

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

Case No. 27 of 2025

In the matter of :-

**St. Joseph’s School, Devipur, Devipur P.O., Deoghar Dist.,
Jharkhand – 814152.**

..... 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 10.12.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 06.02.2025 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short ‘MSC’) to St. Joseph’s School, Devipur, Devipur P.O., Deoghar Dist., Jharkhand – 814152.
2. Learned counsel for the petitioner filed an affidavit of Rt. Rev. Bishop Kurien Valiakandathil, President of Bhagalpur Prefecture Association 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. : BR/2017/0160141 of the petitioner’s Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 21.08.2024 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration of Bhagalpur Prefecture Association and Memorandum of Association alongwith list of founding members of the Society and Amended Memorandum of Association dated 10.07.2023 alongwith list of present members of the Society, notarized copy of certificate dated 10.01.2023 issued by Chairman, CISCE granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Rt. Rev. Bishop Kurien Valiakandathil, President of Bhagalpur Prefecture Association 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 2022-23, it is mentioned that out of total 781 students, 16 students were from the Muslim minority community, 36 students were from the Christian minority community and 729 students were Hindu, in the year 2023-24, it is mentioned that out of total 877 students, 18 students were from the Muslim minority community, 59 students were from the Christian minority community and 800 students were Hindu and in the year 2024-25, it is mentioned that out of total 957 students, 17 students were from the Muslim minority community, 66 students were from the Christian minority community and 874 students were Hindu. It is relevant to mention here that during the academic year

2022-23, out of the total 27 teachers, 19 teachers were from the Christian minority community and 08 teachers were Hindu, In the academic year 2023-24, out of the total 31 teachers, 22 teachers were from the Christian minority community and 09 teachers were Hindu and in the academic year 2024-25, out of the total 37 teachers, 01 teacher was from the Muslim minority community, 23 teachers were from the Christian minority community and 13 teachers were Hindu.

5. It is stated in the petition that on dated 21.08.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 26.08.2024 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 05.03.2025, 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 30.04.2025. After service of letter/emails to the physical inspection committee dated 08.05.2025 and reminder dated 13.08.2025, Physical Inspection Committee, vide letter dated 24.06.2025, has sent Physical Inspection Report which was received by post in the Commission's Office on dated 21.08.2025 which was duly signed by all the members of the physical Inspection Committee wherein they have stated against Col. No. 13 that it should be based on criteria fixed for providing MSC in the light of this Inspection report. As per census of India report of 2011 percentage of Christian minority community in the state of Jharkhand is 4.30%. As per the information supplied by physical Inspection Committee in the academic year 2025-26, out of the total 1016 students, 74 students were from the Christian minority community, which is 7.28% the total student which is more than the state census of 2011 i.e. 4.30%.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Rt. Rev. Bishop Kurien Valiakandathil, President of Bhagalpur Prefecture Association.
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 Bhagalpur Prefecture Association 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 Rt. Rev. Bishop Kurien Valiakandathil, President of Bhagalpur Prefecture Association.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Inspector General of Registration, Patna, Bihar on dated 10.07.2023 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 21.08.2024 and petition for grant of MSC on dated 06.02.2025. 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 on 10.07.2023 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 St. Joseph's School, Devipur, Devipur P.O., Deoghar Dist., Jharkhand – 814 152 run by Bhagalpur Prefecture Association 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, St. Joseph's School, Devipur, Devipur P.O., Deoghar Dist., Jharkhand – 814152 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, 10th**
Day of December, 2025.

DR. SHAHID AKHTER
MEMBER

DSS