisters of the Most Blessed Sacrament 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 Matilda George, President of The Institute of the Franciscan Clarist Sisters of the Most Blessed Sacrament 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 Haryana as per the census of 2011 is 0.20%.

10. I have perused the Amended Memorandum of Association of the petitioner institution, which was registered before the Registrar, Firms & Society, Delhi on dated 14.05.2015 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 05.04.2024 and petition for grant of MSC on dated 19.11.2024. 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 14.05.2015 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 Our Lady of Fatima School, New Colony, Gurgaon District, Haryana- 122001 run by The Institute of the Franciscan Clarist Sisters of the Most Blessed Sacrament 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, Our Lady of Fatima School, New Colony, Gurgaon District, Haryana- 122 001 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 **Thursday, 11th day of November, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS