

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

**CASE NO. 252 OF 2023**

**In the matter of:**

**St. Peters School, Village – Pattapani, P.O. Bailparao, Tehsil – Kaladungi,  
Nainital District, Uttarakhand – 263 140**

**... Petitioner**

**Versus**

**Secretary, Higher Education, Uttarakhand Govt., Room No. 7, Ground  
Floor, Late Soban Singh Jeena Bhawan (SBI Bank Building),  
Uttarakhand Secretariat, Uttarakhand- 248 001.**

**... Respondent**

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

**ORDER**

**Date: 20.03.2025**

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

1. This petition has been received on 22.09.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Peters School, Village – Pattapani, P.O. Bailparao, Tehsil – Kaladungi, Nainital District, Uttarakhand – 263 140.

2. Learned counsel for the petitioner filed affidavit of Rt. Rev. Ignatius D' Souza, President, "Diocese of Bareilly Education Society" 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 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 a copy of Unique ID No.: UP/2022/0326748 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of the application dated 17.04.2023 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Rules and Regulations, notarized copy of Amended Memorandum of Association alongwith list of present members of the Society. He has also filed

download copy of the Affiliation issued by CBSE, Secondary/ Senior Secondary Level to the petitioner institution for the period 01.04.2023 to 31.03.2028. He has filed original resolution of the General Body of the Society in favour of Rt. Rev. Ignatius D' Souza, President, "Diocese of Bareilly Education Society" for obtaining MSC from this Commission.

4. As per the PIC Sent by District Minority Welfare Officer, Nanaital, information about petitioner institution with regard to students' strength during the academic year 2021-22, it is mentioned that out of the total 462 students, 04 students were from the Muslim minority community, 32 students were from the Christian minority community, 131 students were from the Sikh minority community, and 295 students were Hindu. In the year 2022-23, it is mentioned that out of the total 477 students, 05 students were from the Muslim minority community, 40 students were from the Christian minority community, 132 students were from the Sikh minority community and 300 students were Hindu. In the year 2023-24, it is mentioned that out of the total 478 students, 03 students were from the Muslim minority community, 40 students were from the Christian minority community, 136 students were from the Sikh minority community and 299 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 21 teachers, 04 teachers were from Christian minority community, 01 teacher was from Sikh minority community, 16 teachers were Hindu. In the year 2022-23, out of the total 20 teachers, 04 teachers were from Christian minority community, 16 teachers were Hindu. In the year 2023-24, out of the total 21 teachers, 04 teachers were from Christian minority community, 17 teachers were Hindu.

5. It is stated in the petition that on dated 17.04.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 20.04.2023 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 07.11.2023 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 17.01.2024, after service of letter/email to the physical inspection committee dated 19.01.2024, the District Minority Welfare Officer, Nanaital, has sent physical inspection report dated 27.02.2024, which was received in the Commission's Office on dated 05.03.2024 wherein they have not recommended to grant minority status certificate to the petitioner institution but they have not given any adverse remarks. As per census report of 2011 Christian minority community in the state of uttrakhand is 0.37%. it is mentioned in the physical inspection report that in the year 2023-24, out of the total 478 students, 40 students

were from the Christian minority community which is 8.31% the total student which is more than the state census of 2011 i.e. 0.37%.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit Rt. Rev. Ignatius D' Souza, President, "Diocese of Bareilly Education Society" 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 Diocese of Bareilly Education 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 Rt. Rev. Ignatius D' Souza, President, "Diocese of Bareilly Education Society" 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 Uttarakhand as per the census of 2011 is 0.37%.

10. I have perused the amended Memorandum of Association of the petitioner institution, which was registered before the Office of Sub Registrar, Bareilly, on dated 15.11.2022 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 17.04.2023 and petition for grant of MSC on dated 22.09.2023.

11. The amended Memorandum of Association dated 15.11.2022 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.

12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that the St. Peters School, Village – Pattapani, P.O. Bailparao, Tehsil – Kaladungi, Nainital District, Uttarakhand – 263 140, run by the Diocese of Bareilly Education 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 subserving the interests of the Christian minority community.

13. Consequently, St. Peters School, Village – Pattapani, P.O. Bailparao, Tehsil – Kaladungi, Nainital District, Uttarakhand – 263 140, 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.

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 **Thursday, 20<sup>th</sup> day of March, 2025.**

**DR. SHAHID AKHTER  
MEMBER**