

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

Case No. 1154 of 2018

In the matter of :-

Delhi College, Gram Richadiya, Dewan Khedi Road, Behind Maa Dayalu Ware House, Kannod Road Ashta, Sehote District, Ashta Sehore, Madhya Pradesh -466116

..... 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 0510.2021

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This application has been received on 24.01.2019 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Delhi College, Gram Richadiya, Dewan Khedi Road, Behind Maa Dayalu Ware House, Kannod Road Ashta, Sehote District, Ashta Sehore, Madhya Pradesh -466116.
2. Learned counsel for the petitioner filed affidavit of Shri Sajid Ahmed, Chairman of Comienzo Educational Samajik Lok Kalyan Samiti in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Muslim minority community.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : MP/2018/0210774 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, true notarized copy of application dated 07.10.2016 submitted 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') by hand, notarized copy of application

dated 28.11.2018 sent to State Competent Authority for grant of NOC alongwith its postal receipt and tracking report, notarized copy of Society Registration Certificate of Comienzo Educational Samajik Lok Kalyan Samiti, notarized copy of Memorandum of Association alongwith list of founding members of the society, certified copy of amended Memorandum of Association alongwith list of present members of the Society. Learned Counsel for the petitioner also submitted that this institution is a technical institution run Post Graduate Diploma Programmes in Management. He also submitted that out of total 180 students, 63 students are from Muslim minority community.

4. It is stated in the petition that on dated 07.10.2016 / 28.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was delivered by hand to the State Competent Authority 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.
5. Despite service of registered notice, none appeared on behalf of the respondent. Hence the case is proceeded ex-parte against the respondent. In the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report along with the recommendations may be obtained from the Committee constituted by the Commission for issuance of minority status certificate to the petitioner institution.
6. Despite sending by post above inspection letter dated 03.12.2020, reminder letter dated 19.07.2021 and Email dated 20.07.2021, no response is received from the Committee members constituted by the Commission. Pendency of the said application and inspection

report from the Committee members for such a disproportionately long period clearly indicates government's disinclination to grant NOC to the petitioner institution and sending physical inspection report. Petitioner's rights to get MSC cannot be kept under suspended animation. In this view of the matter, it is a fit case for intervention by this Commission.

7. Having heard the Learned Counsel for the petitioner we have perused the documents, pleadings of the parties and affidavit of Shri Sajid Ahmed, Chairman of Comienzo Educational Samajik Lok Kalyan Samiti.
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 Muslim minority community and is being administered by the Comienzo Educational Samajik Lok Kalyan Samiti which is managed and run by the members of the Muslim 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 Sajid Ahmed, Chairman of Comienzo Educational Samajik Lok Kalyan Samiti.
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 Muslim 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 Delhi College, Gram Richadiya, Dewan Khedi Road, Behind Maa Dayalu Ware House, Kannod Road Ashta, Sehote District, Ashta Sehore, Madhya Pradesh - 466116 run by Comienzo Educational Samajik Lok Kalyan Samiti 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 Muslim minority community.

11. Consequently, Delhi College, Gram Richadiya, Dewan Khedi Road, Behind Maa Dayalu Ware House, Kannod Road Ashta, Sehote District, Ashta Sehore, Madhya Pradesh -466116 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 Muslim minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution, file resolution of the General Body of the Society to authorize Shri Sajid Ahmed, Chairman of Comienzo Educational Samajik Lok Kalyan Samiti for obtaining MSC from this Commission and also file updated recognition certificate.
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 **Tuesday, 5th Day of October, 2021.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**