

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

Case No. 220 of 2019

In the matter of :-

**IPS Academy, School of Computers, Knowledge Village, A.B. Road,
Rajendra Nagar, Indore, Madhya Pradesh-452012**

..... **Petitioner**

V/s

**Secretary, Backward Classes and Minority Welfare Department,
Government of Madhya Pradesh**

..... **Respondent**

Present: Mr. Junais P., Advocate for the petitioner
None for the respondent

ORDER

DATED 01.12.2021

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This application has been received on 18.04.2019 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to IPS Academy, School of Computers, Knowledge Village, A.B. Road, Rajendra Nagar, Indore, Madhya Pradesh-452012.
2. Learned counsel for the petitioner filed an affidavit of Shri Achal K. Chaudhary Jain, President, Indore Education and Services Society, Sita Building, 4 Y.N. Road, Indore, Madhya Pradesh-453003 in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are primarily members of the Jain minority community.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : MP/2017/0161675 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, notarized copy of application dated 16.11.2018 sent to State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its tracking report, notarized copy of Society Registration Certificate of Indore Education and Services Society, notarized copy of Memorandum of Association alongwith list of founding members of the society, notarized copy of amended Memorandum of Association alongwith list of present

members of the Society, certified copy of approval order dated 29.06.2021 issued by Member Secretary, All India Council for Technical Education (in short 'AICTE') to the unaided petitioner institution for the Academic Year 2021-22 for Under Graduate and Post Graduate Programmes in Computer Application, Affiliation Order dated 16.09.2021 issued by Registrar, Rajiv Gandhi Proudyogiki Vishwavidyalaya (State Technological University of Madhya Pradesh) to the petitioner institution for the Academic Year 2021-22 and resolution of the General Body of the Society to authorize Shri Achal K. Chaudhary Jain, President, Indore Education and Services Society for obtaining MSC from this Commission. Learned Counsel for the petitioner also submitted that this institution is a technical institution run Under Graduate and Post Graduate Programmes in Computer Application and the petitioner institution is affiliated with Rajiv Gandhi Proudyogiki Vishwavidyalaya (State Technological University of Madhya Pradesh).

4. As per the information supplied by the petitioner institution with regard to student strength, it is mentioned that out of the total 289 students, 180 students are from the Jain minority community, 20 are from the Muslim minority community, 10 are from the Christian Minority Community, 19 are from Sikh Minority Community and 60 are Hindus. It is relevant to mention here that out of total 27 teachers, 15 are from Jain Minority community. 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.
5. It is stated in the petition that on dated 16.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 22.11.2018 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 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 dated 24.05.2019, The Deputy Director, Backward Classes and Minority Welfare, State of MP sent a letter no. : v-la- ekU;rk@ NOC Case/2019/5015 dated 11.11.2019 stating that the case of IPS Academy, School of Computers, Knowledge Village, AB Road, Rajendra Nagar, Indore, Madhya Pradesh-452012 is under process for grant of NOC and they will accept / obey the decision of the Commission. Pendency of the said application for such a disproportionately long period clearly indicates the State Government's disinclination to grant NOC to the petitioner institution. Petitioner's right to get minority status certificate cannot be kept under suspended animation. In this view, it is a fit case for intervention by this Commission.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Shri Achal K. Chaudhary Jain, President, Indore Education and Services Society.
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 Jain minority community and is being administered by the Indore Education and Services Society which is managed and run by the members of the Jain 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 Shri Achal K. Chaudhary Jain, President, Indore Education and Services Society.
9. The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily members of the Jain minority community. In addition, the said facts are 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.
10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that IPS Academy, School of Computers, Knowledge Village, A.B. Road, Rajendra Nagar, Indore, Madhya Pradesh-

452012 run by Indore Education and Services 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 subserving the interests of the Jain minority community.

11. Consequently, IPS Academy, School of Computers, Knowledge Village, A.B. Road, Rajendra Nagar, Indore, Madhya Pradesh-452012 is declared as a 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 subject to the condition that the petitioner would file an affidavit or undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of the Jain minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution.
12. After compliance of the above order, a minority status certificate be issued accordingly.
13. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 1st Day of December, 2021.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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