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

Case No. 36 of 2026

In the matter of :-

St. Xavier's School, Katir, West Overbridge, Arrah, Bhojpur, Bihar-802301

…….. Petitioner

V/s

Director, Secondary & Senior Secondary Education, Ground Floor, Vikas Bhawan, New Secretariat, Daily Road, Patna, Bihar- 800 015

..…… Respondent

Present: Mr. Bibin John, Advocate for the petitioner
None for the respondent

ORDER

DATED 27.10.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 09.02.2026 by hand through Mr. Bibin John, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Xavier's School, Katir, West Overbridge, Arrah, Bhojpur, Bihar-802301.

2. Learned counsel for the petitioner filed affidavit of Fr. Francis P.V, Secretary of Shahabad Parish Society and the authorized representative of the applicant institution i.e. St. Xavier's School, Katir, West Overbridge, Arrah, Bhojpur, Bihar-802301 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. He has also filed separate affidavit of Fr. Francis P.V 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. : BR/2017/0170977 of the petitioner Society as given by the Niti Aayog Portal NGO Darpan, copy of NOC application dated 18.07.2025 submitted before the State Competent Authority i.e. Director, Secondary & Senior Secondary Education, Ground Floor, Vikas Bhawan, New Secretariat, Daily Road, Patna, Bihar- 800 015, notarized copies of Certificate of Registration, Memorandum of Association alongwith list of founding members, Rules & Regulations, Amended Memorandum of Association alongwith list of present members of the Shahabad Parish Society. Learned counsel for the petitioner has produced original and amended Memorandum of Association of the petitioner society, before the court of the Commission. After due verification, all the original document have been returned to the learned counsel for the petitioner, notarized copy of order dated 23.12.2024 issued by the Chairman, CISCE granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Fr. Francis P.V, Secretary of Shahabad Parish Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner institution with regards to students strength, it is mentioned that during the academic year 2023-24, out of total 1523 students, 42 students were from the Muslim minority community, 20 students were from the Christian community and 1461 students were Hindu. In

the academic year 2024-25, out of total 1680 students, 49 students were from the Muslim minority community, 25 students were from the Christian community, 01 student was from the Sikh community and 1605 students were Hindu and in the academic year 2025-26, out of total 2008 students, 61 students were from the Muslim minority community, 28 students were from the Christian community, 01 student was from the Sikh community, 02 students were from the Buddhist community and 1916 students were Hindu. It is relevant to mention here that during the academic year 2023-24, out of the total 54 teachers, 01 teacher was from the Muslim minority community, 20 teachers were from the Christian minority community and 33 teachers were Hindu. In the academic year 2024-25, out of the total 63 teachers, 01 teacher was from the Muslim minority community, 23 teachers were from the Christian minority community and 39 teachers were Hindu and in the academic year 2025-26, out of the total 71 teachers, 01 teacher was from the Muslim minority community, 26 teachers were from the Christian minority community and 44 teachers were Hindu.

5. It is stated in the petition that on dated 18.07.2025, the petitioner institution has applied to the State Competent Authority for grant of NOC before the Competent Authority i.e. Director (Secondary Education), Government of Bihar and the Competent authority पत्रांक- 10/अ०वि०-03-35/2025.2924 बिहार सरकार शिक्षा विभाग (माध्यमिक शिक्षा निदेशालय) dated 02.12.2025 has granted No Objection Certificate to the petitioner institution.

6. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Fr. Francis P.V, Secretary of Shahabad Parish Society and the authorized representative of the applicant institution for obtaining MSC from this Commission. In facts and circumstances of the case, there appears no need to give notice of this petition as respondent has granted NOC in favour of the petitioner institution.

7. 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 Shahabad Parish 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. Francis P.V, Secretary of Shahabad Parish Society and authorized representative of petitioner institution.

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 this 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 Bihar as per the census of 2011 is 0.12%.

9. I have perused the Amended Memorandum of Association, which was registered before Inspector General of Registration, Patna on dated 30.12.2024, which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 18.07.2025 and petition for grant of MSC on dated 09.02.2026. So it is clear that the amendment has been done before filing the petition for grant of MSC before this Commission.

10. The Amended Memorandum of Association dated 30.12.2024 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.

11. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that St. Xavier's School, Katir, West Overbridge, Arrah, Bhojpur, Bihar-802301 run by Shahabad Parish 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.

12. Consequently, St. Xavier's School, Katir, West Overbridge, Arrah, Bhojpur, Bihar - 802301 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.

13. A minority status certificate be issued accordingly.

14. However, it is made clear that if state Government has any objection in granting MSC in favour of the petitioner institution i.e. St. Xavier's School, Katir, West Overbridge, Arrah, Bhojpur, Bihar-802301, the State is free to file an application for cancellation of MSC under Section 12C of the NCMEI Act, 2004.

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

Signed, pronounced and published on **Tuesday, 27th of October, 2026.**

DR. SHAHID AKHTER
MEMBER

DSS