

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

Case No. 220 of 2024

In the matter of :-

**Mount Carmel English Medium School, Shirthady, Mangalore Taluk,
Dakshina Kannada District, Karnataka – 574 236**

..... **Petitioner**

V/s

**Additional Chief Secretary, Education Department (Higher
Education), Govt. of Karnataka, 6th Floor, Multi-Storeyed Building,
Bengaluru-560001**

..... **Respondent**

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

ORDER

DATED 18.02.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 20.05.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Mount Carmel English Medium School, Shirthady, Mangalore Taluk, Dakshina Kannada District, Karnataka – 574 236.
2. Learned counsel for the petitioner filed an affidavit of Rev. Antony Michael Shera, Secretary of The Catholic Board of Education of the Diocese of Mangalore 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 also stating 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 copy of Unique ID No. : KA/2017/0152458 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 30.11.2023 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration of The Catholic Board of Education of the Diocese of Mangalore, Memorandum of Association alongwith list of founding members of the Society, Rules and Regulations, Amended Memorandum of Association on dated 22.07.2022 alongwith its notarized English translation and list of present members of the Society, notarized copy of recognition order dated 20.10.2022, issued by Deputy Director (Management) Public Educational Department, Mangaluru which is in Kannad language alongwith its English translation and resolution of the General Body of the Society in favour of Rev. Antony Michael Shera, Secretary of The Catholic Board of Education of the Diocese of Mangalore 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 485 students, 62 students were from the Muslim minority community, 131 students were from the Christian minority community, 18 students were from the Jain minority community and 274 students were Hindu, In academic year 2022-23, it is mentioned that out of total 493 students, 62 students were from the Muslim minority community, 133 students were from the Christian minority community, 18 students were from the Jain minority community and 280 students were Hindu and in academic year

2023-24, it is mentioned that out of total 473 students, 67 students are from the Muslim minority community, 133 students were from the Christian minority community, 14 students were from the Jain minority community and 280 students were Hindu. It is relevant to mention here that in academic year 2021-22, out of total 18 teachers, 11 teachers were from the Christian minority community, 02 teachers were from the Jain minority community and 05 were Hindu. In academic year 2022-23, out of total 19 teachers, 12 teachers were from the Christian minority community, 02 teachers were from the Jain minority community and 05 were Hindu and in academic year 2023-24, out of total 17 teachers, 07 teachers were from the Christian minority community, 02 teachers were from the Jain minority community and 08 were Hindu.

5. It is stated in the petition that on dated 30.11.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 04.12.2023 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 dated 18.07.2024, 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 18.09.2024. After service of letter/emails to the physical inspection committee dated 08.10.2024 and reminders dated 13.12.2024, 28.05.2025 and 17.09.2025, Physical Inspection Committee, vide letter dated 05.12.2024, has sent Physical Inspection Report which was received by post in the Commission's Office on dated 11.12.2025 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 petitioner, the documents filed by the petitioner and affidavit of Rev. Antony Michael Shera, Secretary of The Catholic Board of Education of the Diocese of Mangalore.
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 Karnataka as per the census of 2011 is 1.87%.
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 The Catholic Board of Education of the Diocese of Mangalore 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 Rev. Antony Michael Shera, Secretary of The Catholic Board of Education of the Diocese of Mangalore.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the District Registrar of Co Operative Societies, D.K District, Mangalore on dated 22.07.2022 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 31.11.2023 and petition for grant of MSC on dated 20.05.2024. 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 22.07.2022 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 facts 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 Mount Carmel English Medium School, Shirthady, Mangalore Taluk, Dakshina Kannada District, Karnataka – 574 236 run by The Catholic Board of Education of the Diocese of Mangalore 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, Mount Carmel English Medium School, Shirthady, Mangalore Taluk, Dakshina Kannada District, Karnataka – 574 236 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, 18th Day of February, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS