

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

**CASE NO. 261 OF 2024**

**In the matter of:**

**St. Joseph's School, Gohpur P.O., Sonitpur, Assam- 784168.**

**... Petitioner**

**Versus**

- 1. Joint Secretary, Education Department (Higher), Assam Secretariat, Block C, Secretariat Complex, Dispur, Guwahati, Assam-781 006.**
- 2. Secretary, School Education Department, Government of Assam, Dispur, Guwahati, Assam.**

**... Respondents**

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

**ORDER**

**Date: 21.01.2026**

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

1. This petition has been received on 29.08.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Joseph's School, Gohpur P.O., Sonitpur, Assam-784 168.

2. Learned counsel for the petitioner filed affidavit of Sebastian K.V. Alias Sebastian Kudiyirippil Varkey, Secretary, Catholic Church Gohpur 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 copy of Unique ID No.: AS/2018/0217219 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 15.05.2024 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Trust Deed alongwith list of founding members of the Trust and Supplementary Trust Deed alongwith list of present members of the Trust and certificate of recognition order dated 12.10.2016, issued by Office of Director of Secondary Education, Assam granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Trust in favour of Sebastian K.V. Alias Sebastian Kudiyirippil Varkey, Secretary, "Catholic Church Gohpur" for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength during the academic year 2021-22, it is mentioned that out of the total 1275 students, 21 students were from the Muslim minority community, 302 students were from the Christian minority community and 952 students were Hindu, in the year 2022-23, it is mentioned that out of the total 1349 students, 10 students were from the Muslim minority community, 560 students were from the Christian minority community and 779 students were Hindu and in the year 2023-24, it is mentioned that out of the total 1330 students, 15 students were from the Muslim minority community, 547 students were from the Christian minority community and 768 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 37 teachers, 27 teachers were from Christian minority community, 10 teachers were Hindu and in the year 2022-23, out of the total 47 teachers, 29 teachers were from Muslim minority community and 18 teachers were Hindu and in the year 2023-24, out of the total 47 teachers, 29 teachers were from Muslim minority community and 18 teachers were Hindu.

5. It is stated in the petition that on dated 15.05.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 18.05.2024 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 19.09.2024, E-mail has been received from the Joint Secretary, Department of Higher Education, Assam letter dated 20.09.2024 which was received in the Commission's Office on dated 24.09.2024 and another email received on dated 15.10.2025, all are taken on record but wherein they have not given any adverse remarks. 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 20.11.2024. After service of letter/ email to the physical inspection committee dated 04.12.2024 and reminders dated 19.02.2025, 23.04.2025 and 04.08.2025, Physical Inspection Committee, vide letter dated 06.09.2025 has sent Physical Inspection Report which was received by post in the Commission's Office on dated 15.09.2025 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 learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Sebastian K.V. Alias Sebastian Kudiyirippil Varkey, Secretary, "Catholic Church Gohpur" 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 the Catholic Church Gohpur 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 Sebastian K.V. Alias Sebastian Kudiyirippil Varkey, Secretary, "Catholic Church Gohpur" 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 Assam as per the census of 2011 is 3.74%.

10. I have perused the Supplementary Trust Deed of the petitioner institution, which was registered before the Senior Sub-Registrar, Firms, Trust, Chits, Tezpur, Sonitpur, Assam, on dated 09.05.2024 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 15.05.2024 and petition for grant of MSC on dated 29.08.2024. 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 Supplementary Trust Deed dated 09.05.2024 of the said Trust 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 St. Joseph's School, Gohpur P.O., Sonitpur, Assam- 784 168 run by the Catholic Church Gohpur 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, Gohpur P.O., Sonitpur, Assam- 784 168, 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, 21<sup>st</sup> Day of January, 2026.**

**DR. SHAHID AKHTER  
MEMBER**

DSS