

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

**Case No. 160 of 2024**

**In the matter of :-**

**Mercy School of Nursing, Village Baridih, Tehsil Jamshedpur,  
East Singhbhum District, Jharkhand- 831017.**

..... **Petitioner**

**V/s**

**Director, Primary Education, Department of School Education &  
Literacy, S.E. & L. Department, MDI Building, Post Dhurwa, District  
Ranchi, Jharkhand- 834 004**

..... **Respondent**

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

**ORDER**

**DATED 03.12.2025**

**Dr. Shahid Akhter, Member, NCMEI**

1. This petition has been received on 10.04.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Mercy School of Nursing, Village Baridih, Tehsil Jamshedpur, East Singhbhum District, Jharkhand- 831 017.
2. Learned counsel for the petitioner filed an affidavit of Sr. Kiran Prema Ekka, President of Jamshedpur Mercy Hospital 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 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 notarized copy of Unique ID No. : JH/2017/0170606 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 19.12.2023 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration of Jamshedpur Mercy Hospital Society and Memorandum of Association alongwith list of founding members of the Society and Amended Memorandum of Association dated 03.11.2023 alongwith list of present members of the Society, notarized copy of order dated 21.04.2025 issued by Registrar, Jharkhand Nurses Registration Council, Jharkhand granting affiliation to the unaided petitioner institution, downloaded copy of latest affiliation order of petitioner institution issued by Indian Nursing Council and original resolution of the General Body of the Society in favour of Sr. Kiran Prema Ekka, President of Jamshedpur Mercy Hospital Society in support 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 71 students, 56 students were from the Christian minority community and 15 students were Hindu, in the year 2021-22, it is mentioned that out of total 40 students, 20 students were from the Christian minority community, 01 student was from the Sikh minority community, 03 students were from the Buddhist minority community and

16 students were Hindu and in the year 2022-23, it is mentioned that out of total 39 students, 23 students were from the Christian minority community, 01 student was from the Sikh minority community and 15 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of the total 26 teachers, 17 teachers were from the Christian minority community and 09 teachers were Hindu. In the academic year 2021-22, out of the total 27 teachers, 22 teachers were from the Christian minority community and 05 teachers were Hindu and in the academic year 2022-23, out of the total 27 teachers, 16 teachers were from the Christian minority community and 11 teachers were Hindu.

5. It is stated in the petition that on dated 19.12.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 22.12.2023 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 / email dated 31.05.2024, 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 13.08.2024. After service of letter/emails to the physical inspection committee dated 02.06.2023 and reminders dated 29.08.2023, 11.12.2023, 11.01.2024, 26.03.2024, 26.06.2024, 06.09.2024, 06.11.2024 and 31.01.2025, Physical Inspection Committee, has sent letter dated 03.05.2025, which was received by post in the Commission's Office on dated 26.05.2025 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 the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Sr. Kiran Prema Ekka, President of Jamshedpur Mercy Hospital Society.
8. 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 Jharkhand as per the census of 2011 is 4.30%.
9. 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 Jamshedpur Mercy Hospital 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 Sr. Kiran Prema Ekka, President of Jamshedpur Mercy Hospital Society.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Inspector General of Registration, Ranchi, Jharkhand on dated 03.11.2023 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 19.12.2023 and petition for grant of MSC on dated 10.04.2024. 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 03.11.2023 of the petitioner Society 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 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.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Mercy School of Nursing, Village Baridih, Tehsil Jamshedpur, East Singhbhum District, Jharkhand- 831 017 run by Jamshedpur Mercy Hospital 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, Mercy School of Nursing, Village Baridih, Tehsil Jamshedpur, East Singhbhum District, Jharkhand- 831 017 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.
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, 03<sup>rd</sup>**  
**Day of December, 2025.**

**DR. SHAHID AKHTER**  
**MEMBER**

DSS