

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

Case No. 92 of 2019

In the matter of :-

**English International School, Shivdham Colony, Alote, District
Ratlam, Madhya Pradesh**

..... **Petitioner**

V/s

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

..... **Respondent**

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

ORDER

DATED 24.05.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 15.03.2019 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to English International School, Shivdham Colony, Alote, District Ratlam, Madhya Pradesh.
2. Learned Counsel for the petitioner filed an affidavit of Mr. Ajit Pagaria, Vice President of the Ratan Shree Education & Sports Society and the authorized representative of the applicant institution i.e. English International School, Shivdham Colony, Alote, District Ratlam, Madhya Pradesh in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Jain minority community.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : MP/2018/0206808 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, certified copy of NOC application dated 26.11.2018 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare

Department, Government of Madhya Pradesh alongwith postal receipt and its tracking report, certified copy of Certificate of Registration of Ratan Shree Education & Sports Society, certified 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, notarized copy of Recognition Order issued by the District Education Officer, Ratlam, MP to the unaided petitioner institution from 01.04.2018 to 31.03.2021 from Nursery to 8th Std. and resolution of the General Body of the Society in favour of Mr. Ajit Pagaria, Vice President of the Ratan Shree Education & Sports Society for obtaining MSC from this Commission. Learned Counsel for the petitioner filed an affidavit of Mr. Ajit Pagaria, Vice President of the Ratan Shree Education & Sports Society stating that the NOC application dated 26.11.2018 filed with the MSC application and certified copy of the said application filed with the certified copy of documents on 14.01.2020 are one and the same and signed by him only.

4. As per the information supplied by the unaided petitioner institution with regard to students strength, it is mentioned that out of the total 187 students, 23 students are from the Jain minority community, 8 students are from Muslim Minority Community and 156 students are Hindus. It is relevant to mention here that out of total 14 teachers, only 1 teacher is 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 26.11.2018, the petitioner institution has applied to the State Competent Authority for grant of

NOC which was received by the State Competent Authority on 30.11.2018 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 09.05.2019, 29.01.2020 and 12.02.2021, respondent has sent letter dated 17.08.2021 which is taken on record. 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 13.01.2022, after service of notice to the physical inspection committee dated 02.02.2022 and 29.03.2022, Assistant Director, Backward Class and Minority Welfare Department, District Ratlam sent the physical inspection committee report through vide email dated 25.04.2022 which is taken on record and also sent the revised physical inspection committee report through email dated 13.05.2022 in which they have mentioned that all 10 members of the General Body of the Society are from the Jain Minority Community and also recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of petitioner institution, the documents filed by the petitioner and affidavit of Mr. Ajit Pagaria, Vice President of the Ratan Shree Education & Sports 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 Ratan Shree Education & Sports 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 Mr. Ajit Pagaria, Vice President of the Ratan Shree Education & Sports 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 English International School, Shivdham Colony, Alote, District Ratlam, Madhya Pradesh run by Ratan Shree Education & Sports 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 Jain minority community.
11. Consequently, English International School, Shivdham Colony, Alote, District Ratlam, Madhya Pradesh, which is from Nursery to 8th Std., is declared as a 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 Jain minority community subject to the eligibility of the students and availability of the accommodation in the petitioner

institution and updated recognition / affiliation order issued to the unaided petitioner institution. 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.

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, 24th Day of May, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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