

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

CASE NO. 280 OF 2023

In the matter of:

**Convent of Jesus and Mary English Medium School, Press Road,
Mariampura, Khambhat, District Anand, Gujarat.**

... Petitioner

Versus

**Director, Primary Education, Dr. Jivraj Mehta Bhawan, 2nd Floor,
12/1, Gandhinagar, Gujarat.**

... Respondent

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

ORDER

Date: 12.11.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 04.10.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Convent of Jesus and Mary English Medium School, Press Road, Mariampura, Khambhat, District Anand, Gujarat.
2. Learned counsel for the petitioner filed an affidavit of Felicia Joseph Pereira, President of Jesus and Mary Gujarat Society Khambhat 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 therein 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.: GJ/2017/0117223 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 20.03.2023 by post to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Jesus and Mary Gujarat Society Khambhat in Gujarati language alongwith its notarized English translation, notarized copy of Memorandum of Association and Rules & Regulations alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 19.07.2022 alongwith list of present members of the Society. notarized copy of Certificate of Recognition in Gujarati language alongwith its notarized English translation dated June 2016 issued by the District Education Officer, Anand Dt., Gujarat granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Felicia Joseph Pereira, President of Jesus and Mary Gujarat Society Khambhat 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 2020-21, out of the total 146 students, 69 students were from the Muslim minority community, 11 students were from the Christian minority community, 02 students were from the Sikh minority community, 01 student was from the Jain minority community, 01 student was from the Buddhist minority community and 62 students were Hindu. During the academic year 2021-22, out of the total 188 students, 104 students were from the Muslim minority community, 10 students were from the Christian minority community, 02 students were from the Sikh minority community, 01 student was from the Jain minority community, 01 student was from the Buddhist minority community and 70 students were Hindu and during the academic year 2022-23, out of the total 247 students, 151 students were from the Muslim minority community, 13 students were from the Christian minority community, 02 students were from the Sikh minority community, 01 student was from the Jain minority community, 01 student was from the Buddhist minority community and 79 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of 07 teachers, 03 teachers were from the Christian Minority community, 01 teacher was from the Jain Minority community and 03 teachers were Hindu. During the academic year 2021-22, out of 08 teachers, 03 teachers were from the Christian Minority community, 01 teacher was from the Jain Minority community and 04 teachers were Hindu and during the academic year 2022-23, out of 09 teachers, 04 teachers were from the Christian Minority community, 01 teacher was from the Jain Minority community and 04 teachers were Hindu.

5. It is stated in the petition that on dated 20.03.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.03.2023 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 13.12.2023, 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 16.01.2024. After service of letter/emails to the physical inspection committee dated 17.01.2024 and reminders dated 19.02.2025 and 26.05.2025, Physical Inspection Committee, has sent letter dated 02.03.2024, which was received by post in the Commission's Office on dated 08.03.2024 which was duly signed by members of the physical Inspection Committee 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 Felicia Joseph Pereira, President of Jesus and Mary Gujarat Society Khambhat 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 Jesus and Mary Gujarat Society Khambhat 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 Felicia Joseph Pereira, President of Jesus and Mary Gujarat Society Khambhat 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 Gujarat as per the census of 2011 is 0.52%.

10. I have perused the Amended Memorandum of Association of the petitioner institution, which was registered before the Registrar, Registration Office of Public Trusts, Anand Pradeh, Anand on dated 19.07.2022 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 20.03.2023 and petition for grant of MSC on dated 04.10.2023. 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 19.07.2022 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that Convent of Jesus and Mary English Medium School, Press Road, Mariampura, Khambhat, District Anand, Gujarat run by Jesus and Mary Gujarat Society Khambhat 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, Convent of Jesus and Mary English Medium School, Press Road, Mariampura, Khambhat, District Anand, Gujarat 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, 12th day of November, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS