

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

**Case No. 39 of 2024**

**In the matter of :-**

**St. John Mary Vianney School, Dhanbasa, Mandro PO, Sahebganj  
District, Jharkhand - 813208.**

**..... Petitioner**

**V/s**

**Director, Primary Education, Department of School Education &  
Literacy (S.E. & L Dept.), Government of Jharkhand, MDI Building,  
Post Dhurwa, Dist. Ranchi, Jharkhand – 834 004**

**..... Respondent**

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

**ORDER**

**DATED 17.12.2025**

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

1. This petition has been received on 22.01.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. John Mary Vianney School, Dhanbasa, Mandro PO, Sahebganj District, Jharkhand - 813208.
2. Learned counsel for the petitioner filed an affidavit of Rt. Rev. 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 05.08.2023 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration of Bhagalpur Prefecture Association, Rules and Regulations of the Society and Memorandum of Association alongwith list of founding members of the Society and Amended Memorandum of Association dated 13.08.2016 alongwith list of present members of the Society, notarized copy of Inspection report dated 15.05.2017 issued by District Education Superintendent, Sahebganj to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Rt. Rev. 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 2021-22, it is mentioned that out of total 620 students, 01 student was from the Muslim minority community, 118 students were from the Christian minority community and 501 students were Hindu, in the year 2022-23, it is mentioned that out of total 714 students, 14 students were from the Muslim minority community, 181 students were from the Christian minority community and 519 students were Hindu and in the year 2023-24, it is mentioned that out of total 805 students, 26 students were from the Muslim minority community, 204 students were from the Christian minority community and 575

students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 12 teachers, 10 teachers were from the Christian minority community and 02 teachers were Hindu, in the academic year 2022-23, out of the total 16 teachers, 13 teachers were from the Christian minority community and 03 teachers were Hindu and in the academic year 2023-24, out of the total 16 teachers, 15 teachers were from the Christian minority community and 01 teacher was Hindu.

5. It is stated in the petition that on dated 05.08.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 14.08.2023 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 12.03.2024, 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 04.04.2024. After service of letter/emails to the physical inspection committee dated 07.06.2024 and reminders dated 21.08.2024, 14.10.2024, 27.12.2024, 12.03.2025, 19.05.2025 and 21.08.2025, Physical Inspection Committee has sent report which was received by post in the Commission's Office on dated 11.08.2025 which was duly signed by all the 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 Rt. Rev. 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. 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 Assistant Inspector General of Registration, Patna, Bihar on dated 13.08.2016 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 05.08.2023 and petition for grant of MSC on dated 22.01.2024. 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 on 13.08.2016 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that St. John Mary Vianney School, Dhanbasa, Mandro PO, Sahebganj District, Jharkhand - 813208 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. John Mary Vianney School, Dhanbasa, Mandro PO, Sahebganj District, Jharkhand - 813208 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 subject to the condition that the petitioner would file updated affiliation / recognition order issued by the State Board / Central Board to the unaided petitioner institution. If the petitioner institution fails to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.”
14. After compliance of the above order, 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, 17<sup>th</sup>**  
**Day of December, 2025.**

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

DSS