

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

Case No. 218 of 2023

In the matter of :-

**Convent of Jesus and Mary Girls High School, 22, Camp, Fatehgunj,
Vadodara, Gujarat - 390002.**
..... **Petitioner**

V/s
**Deputy Director, Directors of Schools, Old Sachivalaya, Block 9/1,
Gandhinagar, Gujarat – 382010.**
..... **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 21.08.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Convent of Jesus and Mary Girls High School, 22, Camp, Fatehgunj, Vadodara, Gujarat - 390002.
2. Learned counsel for the petitioner filed an affidavit of Felicia Joseph Pereira, President of The Provincial Society of the Congregation of Jesus and Mary, Vadodara 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. : GJ/2018/0208900 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 20.06.2022 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 permanent recognition dated 17.08.1981 issued by Secretary, Gujarat Secondary Education Board, Gandhinagar to the petitioner institution and resolution of the General Body of the Society in favour of Felicia Joseph Pereira, President of The Provincial Society of the Congregation of Jesus and Mary, Vadodara 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 1051 students, 181 students were from the Muslim minority community, 213 students were from the Christian minority community, 02 students were from the Jain minority community, 04 students were from the Parsee minority community,

and 651 students were Hindu, In the year 2021-22, it is mentioned that out of total 1026 students, 176 students were from the Muslim minority community, 203 students were from the Christian minority community, 02 students were from the Sikh minority community, 06 students were from the Jain minority community, 01 student was from the Parsee minority community and 638 students were Hindu and in the year 2022-23, it is mentioned that out of total 1025 students, 165 students were from the Muslim minority community, 273 students were from the Christian minority community, 03 students were from the Sikh minority community, 06 students were from the Jain minority community, 01 student was from the Parsee minority community and 577 students were Hindu. It is relevant to mention here in the academic year 2020-21, out of the total 16 teachers, 01 teacher was from the Muslim minority community, 14 teachers were from the Christian minority community and 01 teacher was Hindu, In the academic year 2021-22, out of the total 16 teachers, 01 teacher was from the Muslim minority community, 14 teachers were from the Christian minority community and 01 teacher was Hindu and in the academic year 2022-23, out of the total 16 teachers, 01 teacher was from the Muslim minority community, 14 teachers were from the Christian minority community and 01 teacher was Hindu.

5. It is stated in the petition that on dated 20.06.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 23.06.2022 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. Despite service of registered notice / email dated 25.09.2023, 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 06.12.2023. After service of letters/emails to the physical inspection committee dated 29.01.2024, and 09.04.2024, District Collector, Vadodara vide letter dated 19.03.2024 has physical inspection report which was received in the Commission's Office on dated 16.04.2024 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 Felicia Joseph Pereira, President of The Provincial Society of the Congregation of Jesus and Mary.
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 Gujarat as per the census of 2011 is 0.52%.
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

Provincial Society of the Congregation of Jesus and Mary, 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 Felicia Joseph Pereira, President of The Provincial Society of the Congregation of Jesus and Mary.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Charity Commissioner, Baroda, copy of which was obtained on 14.08.2019 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 20.06.2022 and petition for grant of MSC on dated 21.08.2023. So it is clear that the amendment in the MOA 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 14.08.2019 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 Convent of Jesus and Mary Girls High School, 22, Camp, Fatehgunj, Vadodara, Gujarat – 390002 run by The Provincial Society of the Congregation of Jesus and Mary 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, Convent of Jesus and Mary Girls High School, 22, Camp, Fatehgunj, Vadodara, Gujarat - 390002, 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