

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

Case No. 254 of 2022

In the matter of :-

**Don Bosco School, Lal Pahar, Chouldari, DEO, South Andaman,
Andaman & Nicobar Islands - 744103.**

..... **Petitioner**

V/s

**Administrator, Secretariat, Andaman and Nicobar Administration,
Port Blair - 744101.**

..... **Respondent**

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

ORDER

DATED 18.03.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 22.11.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Don Bosco School, Lal Pahar, Chouldari, DEO, South Andaman, Andaman & Nicobar Islands - 744103.
2. Learned counsel for the petitioner filed an affidavit of Mr. Jose Kochamkunnel Mathew, President of The South Indian Salesian Society 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 also 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. : TN/2017/0150356 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 30.09.2021 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of the society, notarized copy of Rules and Regulations, notarized copy of Memorandum of Association alongwith list of founding members of the Society, alongwith list of present members of the Society, notarized copy of Amended Memorandum of Association, notarized copy of the Affiliation dated 12.06.2023 issued by Chairman/Chief Executive & Secretary(CISCE) for the period 10 year valid upto 31.03.2025 to the petitioner institution and resolution of the General Body of the Society in favour of Mr. Jose Kochamkunnel Mathew, President of The South Indian Salesian Society 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 2020-21, it is mentioned that out of total 412 students, 26 students were from the Muslim minority community, 157students were from the Christian minority community and 229 students were Hindu, In the year 2021-22, it is mentioned that out of total 400 students, 23

students were from the Muslim minority community, 109 students were from the Christian minority community, and 268 students were Hindu and in the year 2022-23, it is mentioned that out of total 383 students, 22 students were from the Muslim minority community, 121 students were from the Christian minority community, and 240 students were Hindu. It is relevant to mention here in the academic year 2020-21, out of the total 17 teachers, 14 teachers were from the Christian minority community and 03 teachers were Hindu, In the academic year 2021-22, out of the total 10 teachers, 10 teachers were from the Christian minority community. In the academic year 2022-23, out of the total 20 teachers, 12 teachers were from the Christian minority community and 08 teachers were Hindu.

5. It is stated in the petition that on dated 30.09.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 06.10.2021 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. Despite service of registered notice / email dated 02.01.2023, 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 29.03.2023. After service of letters/emails to the physical inspection committee dated 05.04.2023, 24.07.2023, 19.10.2023, 13.12.2023, 27.02.2024, 20.03.2024, and 10.07.2024, Physical Inspection Committee, Deputy Director Education(Planning), Andaman & Nicobar has sent a letter dated 09.09.2024 physical inspection report which was received in the Commission's Office on dated 23.09.2024 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 petition, the documents filed by the petitioner and affidavit of Mr. Jose Kochamkunnel Mathew, President of The South Indian Salesian Society.
8. 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 Andaman & Nicobar Islands as per the census of 2011 is 21.28%.
9. 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 Society of The South Indian Salesian Society 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 Mr. Jose Kochamkunnel Mathew, President of The South Indian Salesian Society.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar of Societies, Central Chennai on dated copy of which was obtained on 04.02.2017 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 30.09.2021 and petition for grant of MSC on dated 22.11.2022 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 04.02.2017 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 Don Bosco School, Lal Pahar, Chouldari, DEO, South Andaman, Andaman & Nicobar Islands – 744103 run by The South Indian Salesian Society 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, Lal Pahar, Chouldari, DEO, South Andaman, Andaman & Nicobar Islands - 744103, 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, 18th Day of March, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS