

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

CASE NO. 115 OF 2019

In the matter of :-

**Shine College of Education, Plot No. 1810/02, 1811/1,
Village Kulaith, Tehsil Gwalior, Madhya Pradesh.**

..... Petitioner

Vs

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

..... Respondent

Present: Mr. Iftekhhar Ahmed, Advocate for the petitioner.
None for the respondent.

O R D E R

Dated: 20th July 2021

Justice Narendra Kumar Jain, Chairman

An application along with affidavit of Ms. Minal Kaur, President, Sacred Heart Minority Society, 301, Arneja Complex, Naugaja Road, Shinde Ki Chhavani, Lashkar, Gwalior, Madhya Pradesh have been received on 18.3.2019 from the petitioner for grant of minority status certificate to Shine College of Education, Plot No. 1810/02, 1811/1, Village Kulaith, Tehsil Gwalior, Distt. Gwalior, Madhya Pradesh- 474 010.

2. The petitioner has filed the Unique ID No.: MP/2018/0186074 of the petitioner's society as given by the Niti

Aayog Portal NGO Darpan. Learned counsel for the petitioner has filed affidavit of Ms. Minal Kaur 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. He has also filed notarized copy of the Certificate of Registration of the Sacred Heart Minority Society, certified copies of the Memorandum of Association and list of founding members, Rules & Regulations, amended Memorandum of Association, amended Rules & Regulations, list of present members of the Society for the period 21.5.2018 to 20.5.2021, notarized copy of the letter No. WRC/NCTE/APP3491/279th/D.El.ed./(M.P.)/2017/188806 dated 23.8.2017 granting recognition to the petitioner institution for conducting D.El.Ed. programme from the academic session 2018-19, notarized copy of the letter dated 28.6.2019 issued by the Madhyamik Shiksha Mandal, Bhopal granting recognition to the petitioner institution from 2019-20 to 2021-22. He has also filed copy of the application dated 22.10.2018 for grant of No Objection Certificate (in short "NOC") submitted before the competent authority of the State Government, which is duly received by them.

3. It is stated in the petition that on dated 22.10.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC 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 has also not rejected the said application and not communicated the same to the petitioner. After 90 days from the submission of the application for grant of NOC to the competent authority, the petitioner has filed application for grant of minority status certificate to this Commission as per the provisions of Section 10 of the National Commission for Minority Educational Institutions Act, 2004 (in short 'NCMEI Act, 2004).

4. Despite service of registered notice, none appeared on behalf of the respondent. Deputy Director, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh has sent letter dated 23.9.2019 stating that the petitioner's application for grant of NOC is under process and State will accept the order of the Commission. 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.

5. Despite service of above inspection letter and reminder letter, 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.

6. We have heard Mr. Iftexhar Ahmed, learned counsel appearing on behalf of the petitioner institution and perused the record, documentary evidence and affidavit of Ms. Minal Kaur, Secretary, Sacred Heart Minority Society, 301, Arneja Complex, Naugaja Road, Shinde Ki Chhavani, Lashkar, Gwalior, Madhya Pradesh.

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 community and is being administered by Sacred Heart Minority Society, which is managed and run by the members of the Sikh 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 Ms. Minal Kaur.

8. The Amended Memorandum of Association of the said society clearly reflects that the beneficiaries of the petitioner institution are members of the Sikh minority community. The said facts are also stands proved from the affidavit of Ms. Minal Kaur. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.

9. Relying on the said unrebutted evidence produced on behalf of the petitioner, Shine College of Education, Plot No. 1810/02, 1811/1, Village Kulaith, Tehsil Gwalior, Madhya Pradesh run by Sacred Heart Minority 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 Community.

10. Consequently, Shine College of Education, Plot No. 1810/02, 1811/1, Village Kulaith, Tehsil Gwalior, Madhya Pradesh 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 Sikh minority community subject to

the eligibility of the students and availability of the accommodation in the petitioner institution.

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 Tuesday, 20th day of July, 2021.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

MD