

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

Case No. 146 of 2019

In the matter of :-

**Adarsh Jeevan Mahavidhyalaya, Village and Post Amol (Patha), Tehe.
Khera, District Shivpuri, Madhya Pradesh-473880**

..... **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 13.04.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 01.04.2019 by hand through the petitioner Mr. Gaurav Jain for grant of Minority Status Certificate (in short 'MSC') to Adarsh Jeevan Mahavidhyalaya, Village and Post Amol (Patha), Tehe. Khera, District Shivpuri, Madhya Pradesh-473880.
2. Mr. Gaurav Jain, Secretary of Jiwan Shiksha Samiti and the authorized representative of the applicant institution i.e. Adarsh Jeevan Mahavidhyalaya, Village and Post Amol (Patha), Tehe. Khera, District Shivpuri, Madhya Pradesh-473880 filed an affidavit 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/2017/0153968 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, notarized copy of application dated 13.12.2018 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') by hand, certified copy of Certificate of Registration of Jiwan Shiksha Samiti, 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 Recognition Order dated 27.09.2013 issued by the

Regional Director, National Council for Teacher Education (NCTE) from the Academic Session 2014-15 for D.El.Ed. Course and Madhyamik Shiksha Mandal, Bhopal Recognition Order for the Year 2021-22 and resolution of the General Body of the Society in favour of Mr. Gaurav Jain, Secretary of Jiwan Shiksha Samiti for obtaining MSC from this Commission. It transpires from the record that in Col. No. 3 of the MSC application which is regarding whether claim of the institution is based on religious or linguistic minority, the petitioner has mentioned NO.

4. As per the information supplied by the petitioner institution with regard to student strength, it is mentioned that out of the total 50 students, 3 students are from the Jain minority community, 1 student is from Muslim Minority Community and 46 students are Hindus. It is relevant to mention here that out of total 8 teachers, 2 teachers 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 13.12.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 13.12.2018 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. Despite service of registered notice dated 20.05.2019, 24.02.2020 and 13.11.2020, 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 08.12.2021, after service of notice to the physical inspection committee dated 09.12.2021, 09.02.2022 and 14.03.2022, Collector, District Shivpuri, Office of Collector, Backward and Minority Welfare Department sent the physical inspection committee report vide letter dated 04.04.2022 which was received in the Commission's office on dated 05.04.2022 wherein they have 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. Gaurav Jain, Secretary of Jiwan Shiksha 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 Jain minority community and is being administered by Jiwan Shiksha Samiti 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. Gaurav Jain, Secretary of Jiwan Shiksha 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 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 Adarsh Jeevan Mahavidhyalaya, Village and Post Amol (Patha), Tehe. Khera, District Shivpuri, Madhya Pradesh-473880 run by Jiwan Shiksha 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 Jain minority community.
11. Consequently, Adarsh Jeevan Mahavidhyalaya, Village and Post Amol (Patha), Tehe. Khera, District Shivpuri, Madhya Pradesh-473880, which is for D.El.Ed. Course, 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 and clarification about the Column No. 3 of the MSC application. 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 **Wednesday, 13th Day of April, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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