

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

CASE NO. 288 OF 2023

In the matter of:

St. Xavier's School, Kallar Bhaini, Uklana, Hisar District, Haryana-125113.

... Petitioner

Versus

Secretary, School Education Department for Schools/Primary Schools, Room No. 37, 7th Floor, Haryana Civil Secretariat, Sector - 1, Chandigarh.

... Respondent

Present: Mr. Jose Abraham, Advocate for the petitioner.

Mr. Ram Rattan, D.E.O., Higher Education Dept. for the respondent.

ORDER

Date: 22.07.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 11.10.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Xavier's School, Kallar Bhaini, Uklana, Hisar District, Haryana-125113.

2. Learned counsel for the petitioner filed an affidavit of Rev. Fr. John Marcus Fernandes, President of Society of Pilar, Punjab - Haryana 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 therein 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. : HR/2018/0221082 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 alongwith list of founding members, Rules and Regulations, Amended Memorandum of Association alongwith list of present members of Society of Pilar, Punjab - Haryana, notarized copy of recognition order dated 18.07.2022 issued by the Superintendent P.S. for Director Elementary Education Haryana, Panchkula granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Rev. Fr. John Marcus Fernandes, President of Society of Pilar, Punjab - Haryana for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students' strength, it is mentioned that during the academic year 2020-21, out of the total 06 students, 02 students were from the Christian minority community, 01 student was from the Sikh minority community and 03 students were Hindu. During the academic year 2022-23, out of the total 213 students, 07 students were from the Muslim minority community, 03 students were from the Christian minority

community, 07 students were from the Sikh minority community and 196 students were Hindu and During the academic year 2023-24, 12 students were from the Muslim minority community, 04 students were from the Christian minority community, 09 students were from the Sikh minority community and 246 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of 03 teachers, all teachers were from the Christian minority community. During the academic year 2022-23, out of 14 teachers, 08 teachers were from the Christian minority community and 06 teachers were Hindu and during the academic year 2023-24, out of 17 teachers, 10 teachers were from the Christian minority community and 07 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 30.05.2023 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 29.11.2023, reply has been received vide letter dated 24.01.2024 which was received in the Commission's Office by post on 08.01.2024 from Superintendent P.S., (E) for Director Elementary Education, Haryana stating therein that the petitioner institution has not send the case according to the guidelines of the minority issued by the Directorate of Secondary Education dated 14.08.2015 and they have directed the petitioner institution to send the matter again with all relevant documents related to minority status but the school has sent the incomplete report. He has further seeks time to file reply.

7. The petitioner has applied for grant of no objection certificate before the competent authority of the State Government on 27.05.2023, which was received by said authority on 30.05.2023 and the said application is still pending. The petitioner has waited sufficiently for a period of 90 days, before filing this petition.

8. The petitioner has already filed the proof of delivery of the letter dated 27.05.2023 to the respondent.

9. 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 NCMEI Act, 2004.

It needs to be highlighted that sub-section(3) of Section 10 of the NCMEI Act reads as under: -

“(3) where within a period of ninety days from the receipt of the application under subsection(1) for the grant of no objection certificate,-

(a) the competent authority does not granted such certificate; or

(b) where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate, it shall be deemed that the Competent authority has granted a no objection certificate to the applicant.

(emphasis supplied)”

10. This Commission is functioning as per the NCMEI Act, 2004 read with the judicial pronouncements of the Apex Court for the purpose of declaration of MSC. Petitioner institution had applied for grant of NOC whereas the reply received from the respondent does not even murmured a single word with regard to the receipt and

further process of the said application for NOC, which is duly received by the respondent, which is already taken on record. and several by post have been received from Superintendent P.S.,(E) for Director Elementary Education, Haryana all are already taken on record. 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 25.07.2024. After service of letter/emails to the physical inspection committee dated 30.07.2024 and reminders dated 11.10.2024, 23.12.2024, 04.03.2025, 01.05.2025, 13.08.2025, 01.10.2025 and 02.12.2025, Physical Inspection Committee, has sent letter dated 15.01.2026, which was received by post in the Commission's Office on dated 19.01.2026 which was duly signed by members of the physical Inspection Committee wherein they have recommended to grant minority status certificate to the petitioner institution.

11. Respondent has sent letter dated 28.12.2023 stating therein that the reply by post may be treated as counter to the rejoinder filed by the learned counsel for the petitioner. In the reply filed by the respondent, it is stated against Point No. 2(iv) that the Society/Trust/ Company will undertake that a minimum of 50% students admitted will be from minority Communities. According to the 2011 census, the Christian Population in Haryana was 0.20%.

12. As per the Judgment of Hon'ble Apex Court in T.M.A. Pai Foundation Vs. State of Karnataka (2002) 8 SCC 481, a minority whether linguistic or religious is determinable only by reference to demography of the State and not by taking into consideration the population of the Country as a whole. As per the Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) there must be reasonable strength of students of minority community in a minority educational institution and the percentage could be determined based on the actual proportion of the specific minority community in the State population.

13. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Rev. Fr. John Marcus Fernandes, President of Society of Pilar, Punjab - Haryana and authorized representative of petitioner institution.

14. 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 Society of Pilar, Punjab - Haryana 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 Rev. Fr. John Marcus Fernandes, President of Society of Pilar, Punjab - Haryana and authorized representative of petitioner institution.

15. 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 Haryana as per the census of 2011 was 0.20%.

16. I have perused the Amended Memorandum of Association of the petitioner institution, which was registered before the Registrar of Societies, Sirsa, Haryana on dated 24.05.2023 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 27.05.2023 and petition for grant of MSC on dated 11.10.2023. 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.

17. The Amended Memorandum of Association on dated 24.05.2023 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.

18. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that St. Xavier's School, Kallar Bhaini, Uklana, Hisar District, Haryana- 125113 run by Society of Pilar, Punjab - Haryana 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.

19. Consequently, St. Xavier's School, Kallar Bhaini, Uklana, Hisar District, Haryana- 125113 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."

20. A minority status certificate be issued accordingly.

21. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 22nd day of July, 2026.**

**DR. SHAHID AKHTER
MEMBER**

DSS