

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

Case No. 177 of 2024

In the matter of :-

**St. Joseph's Convent School, Church Road, Berhampur, Ganjam,
Odisha – 760001.Petitioner**

V/s

**Director, Secondary Education, 6th Floor, HOD Building, Unit – V,
Bhubaneswar, Khordha, Odisha**

..... Respondent

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

ORDER

DATED 18.08.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 24.04.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Joseph's Convent School, Church Road, Berhampur, Ganjam, Odisha – 760001.
2. Learned counsel for the petitioner filed an affidavit of Rev. Suresh Chandra Nayak, Secretary of Berhampur Diocesan Catholic Schools Managing Committee 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. : OR/2017/0155215 of the petitioner Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 23.11.2023 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, Amended Memorandum of Association dated 27.01.2017 alongwith list of present members of Berhampur Diocesan Catholic Schools Managing Committee, notarized copy of recognition order dated 06.10.2020 issued by the Chief Executive & Secretary, CISCE, granting affiliation to the unaided petitioner institution and resolution of the General Body of the Society in favour of Rev. Suresh Chandra Nayak, Secretary of Berhampur Diocesan Catholic Schools Managing Committee for obtaining MSC from this Commission.
4. As per the information supplied by the physical Inspection Report to unaided institution with regard to students strength as on Academic Year 2023-24, it is mentioned that out of total 1591 students, 126 students were from the Muslim minority community, 80 students were from the Christian minority community and 1385 students were Hindu. In the year 2024-25, it is mentioned that out of total 1641 students, 108 students were from the Muslim minority community, 147 students were from the Christian minority community and 1386 students were Hindu and in the year 2025-26, it is mentioned that out of total 1581 students, 121 students were from the Muslim minority community, 163 students were from the Christian minority community and 1297 students were Hindu. It is relevant to mention here that during the academic year 2023-24, out of the total 57 teachers, 01 teacher was from the Muslim minority community, 23 teachers were from the Christian minority community and 33 teachers were Hindu. In the academic year 2024-25, out of the total 55 teachers, 01 teacher was from the Muslim minority community, 25 teachers were from the Christian minority community, and 29 teachers were Hindu and in the academic year 2025-26, out of the total 56 teachers, 01 teacher was from the Muslim minority community, 26 teachers were from the Christian minority community, and 29 teachers were Hindu.

5. It is stated in the petition that on dated 23.11.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 27.11.2023 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 dated 27.05.2024, 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 21.08.2024. After service of letter/emails to the physical inspection committee dated 11.09.2024 and reminders dated 06.11.2024, 06.02.2024, 08.04.2025, 21.07.2025 and 23.09.2025, Physical Inspection Committee, vide letter dated 20.01.2026 has sent Physical Inspection Report which was received by post in the Commission's Office on dated 27.01.2026 which was duly signed by members of the physical Inspection Committee wherein they have not recommended to grant minority status certificate to the petitioner institution. As per census of India report of 2011 Christian minority community in the state of Odisha is 2.77%. As per the information supplied by the physical inspection report in the Academic year 2025-26, out of the total 1581 students, 163 students were from the Christian minority community which is 10.30% which is more than the state census of 2011 i.e. 2.77%.
7. Heard the learned counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Rev. Suresh Chandra Nayak, Secretary of Berhampur Diocesan Catholic Schools Managing Committee.
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 Odisha as per the census of 2011 is 2.77%.
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 Berhampur Diocesan Catholic Schools Managing Committee 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. Suresh Chandra Nayak, Secretary of Berhampur Diocesan Catholic Schools Managing Committee.
10. I have perused the Amended Memorandum of Association of the Berhampur Diocesan Catholic Schools Managing Committee which was registered before the Registrar of Societies, Cuttack, Odisha on dated 22.04.2016 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 23.11.2023 and petition for grant of MSC on dated 24.04.2024. 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 27.01.2017 for the Berhampur Diocesan Catholic Schools Managing Committee 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. Joseph's Convent School, Church Road, Berhampur, Ganjam, Odisha – 760 001 run by Berhampur Diocesan Catholic Schools Managing Committee 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. Joseph's Convent School, Church Road, Berhampur, Ganjam, Odisha – 760 001 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 August, 2026.**

DR. SHAHID AKHTER
MEMBER

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