

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

**CASE NO. 54 OF 2024**

**In the matter of:**

**Fatima Convent Primary School (English Medium), Jail Road,  
Bhavnagar, Gujarat- 364 001.**

**... 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: 19.11.2025**

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

1. This petition has been received on 29.01.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Fatima Convent Primary School (English Medium), Jail Road, Bhavnagar, Gujarat- 364 001.

2. Learned counsel for the petitioner filed an affidavit of Painumkal Rani George, President of Carmelite Sisters of Charity Society 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/2017/0168300 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 16.10.2023 by post to the State Competent Authority along with postal receipt and its tracking report, notarized copy of Certificate of Registration of Carmelite Sisters of Charity Society, notarized copy of Memorandum of Association and Rules & Regulations along with list of founding members of the Society, notarized copy of Amended Memorandum of Association in Gujarati language along with its notarized English translation dated 07.09.2023 along with list of present members of the Society. notarized copy of Certificate of Recognition in Gujarati language along with its notarized English translation dated 05.06.2013 issued by the District Education Officer, Bhavnagar, Gujarat granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Painumkal Rani George, President of Carmelite Sisters of Charity Society 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 2021-22, out of the total 1384 students, 231 students were from the Muslim minority community, 38 students were from the Christian minority community, 259 students were from the Jain minority community and 856 students were Hindu. During the academic year 2022-23, out of the total 1390 students, 246 students were from the Muslim minority community, 24 students were from the Christian minority community, 241 students were from the Jain minority community and 879 students were Hindu and during the academic year 2023-24, out of the total 332 students, 55 students were from the Muslim minority community, 04 students were from the Christian minority community, 19 students were from the Jain minority community and 254 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of 30 teachers, 02 teachers were from the Muslim Minority community, 09 teachers were from the Christian Minority community, 01 teacher was from the Jain Minority community and 18 teachers were Hindu. During the academic year 2021-22, out of 31 teachers, 03 teachers were from the Muslim Minority community, 08 teachers were from the Christian Minority community, 02 teachers were from the Jain Minority community and 18 teachers were Hindu and during the academic year 2022-23, out of 31 teachers, 02 teachers were from the Muslim Minority community, 09 teachers were from the Christian Minority community, 01 teacher was from the Jain Minority community and 19 teachers were Hindu.

5. It is stated in the petition that on dated 16.10.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 19.10.2023 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 06.03.2024 and 04.09.2025, 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 18.04.2024. After service of letter/emails to the physical inspection committee dated 20.06.2024 and reminder dated 02.04.2025, Physical Inspection Committee, has sent letter dated 03.08.2024, which was received by post in the Commission's Office on dated 07.08.2024 which was duly signed by members of the physical Inspection Committee wherein they have not recommended to grant minority status certificate to the petitioner institution. As per census report of 2011 percentage of Christian minority community in the state of Gujarat is 0.52%. It is mentioned in the physical inspection report that in the year 2024-25, out of the total 1269 students, 16 students were from the Christian minority community, which is 1.26% the total student which is more than the state census of 2011 i.e. 0.52%.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Painumkal Rani George, President of Carmelite Sisters of Charity Society 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 Carmelite Sisters of Charity 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 Painumkal Rani George, President of Carmelite Sisters of Charity Society 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 Public Trust Registration Office, Bhavnagar on dated 07.09.2023 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 16.10.2023 and petition for grant of MSC on dated 29.01.2024. 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 07.09.2023 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 Fatima Convent Primary School (English Medium), Jail Road, Bhavnagar, Gujarat- 364 001 run by Carmelite Sisters of Charity 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, Fatima Convent Primary School (English Medium), Jail Road, Bhavnagar, Gujarat- 364 001 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 **Wednesday, 19<sup>th</sup> day of November, 2025.**

**DR. SHAHID AKHTER  
MEMBER**

DSS