

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

Case No. 170 of 2023

In the matter of :-

**Don Bosco School Sashipur, Darrangamela, District Tamulpur, Assam
- 781360**

..... **Petitioner**

V/s

**Joint Secretary, Education Department (Higher), Assam Secretariat,
Dispur, Guwahati 6, Assam**

..... **Respondent**

Present: Mr. Tariq Adeeb, Advocate for the petitioner
None for the respondent

ORDER

DATED 10.03.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 04.07.2023 by hand through Mr. Tariq Adeeb, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Don Bosco School Sashipur, Darrangamela, District Tamulpur, Assam - 781360.
2. Learned counsel for the petitioner filed an affidavit of Fr. Pius Varghese, Secretary of Don Bosco Sashipur 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.
3. Learned counsel for the petitioner has filed a copy of Unique ID No. : AS/2023/0341816 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 15.11.2022 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration of Don Bosco Sashipur, Memorandum of Association and Rules & Regulations alongwith list of founding members of the Society, notarized copy of certificate of affiliation order dated 04.08.2004 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 Society in favour of Fr. Pius Varghese, Secretary of Don Bosco Sashipur 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 928 students, 250 students were from the Muslim minority community, 340 students were from the Christian minority community and 338 students were Hindu. In the year 2022-23, it is mentioned that out of total 825 students, 173 students were from the Muslim minority community, 312 students were from the Christian minority community and 340 students were Hindu and in the year 2023-24, it is mentioned that out of total 808 students, 182 students were from the Muslim minority community, 318 students were from the Christian minority community and 308 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 30 teachers, 19 teachers were from the Christian minority community, 01 teacher was from the Sikh minority community and 10 teachers were Hindu. In the academic year 2022-23, out of the total 33 teachers, 20 teachers were from the Christian minority community, 01 teacher was from the Sikh minority community and 12 teachers were Hindu and in the academic year 2023-24, out of the total 33 teachers, 22 teachers were from the Christian minority community, 01 teacher was from the Sikh minority community and 10 teachers were Hindu.

5. It is stated in the petition that on dated 15.11.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 18.11.2022 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 18.07.2023 and 31.10.2023, 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 23.11.2023. After service of letter/emails to the physical inspection committee dated 05.01.2024 and reminders dated 27.02.2024, 25.06.2024, 04.09.2024, 04.11.2024, 27.01.2025, 04.04.2025 and 11.06.2025. Physical Inspection Committee, vide letter dated 28.05.2025 has sent Physical Inspection Report which was received by post in the Commission's Office on dated 09.06.2025 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 Fr. Pius Varghese, Secretary of Don Bosco Sashipur.
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 Don Bosco Sashipur 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 Fr. Pius Varghese, Secretary of Don Bosco Sashipur.
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 Assam as per the census of 2011 is 3.74%.
10. I have perused the Memorandum of Association of the petitioner Society which was registered before the Registrar of Firms & Societies, Assam on dated 30.04.2022 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 15.11.2022 and petition for grant of MSC on dated 04.07.2023. 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 Memorandum of Association on dated 30.04.2022 for 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 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 Don Bosco School Sashipur, Darrangamela, District Tamulpur, Assam – 781360 run by Don Bosco Sashipur 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, Don Bosco School Sashipur, Darrangamela, District Tamulpur, Assam – 781360 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 an affidavit or undertaking to the fact 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. 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 **Tuesday, 10th Day of March, 2026.**

**DR. SHAHID AKHTER
MEMBER**

DSS