

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

**Case No. 221 of 2024**

**In the matter of :-**

**St. Joseph's Upper Primary School (E.M.), Behind RCM Church,  
Prathipadu (M), East Godavari District, Andhra Pradesh- 533 432.**

..... **Petitioner**

**V/s**

**Secretary, Government of Andhra Pradesh, Minorities Welfare  
Department, 3<sup>rd</sup> Floor, A.P. Secretariat, Velagapudi, Amaravati, Andhra  
Pradesh**

..... **Respondent**

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

**ORDER**

**DATED 20.01.2026**

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

1. This petition has been received on 21.05.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Joseph's Upper Primary School (E.M.), Behind RCM Church, Prathipadu (M), East Godavari District, Andhra Pradesh- 533 432.
2. Learned counsel for the petitioner filed an affidavit of Sr. Rose, President of Educational Society of the Sisters of St. Joseph of Anney (India) 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 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 copy of Unique ID No. : AP/2018/0205536 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 24.11.2023 sent to the State Competent Authority i.e. Secretary, Government of Andhra Pradesh, Minorities Welfare Department alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration of Educational Society of the Sisters of St. Joseph of Anney (India) and Memorandum of Association alongwith list of founding members of the Society, Rules & Regulations, Amended Memorandum of Association alongwith list of present members of the Society, notarized copy of order dated 23.01.2017 issued by the District Educational Officer, Kakinada granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Sr. Rose, President of Educational Society of the Sisters of St. Joseph of Anney (India) for obtaining MSC from this Commission.
4. As per the information supplied by the unaided petitioner institution with regard to students' strength as on 2021-22, it is mentioned that out of total 86 students, 02 students were from the Christian minority community and 84 students were Hindu. In academic year 2022-23, it is mentioned that out of total 85 students, 02 students were from the Christian minority community and 83 students were Hindu and in academic year 2023-24, it is mentioned that out of total 79 students, 02 students were from the Christian minority community and 77 students were Hindu. It is relevant to mention here that in academic year 2021-22, out of total 10 teachers, all teachers were from the Hindu community, In academic year 2022-23, out of

total 12 teachers, all teachers were from the Hindu community and in academic year 2023-24, out of total 13 teachers, all teachers were from the Hindu community.

5. It is stated in the petition that on dated 24.11.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 28.11.2023 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, respondent has sent reply dated 21.08.2024 by post which was received by the Commission on 29.08.2024. It has been stated in the said reply that St. Joseph's Upper Primary School (E.M.), Behind RCM Church, Prathipadu (M), East Godavari District, Andhra Pradesh-533 432 has submitted their letter, dt 24.11.2023 for grant of No Objection Certificate under Section 10 of NCMEI Act, 2004. Wherein it is stated that vide Govt. Memo No. 2525305-A1/2024-SDM, dt 14.08.2024, Inspection report has been called for from the School Education, Vijayawada for taking necessary action on the request of institution to grant of No Objection Certificate to that St. Joseph's Upper Primary School (E.M.), Behind RCM Church, Prathipadu (M), East Godavari District, Andhra Pradesh- 533 432. 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 10.12.2024, 04.03.2025, 07.05.2025 and 12.08.2025, Physical Inspection Committee, vide letter dated 19.08.2025, has sent Physical Inspection Report which was received by post in the Commission's Office on dated 26.08.2025 which was duly signed by all the members of the physical Inspection Report wherein they have not given any adverse remarks. As per census of India report of 2011 percentage of Christian minority community in the state of Andhra Pradesh is 1.34%. As per the information supplied by Physical Inspection Committee in the academic year 2024-25, out of the total 89 students, 05 students were from the Christian minority community, which is 5.61% the total student which is more than the state census of 2011 i.e. 1.34%.
7. Heard the learned counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Sr. Rose, President of Educational Society of the Sisters of St. Joseph of Anancy (India).
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 Educational Society of the Sisters of St. Joseph of Anancy (India) 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. Rose, President of Educational Society of the Sisters of St. Joseph of Anancy (India).
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 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 Andhra Pradesh as per the census of 2011 is 1.34%.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar of Societies, Visakhapatnam on dated 22.11.2009 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 24.11.2023 and petition for grant of MSC on dated 21.05.2024. 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 22.11.2009 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 St. Joseph's Upper Primary School (E.M.), Behind RCM Church, Prathipadu (M), East Godavari District, Andhra Pradesh- 533 432 run by Educational Society of the Sisters of St. Joseph of Annecy (India) 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 Upper Primary School (E.M.), Behind RCM Church, Prathipadu (M), East Godavari District, Andhra Pradesh- 533 432 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 **Tuesday, 20<sup>th</sup> Day of January, 2026.**

**DR. SHAHID AKHTER  
MEMBER**

DSS