

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

**Case No. 406 of 2019**

**In the matter of :-**

**Dagshai Public School, Dagshai Cantt., District Solan, Shimla Hills, Himachal Pradesh-173210**

**..... Petitioner**

**V/s**

**Director, Directorate of Higher Education, Shimla-1, Himachal Pradesh**

**..... Respondent**

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

**ORDER**

**DATED 02.06.2022**

**Justice Narendra Kumar Jain, Chairman, NCMEI**

1. This petition has been received on 17.05.2019 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Dagshai Public School, Dagshai Cantt., District Solan, Shimla Hills, Himachal Pradesh-173210.
2. Learned counsel for the petitioner filed Affidavit of Shri Bawa Preet Ranjan Singh, Joint Secretary of Atam Science Trust Society and the authorized representative of the applicant institution i.e. Dagshai Public School, Dagshai Cantt., District Solan, Shimla Hills, Himachal Pradesh-173210 in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Sikh minority community.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : WB/2018/0186957 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, notarized copy of application dated 07.04.2018 sent to the State Competent Authority i.e. Director, Directorate of Higher Education, Shimla-1, Himachal Pradesh, notarized copy of Certificate of Registration of Atam Science Trust Society, notarized copy of Memorandum of

Association of the Society alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association of the Society alongwith list of present members of the Society, notarized copy of Affiliation Order dated 15.06.1993 issued by the Secretary, Council for the Indian School Certificate Examinations to the unaided petitioner institution for Senior Secondary (upto 12<sup>th</sup> Class) and resolution of the General Body of the Society in favour of Shri Bawa Preet Ranjan Singh, Joint Secretary of Atam Science Trust Society which is not signed by the majority members of the Society.

4. As per the information supplied by the unaided petitioner institution with regard to students strength, it is mentioned that out of the total 169 students, 98 students are from the Sikh minority community, 3 students are from Christian Minority Community and 68 students are Hindus. It is relevant to mention here that out of total 29 teachers, 8 teachers are from Sikh 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 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. As per the information supplied by the petitioner institution respondent has granted NOC in favour of the petitioner institution vide letter no. : EDN-H(21)A(1)P.S.28/2018-(NOC)-Minority dated 30.08.2019.
5. After service of registered notice dated 09.07.2019, Director of Higher Education, Himachal Pradesh vide letter dated Nov, 2019 informed the Commission that the petitioner institution has applied for grant of NOC by their letter dated 10.04.2018 and request to grant NOC in favour of the petitioner institution. After inspection by the officers of the department no objection can be granted to the petitioner institution. State has granted NOC Certificate to the petitioner institution vide letter no. : EDN-H(21)A(1)P.S.28/2018-

(NOC)-Minority dated 30.08.2019. This reply has been received by the Commission on dated 27.11.2019.

6. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution and the documents filed by the petitioner and affidavit of Shri Bawa Preet Ranjan Singh, Joint Secretary of Atam Science Trust Society.
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 Sikh minority community and is being administered by Atam Science Trust Society which is managed and run by the members of the Sikh 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 Bawa Preet Ranjan Singh, Joint Secretary of Atam Science Trust Society.
8. 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 the members of the Sikh 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. It is also pertinent to mention here that respondent has also granted NOC in favour of the petitioner institution.
9. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Dagshai Public School, Dagshai Cantt., District Solan, Shimla Hills, Himachal Pradesh-173210 run by Atam Science Trust 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 Sikh minority community.
10. Consequently, Dagshai Public School, Dagshai Cantt., District Solan, Shimla Hills, Himachal Pradesh-173210, which is for Senior Secondary School Examination (upto 12<sup>th</sup> Class), 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 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 Sikh minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution, proper resolution duly signed by majority members of the General Body of the Society in favour of Shri Bawa Preet Ranjan Singh, Joint Secretary of Atam Science Trust Society for obtaining MSC from this Commission and certified copy of proper / Amended Memorandum of Association duly certified by the Registrar of the Society. If the petitioner institution failed to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.

11. After compliance of the above order, a minority status certificate be issued accordingly.
12. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Thursday, 2<sup>nd</sup> Day of June, 2022.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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