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

Case No. 113 of 2026

In the matter of :-

St. Antony's School, Khora, Dharam Vihar, Khora Colony, Ghaziabad, U.P. – 201309.

…….. Petitioner

V/s

Additional Chief Secretary, Secondary Education Department, Government of Uttar Pradesh.

..…… Respondent

Present: Mr. Akshat Singh, Advocate for the petitioner
None for the respondent

ORDER

DATED 18.11.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 06.05.2026 by hand through Mr. Sachin Singh Dalai, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Antony's School, Khora, Dharam Vihar, Khora Colony, Ghaziabad, U.P. – 201309.

2. Learned counsel for the petitioner filed an affidavit of Mr. Shinoj Kizhakkemuriyil, Secretary of Shamli Franciscan Education 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 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. : UP/2024/0395319 of the petitioner Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 11.03.2025 sent to the State Competent Authority alongwith postal receipt and its tracking report, certified copies of Certificate of Registration, Memorandum of Association, Rules and Regulations alongwith list of founding members, Amended Memorandum of Association dated 21.02.2023 alongwith list of present members of the Shamli Franciscan Education Society, notarized copy of order dated 18.04.2023 issued by Chairman, CISCE granting affiliation to the unaided petitioner institution and resolution of the General Body of the Society in favour of Mr. Shinoj Kizhakkemuriyil, Secretary of Shamli Franciscan Education Society for obtaining MSC from this Commission.

4. As per the information supplied in the physical Inspection Report to unaided institution with regard to students strength as on Academic Year 2024-25, it is mentioned that out of total 1147 students, 97 students were from the Muslim minority community, 28 students were from the Christian minority community, 07

students were from the Jain minority community, 04 students were from the Buddhist minority community and 1011 students were Hindu. In the year 2025-26, it is mentioned that out of total 1189 students, 109 students were from the Muslim minority community, 23 students were from the Christian minority community, 07 students were from the Jain minority community, 03 students were from the Buddhist minority community and 1047 students were Hindu and in the year 2026-27, it is mentioned that out of total 1243 students, 146 students are from the Muslim minority community, 28 students are from the Christian minority community, 02 students were from the Sikh minority community, 01 student is from the Jain minority community, 04 students are from the Buddhist minority community and 1062 students are Hindu. It is relevant to mention here that during the academic year 2024-25, out of the total 49 teachers, 01 teacher was from the Muslim minority community, 15 teachers were from the Christian minority community and 33 teachers were Hindu. In the academic year 2025-26, out of the total 47 teachers, 02 teacher were from the Muslim minority community, 18 teachers were from the Christian minority community, 01 teacher was from the Jain minority community and 26 teachers were Hindu and in the academic year 2026-27, out of the total 48 teachers, 02 teacher are from the Muslim minority community, 17 teachers are from the Christian minority community, 01 teacher is from the Jain minority community and 28 teachers are Hindu.

5. It is stated in the petition that on dated 11.03.2025, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 17.03.2025 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 02.06.2026, 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 16.07.2026. After service of letter/emails to the physical inspection committee dated 23.07.2026 and reminder dated 01.09.2026. Physical Inspection Committee, vide letter dated 25.08.2026 has sent Physical Inspection Report which was received by post in the Commission's Office on dated 31.08.2026 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 petition, the documents filed by the petitioner and affidavit of Mr. Shinoj Kizhakkemuriyil, Secretary of Shamli Franciscan Education 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 India, 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 Shamli Franciscan Education 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 Mr. Shinoj Kizhakkemuriyil, Secretary of Shamli Franciscan Education Society.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the office of Sub - Registrar Societies, Saharanpur on dated 21.02.2023 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 11.03.2025 and petition for grant of MSC on dated 06.05.2026. 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 21.02.2023 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 St. Antony's School, Khora, Dharam Vihar, Khora Colony, Ghaziabad, U.P. – 201309 run by Shamli Franciscan Education 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, St. Antony's School, Khora, Dharam Vihar, Khora Colony, Ghaziabad, U.P. – 201309 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