

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

Case No. 32 of 2025

In the matter of :-

**St. Xavier's Public School, Survey No. 126/1, Shinai, Kidana-Road,
Gandhidham, Kutch, Gujarat-370 205**

..... **Petitioner**

V/s

**Deputy Director, Directors of Schools, Old Sachivalaya, Block 9/1,
Gandhinagar, Gujarat- 382 010**

..... **Respondent**

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

ORDER

DATED 11.03.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 31.01.2025 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Xavier's Public School, Survey No. 126/1, Shinai, Kidana-Road, Gandhidham, Kutch, Gujarat-370 205.
2. Learned counsel for the petitioner filed affidavit of Benoy George, Trustee of Kutch Seva Trust 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 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. : GJ/2017/0160495 of the petitioner Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 24.10.2024 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Trust Deed of Kutch Seva Trust alongwith list of founding Trustee of the Trust, Amended Trust Deed dated 09.02.2023 alongwith list of present Trustee of Kutch Seva Trust, notarized copy of certificate of affiliation order dated 24.05.2022 issued by the Chief Executive & Secretary, Council For The Indian School Certificate Examinations granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Trust in favour of Benoy George, Trustee of Kutch Seva Trust and the authorized representative of the applicant institution 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 2024-25, it is mentioned that out of total 330 students, 15 students were from the Muslim minority community, 19 students were from the Christian minority community, 04 students were from the Sikh minority community, 04 students were from the Jain minority community and 288 students were Hindu. It is relevant to mention here that during the academic year 2024-25, out of the total 23 teachers, 06 teachers were from the Christian minority community and 17 teachers were Hindu.

5. It is stated in the petition that on dated 24.10.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 29.10.2024 and the said application is still pending before the State Competent Authority. 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 12.03.2025, 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 07.05.2025. After service of letters/emails to the physical inspection committee dated 20.05.2025 and reminder dated 22.08.2025, Physical Inspection Committee, vide letter dated 06.08.2025 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 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 parties, the documents filed by the petitioner and affidavit of Benoy George, Trustee of Kutch Seva Trust.
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 Benoy George, Trustee of Kutch Seva Trust 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 Benoy George, Trustee of Kutch Seva Trust 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 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 Gujarat as per the census of 2011 is 0.52%.
10. I have perused the Amended Trust Deed of Kutch Seva Trust which was registered before Assistant Charity Commissioner, Kutch Dated 09.02.2023, which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 24.10.2024 and petition for grant of MSC on dated 31.01.2025. 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 Trust Deed dated 09.02.2023 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that St. Xavier's Public School, Survey No. 126/1, Shinai, Kidana-Road, Gandhidham, Kutch, Gujarat-370 205 run by Kutch Seva Trust 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. Xavier's Public School, Survey No. 126/1, Shinai, Kidana-Road, Gandhidham, Kutch, Gujarat-370 205 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, 11th Day of March, 2026.**

**DR. SHAHID AKHTER
MEMBER**

DSS