

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

Case No. 447 of 2020

In the matter of :-

**Dominic Savio Hr. Sec. School, London Mission Road,
Tirupattur, Vellore District, Tamil Nadu - 635601**

..... Petitioner

V/s

**Principal Secretary, School Education Department, Govt. of
Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai,
Tamil Nadu**

..... Respondent

**Present : Mr. Jose Abraham, Advocate for the petitioner
Nonefor the respondent**

ORDER

DATED 07.10.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 10.11.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Dominic Savio Hr. Sec. School, London Mission Road, Tirupattur, Vellore District, Tamil Nadu – 635601.
2. Learned counsel for the petitioner filed affidavits of Fr. Francis Xavier. D, Secretary of The Dominic Savio Orphanage 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. He has also filed undertaking therein that stating 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. : TN/2018/0187894 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 24.12.2018 sent to the State Competent Authority alongwith postal receipt and its acknowledgement receipt, certified copy of Certificate of Registration of The Dominic Savio Orphanage Society, certified copy of Memorandum of Association alongwith founding member list of society, certified copy of rules and regulations of the society, notarized copy of Amended Memorandum of Association dated 20.09.2018, certified copy list of present members of the Society, notarized copy of Permanent recognition dated 26.02.2001 in Tamil Language alongwith its notarized english translation issued by the Director of School Education granting affiliation to the aided petitioner institution and original resolution of the General Body of the Trust in favour of Fr. Francis Xavier. D, Secretary of The Dominic Savio Orphanage Society for obtaining MSC from this Commission. Learned Counsel for the petitioner has also filed an affidavit of Fr. Francis Xavier. D, Secretary of The Dominic Savio Orphanage Society stating that the Fr. Francis Xavier. D and Rev. Fr. Francis Xavier are one and same person.

4. As per the information supplied by the petitioner aided institution with regard to students strength as on Academic Year 2022-23, it is mentioned that out of total 1479 students, 84 students were from the Muslim minority community, 117 students were from the Christian minority community and 1278 students were Hindu, in the year 2023-24, it is mentioned that out of total 1500 students, 89 students were from the Muslim minority community, 145 students were from the Christian minority community and 1266 students were Hindu and in the year 2024-25, it is mentioned that out of total 1551 students, 95 students were from the Muslim minority community, 198 students were from the Christian minority community and 1258 students were Hindu. It is relevant to mention here that during the academic year 2022-23, out of the total 35 teachers, 31 teachers were from the Christian minority community and 04 teachers were Hindu. In the academic year 2023-24, out of the total 35 teachers, 31 teachers were from the Christian minority community and 04 teachers were Hindu and in the academic year 2024-25, out of the total 35 teachers, 31 teachers were from the Christian minority community and 04 teachers were Hindu.
5. It is stated in the petition that on dated 24.12.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 26.12.2018 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 dated 04.08.2022 and 03.09.2025, no reply/response 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 29.09.2022. After service of letter/emails to the physical inspection committee dated 25.10.2022 and reminders dated 24.11.2022, 11.01.2023, 14.03.2023, 17.05.2023, 18.08.2023, 01.11.2023, 12.12.2023, 17.01.2024, 09.04.2024, 11.07.2024, 27.09.2024 and 28.11.2024. Physical inspection committee failed to send a proper reply to the Commission. Accordingly, the case was proceeded ex-parte against them. As per census report of 2011 percentage of Christian minority community in the state of Tamil Nadu is 6.12%. As per Information supplied by the petitioner institution wherein is mentioned that in the year 2024-25, out of the total 1551 students, 198 students are from the Christian minority community, which is 12.76% the total student which is more than the state census of 2011 i.e. 6.12%.
7. Heard Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Fr. Francis Xavier. D, Secretary of The Dominic Savio Orphanage Society.
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 Dominic Savio Orphanage 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. Francis Xavier. D, Secretary of The Dominic Savio Orphanage 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 Tamil Nadu as per the census of 2011 is 6.12%.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar, Tirupattur on dated 20.09.2018 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 24.12.2018 and petition for grant of MSC on dated 10.11.2020. 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 20.09.2018 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 Dominic Savio Hr. Sec. School, London Mission Road, Tirupattur, Vellore District, Tamil Nadu - 635601 run by The Dominic Savio Orphanage 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.
13. Consequently, Dominic Savio Hr. Sec. School, London Mission Road, Tirupattur, Vellore District, Tamil Nadu - 635601 is declared as an aided 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, 07th Day of October, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS