

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

CASE NO. 138 OF 2024

In the matter of:

**Don Bosco School, Amguri, P.O. Haltugaon, District Kokrajhar, (BTR),
Assam- 783370.**

... Petitioner

Versus

**Joint Secretary, Department of Higher Education, Assam Secretariat,
Block C, Secretariat Complex, Dispur, Guwahati, Assam - 781006.**

... Respondent

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

ORDER

Date: 18.03.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received by hand on 26.03.2024 by through Mr. Tariq Adeeb, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Don Bosco School, Amguri, P.O. Haltugaon, District Kokrajhar, (BTR), Assam- 783370.
2. Learned counsel for the petitioner filed affidavit of Mr. Victor Tigga, Trustee, Amguri Don Bosco School and Charitable Trust 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.
3. Learned counsel for the petitioner has filed a notarized copy of Unique ID No.: AS/2023/0369955 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 27.09.2023 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Trust Deed of Amguri Don Bosco School and Charitable Trust. He has also filed notarized copy of The Certificate of Recognition issued by Secretary, Board of Secondary Education, Assam provisional recognition dated 14.10.2022 to the petitioner institution. He has filed original Resolution of the General Body of the Trust in favour of Mr. Victor Tigga, Trustee, "Amguri Don Bosco School and Charitable Trust" for obtaining MSC from this Commission.
4. As per the PIC Sent by District Commissioner, Kokrajhar information about petitioner institution with regard to students' strength during the academic year 2022-23, it is mentioned that out of the total 767 students, 430

students were from the Christian minority community and 337 students were Hindu. In the year 2023-24, it is mentioned that out of the total 782 students, 01 student was from the Muslim minority community, 445 students were from the Christian minority community and 336 students were Hindu. In the year 2024-25, it is mentioned that out of the total 752 students, 01 student was from the Muslim minority community, 392 students were from the Christian minority community and 360 students were Hindu. It is relevant to mention here that during the academic year 2022-23, out of the total 28 teachers, 22 teachers were from Christian minority community 06 teachers were Hindu. In the year 2023-24, out of the total 29 teachers, 23 teachers were from Christian minority community 06 teachers were Hindu. In the year 2024-25, out of the total 30 teachers, 22 teachers were from Christian minority community 08 teachers were Hindu.

5. It is stated in the petition that on dated 27.09.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 29.09.2023 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. Despite service of registered notice/email dated 27.05.2024 and 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 26.09.2024, after service of letter/ email to the physical inspection committee dated 01.10.2024, the District Commissioner, Kokrajhar, has sent physical inspection report dated 19.11.2024, which was received in the Commission's Office on dated 26.11.2024 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 Mr. Victor Tigga, Trustee, Amguri Don Bosco School and Charitable Trust 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 Amguri Don Bosco School and Charitable, 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. Victor Tigga, Trustee, Amguri Don Bosco School and Charitable 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 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 Trust Deed of the petitioner institution, which was registered before the Deputy Registrar, Firms, Trust, Chits, Kokrajhar, Darang, Assam, on dated 30.03.2023 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 27.09.2023 and petition for grant of MSC on dated 26.03.2024.

11. The Trust Deed dated 30.03.2023 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 the Don Bosco School, Amguri, P.O. Haltugaon, District Kokrajhar, (BTR), Assam- 783370 run by Amguri Don Bosco School and Charitable 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, Don Bosco School, Amguri, P.O. Haltugaon, District Kokrajhar, (BTR), Assam- 783370., 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 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 failed 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, 18th day of March, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS