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

Case No. 116 of 2024

In the matter of :-

Holy Cross School of Nursing, Kamagere, Kollegal Taluk, Chamarajnagar District, Karnataka – 571443

…….. Petitioner

V/s

Additional Chief Secretary, Education Department (Higher Education), Government of Karnatak

..…… Respondent

Present: Mr. Jose Abraham, Advocate for the petitioner
Ms. Tarannum Cheema, Advocate for the respondent

ORDER

DATED 18.11.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 28.02.2024 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Holy Cross School of Nursing, Kamagere, Kollegal Taluk, Chamarajnagar District, Karnataka – 571 443.

2. Learned counsel for the petitioner filed an affidavit of Sr. Shiny Jose, Secretary of Society of Sisters of the Holy Cross 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 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 a copy of Unique ID No. : KA/2017/0167980 of the petitioner Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 06.10.2023 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration, Memorandum of Association and Rules & Regulations alongwith list of founding members of the Society, Amended Memorandum of Association dated 21.09.2023 alongwith list of present members of the Society of Sisters of the Holy Cross, notarized copy of latest affiliation order dated 25.08.2026 issued by the Secretary, Indian Nursing Council granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Sr. Shiny Jose, Secretary of Society of Sisters of the Holy Cross 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 2025-26, it is mentioned that out of total 117 students, 01 student was from the Muslim minority community, 71 students were from the Christian minority community and 45 students were Hindu and in the year 2026-27, it is mentioned that out of total 117 students, 01 student is from the Muslim minority community, 70 students are from the Christian minority community and 46 students are Hindu. It is relevant to mention here that during the academic year 2025-26, out of the total 23 teachers, 16 teachers were from the Christian minority community and 07 teachers were Hindu and in the academic year 2026-27, out of the total 23 teachers, 16 teachers are from the Christian minority community and 07 teachers are Hindu.

5. It is stated in the petition that on dated 06.10.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 09.10.2023 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 19.03.2024, 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 22.05.2024. After service of letters/emails to the physical inspection committee dated 03.07.2024, and reminders dated 25.09.2024, 29.11.2024 and 18.02.2025, Physical Inspection Committee, vide letter dated 19.04.2025 has sent Physical Inspection Report which was received by post in the Commission's Office on dated 24.04.2025 which was duly signed by all the members of the physical Inspection Committee 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 parties, the documents filed by the petitioner and affidavit of Sr. Shiny Jose, Secretary of Society of Sisters of the Holy Cross.

8. 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 Sisters of the Holy Cross 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 Sr. Shiny Jose, Secretary of Society of Sisters of the Holy Cross.

9. 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 Karnataka as per the census of India, 2011 is 1.87%.

10. I have perused the Amended Memorandum of Association of the petitioner Society which was registered before the Registrar of Societies, Bangalore Rural District on dated 21.09.2023 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 06.10.2023 and petition for grant of MSC on dated 28.02.2024. 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 on dated 21.09.2023 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that Holy Cross School of Nursing, Kamagere, Kollegal Taluk, Chamarajnagar District, Karnataka – 571 443 run by Society of Sisters of the Holy

Cross 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, Holy Cross School of Nursing, Kamagere, Kollegal Taluk, Chamarajnagar District, Karnataka – 571 443 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 **Wednesday, 18th Day of November, 2026.**

DR. SHAHID AKHTER
MEMBER

DSS