

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

**Case No. 310 of 2023**

**In the matter of :-**

**Fatima School, Sirsiya Farm, Balrampur District, Uttar Pradesh –  
271 201.**

..... **Petitioner**

**V/s**

**Additional Chief Secretary, Secondary Education Department,  
Govt. of Uttar Pradesh**

..... **Respondent**

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

**ORDER**

**DATED 07.05.2026**

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

1. This petition has been received on 08.11.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Fatima School, Sirsiya Farm, Balrampur District, Uttar Pradesh – 271 201.
2. Learned counsel for the petitioner filed an affidavit of Rt. Rev. Dr. Gerald John Mathias, President of St. Joseph's Catholic Educational 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/2023/0349990 of the petitioner Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 27.05.2023 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration, Memorandum of Association, Rules and Regulations alongwith list of founding members and list of present members of the St. Joseph's Catholic Educational Society, downloaded copy of recognition order dated 09.07.2021 issued by the Deputy Secretary/ Joint Secretary (AFF.), CBSE granting affiliation to the unaided petitioner institution for the period of 01.04.2022 to 31.03.2027 and resolution of the General Body of the Society in favour of Rt. Rev. Dr. Gerald John Mathias, President of St. Joseph's Catholic Educational 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 656 students, 180 students were from the Muslim minority community, 16 students were from the Christian minority community, 10 students were from the Sikh minority community and 450 students were Hindu. In the year 2022-23, it is mentioned that out of total 870 students, 220 students were from the Muslim minority community, 20 students were from the Christian minority community, 10 students were from the Sikh minority community and 620 students were Hindu and in the year 2023-24, it is mentioned that out of total 1532 students, 450 students were from the Muslim minority community, 20 students were from the

Christian minority community, 10 students were from the Sikh minority community, 02 students were from the Buddhist minority community and 1050 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 31 teachers, 01 teacher was from the Muslim minority community, 06 teachers were from the Christian minority community and 24 teachers were Hindu. In the academic year 2022-23, out of the total 51 teachers, 04 teachers were from the Muslim minority community, 07 teachers were from the Christian minority community and 40 teachers were Hindu and in the academic year 2023-24, out of the total 60 teachers, 05 teachers were from the Muslim minority community, 05 teachers were from the Christian minority community and 50 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 31.05.2023 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. After service of registered notice / email dated 09.01.2024, 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 07.03.2024. After service of letter/emails to the physical inspection committee dated 02.04.2024 and reminders dated 18.06.2024, 19.09.2024, 22.11.2024, 17.02.2025, 13.06.2025 and 15.09.2025, Physical inspection committee for sending Physical Inspection Report but the members of the said committee failed to send report to the Commission in terms of order dated 27.05.2025. Hence, the case was proceeded ex-parte against members of the said committee. As per census of India report of 2011 Christian minority community in the state of Uttar Pradesh is 0.18%. As per the information supplied by the petitioner institution in the Academic year 2023-24, out of the total 1532 students, 20 students were from the Christian minority community which is 1.30% which is more than the state census of 2011 i.e. 0.18%.
7. Heard the learned counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Rt. Rev. Dr. Gerald John Mathias, President of St. Joseph's Catholic Educational 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 St. Joseph's Catholic Educational 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. Dr. Gerald John Mathias, President of St. Joseph's Catholic Educational Society.

10. I have perused the Memorandum of Association of the petitioner institution which was registered before the Deputy Registrar, Firms Society and chits, Lucknow on dated 04.11.1993 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 08.11.2023. So it is clear that the said Memorandum of Association registered 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 Memorandum of Association dated 04.11.1993 for the petitioner society 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 Fatima School, Sirsiya Farm, Balrampur District, Uttar Pradesh – 271 201 run by St. Joseph’s Catholic Educational 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, Fatima School, Sirsiya Farm, Balrampur District, Uttar Pradesh – 271 201 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, 07<sup>th</sup> Day of MAY, 2026.**

**DR. SHAHID AKHTER  
MEMBER**

DSS