

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

**CASE NO. 199 OF 2024**

**In the matter of:**

**St. Mary's Sr. Sec. School, Bahu Akbarpur, Rohtak, Haryana – 124  
001.**

**... Petitioner**

**Versus**

**Principal Secretary, School Education Department, Room No. 37, 7th  
Floor, Haryana Civil Secretariat, Sector - 1, Chandigarh.**

**... Respondent**

**Present:** Mr. Junais P., Advocate for the petitioner.  
None for the respondent

**ORDER**

**Date: 22.04.2026**

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

1. This petition has been received on 07.05.2024 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Mary's Sr. Sec. School, Bahu Akbarpur, Rohtak, Haryana – 124 001.
2. Learned counsel for the petitioner filed an affidavit of Fr. Joseph Elamthuruthy, Secretary of Delhi Catholic Archdiocese 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. He has filed one more affidavit of Fr. Joseph Elamthuruthy 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 notarized copy of Unique ID No.: DL/2017/0169004 of the petitioner Society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 17.11.2023 by post to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration, Memorandum of Association, Rules and Regulations alongwith list of founding members and he has also filed amended Certificate of Registration regarding the change of address of the said society from Archbishop's House, Alexandder Place, New Delhi to Archbishop's House, 1 Ashok Place, New Delhi – 110001. He has also filed Amended Memorandum of Association dated 28.08.2017, Amended Rules and Regulations alongwith list of present members of Delhi Catholic Archdiocese. notarized copy of order dated 15.04.2008 issued by the Additional Director for Commissioner & Director General School Education, Chandigarh, Haryana granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Fr. Joseph Elamthuruthy, Secretary of Delhi Catholic Archdiocese for obtaining MSC from this Commission.
4. As per the information supplied by the petitioner unaided institution with regard to students' strength, it is mentioned that during the academic year 2021-22,

out of the total 548 students, 39 students were from the Christian minority community and 509 students were Hindu. During the academic year 2022-23, out of the total 620 students, 51 students were from the Christian minority community and 569 students were Hindu and During the academic year 2023-24, out of the total 563 students, 44 students were from the Christian minority community and 519 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of 29 teachers, 19 teachers were from the Christian minority community and 10 teachers were Hindu. During the academic year 2022-23, out of 31 teachers, 17 teachers were from the Christian minority community and 14 teachers were Hindu and during the academic year 2023-24, out of 33 teachers, 20 teachers were from the Christian minority community and 13 teachers were Hindu.

5. It is stated in the petition that on dated 17.11.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.11.2023 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 30.08.2024, reply has been received vide letter dated 06.11.2024 which was received in the Commission's Office by post on 12.11.2024 from Deputy Director P.S., Secondary Education, Directorate of Secondary Education, Haryana stating therein that the petitioner institution has not send the case according to the guidelines of the minority issued by the Directorate of Secondary Education dated 14.08.2015 and they have directed the petitioner institution to send the matter again with all relevant documents related to minority status but the school has sent the incomplete report. He has further seeks time to file reply.

7. The petitioner has applied for grant of no objection certificate before the competent authority of the State Government on 17.11.2023, which was received by said authority on 21.11.2023 and the said application is still pending. The petitioner has waited sufficiently for a period of 90 days, before filing this petition.

8. The petitioner has already filed the proof of delivery of the letter dated 17.11.2023 to the respondent.

9. 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 NCMEI Act, 2004.

It needs to be highlighted that sub-section(3) of Section 10 of the NCMEI Act reads as under: -

“(3) where within a period of ninety days from the receipt of the application under subsection(1) for the grant of no objection certificate,-

(a) the competent authority does not granted such certificate; or

(b) where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate, it shall be deemed that the Competent authority has granted a no objection certificate to the applicant.

(emphasis supplied)”

10. This Commission is functioning as per the NCMEI Act, 2004 read with the judicial pronouncements of the Apex Court for the purpose of declaration of MSC. Petitioner institution had applied for grant of NOC whereas the reply received from

the respondent does not even murmured a single word with regard to the receipt and further process of the said application for NOC, which is duly received by the respondent, which is already taken on record. and several e-mail have been received from Directorate of Secondary Education, Haryana all are already taken on record. 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 07.11.2024. After service of letter/emails to the physical inspection committee dated 20.11.2024 and reminders dated 11.02.2025, 13.05.2025, 21.08.2025, 06.10.2025 and 03.12.2025, Physical Inspection Committee, has sent letter dated 12.11.2025, which was received by hand in the Commission's Office on dated 20.11.2025 which was duly signed by members of the physical Inspection Committee wherein they have not recommended to grant minority status certificate to the petitioner institution. As per census of India report of 2011 Christian minority community in the state of Haryana is 0.20%. As per the information supplied by the petitioner institution in the Academic year 2023-24, out of the total 563 students, 44 students were from the Christian minority community which is 7.81% which is more than the state census of 2011 i.e. 0.20%.

11. Respondent has filed letter dated 15.10.2025 stating therein that the reply filed by hand in the Commission's Office on dated 16.10.2025 may be treated as counter to the rejoinder filed by the learned counsel for the petitioner. In the reply filed by the respondent, it is stated against Point No. 2(iv) that the Society/Trust/ Company will undertake that a minimum of 50% students admitted will be from minority Communities. According to the 2011 census, the Christian Population in Haryana was 0.20%.

12. As per the Judgment of Hon'ble Apex Court in T.M.A. Pai Foundation Vs. State of Karnataka (2002) 8 SCC 481, a minority whether linguistic or religious is determinable only by reference to demography of the State and not by taking into consideration the population of the Country as a whole. As per the Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) there must be reasonable strength of students of minority community in a minority educational institution and the percentage could be determined based on the actual proportion of the specific minority community in the State population.

13. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Fr. Joseph Elamthuruthy, Secretary of Delhi Catholic Archdiocese and authorized representative of petitioner institution.

14. 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 Delhi Catholic Archdiocese 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. Joseph Elamthuruthy, Secretary of Delhi Catholic Archdiocese and authorized representative of petitioner institution.

15. 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 Haryana as per the census of 2011 was 0.20%.

16. I have perused the Amended Memorandum of Association of the petitioner institution, which was registered before the Registrar, Firm & Society, SDM(HQ), Dist New Delhi on dated 28.08.2017 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 17.11.2023 and petition for grant of MSC on dated

07.05.2024. 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.

17. The Amended Memorandum of Association on dated 28.08.2017 of the said Society 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.

18. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that St. Mary's Sr. Sec. School, Bahu Akbarpur, Rohtak, Haryana – 124 001 run by of Delhi Catholic Archdiocese 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.

19. Consequently, St. Mary's Sr. Sec. School, Bahu Akbarpur, Rohtak, Haryana – 124 001 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."

20. A minority status certificate be issued accordingly.

21. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 22<sup>nd</sup> day of April, 2026.**

**DR. SHAHID AKHTER  
MEMBER**

DSS