

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

Case No. 293 of 2023

In the matter of :-

**St. Xaviers School, Ganjyawar, Bachedi P.O., Chakarnagar, Etawah
District, Uttar Pradesh – 206 125.**

..... **Petitioner**

V/s

**Additional Chief Secretary, Department of School Education,
Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar
Pradesh-226001**

..... **Respondent**

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

ORDER

DATED 20.03.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 13.10.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Xaviers School, Ganjyawar, Bachedi P.O., Chakarnagar, Etawah District, Uttar Pradesh – 206 125.
2. Learned counsel for the petitioner filed an affidavit of Fr. Binoy Joseph, Secretary of the Saint Thomas Educational and Medical 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. : UP/2017/0177343 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 27.05.2023 sent to the State Competent Authority i.e. Additional Chief Secretary, Department of School Education, Lucknow, Uttar Pradesh alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association alongwith list of present members of the Society, download copy of the Affiliation issued by CBSE, upto Secondary Level to the petitioner institution for the period 01.04.2024 to 31.03.2029 and resolution of the General Body of the Society in favour of Fr. Binoy Joseph, Secretary of the Saint Thomas Educational and Medical 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 2021-22, it is mentioned that out of total 354 students, 03 students were from the Muslim minority

community, 05 students were from the Christian minority community, 02 students were from the Jain minority community, and 344 students were Hindu. In the year 2022-23, it is mentioned that out of total 496 students, 03 students were from the Muslim minority community, 05 students were from the Christian minority community, 04 students were from the Jain minority community and 484 students were Hindu and in the year 2023-24, it is mentioned that out of total 507 students, 02 students were from the Muslim minority community, 13 students were from the Christian minority community, 03 students were from the Jain minority community and 489 students were Hindu. In the academic year 2021-22, out of the total 27 teachers, 18 teachers were from the Christian minority community and 09 teachers were Hindu, in the academic year 2022-23, out of the total 29 teachers, 17 teachers were from the Christian minority community and 12 teachers were Hindu and in the academic year 2023-24, out of the total 33 teachers, 21 teachers were from the Christian minority community and 12 teachers were Hindu.

5. It is stated in the petition that on dated 27.05.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 01.06.2023 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 05.01.2023, 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 01.02.2024. After service of letters/emails to the physical inspection committee dated 21.02.2024, Physical Inspection Committee, District Collector has sent by hand physical inspection report dated 22.04.2024 which was received in the Commission's Office on dated 23.04.2024 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 Fr. Binoy Joseph, Secretary of the Saint Thomas Educational and Medical 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 Uttar Pradesh as per the census of 2011 is 0.18%.

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 Saint Thomas Educational and Medical 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 Fr. Binoy Joseph, Secretary of the Saint Thomas Educational and Medical Society.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar, Firms Society and chits, Kanpur on dated 02.08.2016 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 27.05.2023 and petition for grant of MSC on dated 13.10.2023 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 02.08.2016 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 St. Xaviers School, Ganjywar, Bachedi P.O., Chakarnagar, Etawah District, Uttar Pradesh – 206 125 run by Saint Thomas Educational and Medical 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, St. Xaviers School, Ganjywar, Bachedi P.O., Chakarnagar, Etawah District, Uttar Pradesh – 206 125, 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 **Thursday, 20th Day of MARCH, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS