

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

**Case No. 196 of 2019**

**In the matter of :-**

**IPS Academy, College of Pharmacy, Rajendra Nagar, A.B. Road,  
Indore, Madhya Pradesh-452012**

..... **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 07.10.2021**

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

1. This application has been received on 18.04.2019 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to IPS Academy, College of Pharmacy, Rajendra Nagar, A.B. Road, Indore, Madhya Pradesh-452012.
2. Learned counsel for the petitioner filed affidavit of Shri Achal K. Chaudhary Jain, President, Indore Education and Services Society in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are primarily members of the Jain minority community.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : MP/2017/0161675 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, notarized copy of application dated 16.11.2018 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') alongwith its postal receipt and tracking report, notarized copy of Society Registration Certificate of Indore Education and Services Society, notarized copy of Memorandum of Association

alongwith list of founding members of the society, notarized copy of amended Memorandum of Association alongwith list of present members of the Society, certified copy of order dated 30.04.2020 issued by Member Secretary, All India Council for Technical Education (in short 'AICTE') to the petitioner institution for the Academic Year 2020-21 and Affiliation Order dated 23.07.2020 issued by Registrar, Rajiv Gandhi Proudyogiki Vishwavidyalaya (State Technological University of Madhya Pradesh) to the petitioner institution for the Academic Year 2020-21 . Learned Counsel for the petitioner also submitted that this institution is a technical institution run Under Graduate and Post Graduate Programmes in Pharmacy and the petitioner institution is affiliated with Rajiv Gandhi Proudyogiki Vishwavidyalaya (State Technological University of Madhya Pradesh). He also submitted that out of total 325 students, 170 students are from Jain minority community.

4. It is stated in the petition that on dated 16.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was delivered on 21.11.2018 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. The Deputy Director, Backward Classes and Minority Welfare, State of MP sent a letter no. : अ.सं. मान्यता / NOC Case/2019/5007 dated 11.11.2019 stating that the case of IPS Academy, College of Pharmacy is under process for grant of NOC and they will accept / obey the decision of the Commission. Pendency of the said application for such a disproportionately long period clearly

indicates the State Government's disinclination to grant NOC to the petitioner institution. Petitioner's right to get minority status certificate cannot be kept under suspended animation. In this view, it is a fit case for intervention by this Commission.

6. Having heard the Learned Counsel for the petitioner we have perused the documents, pleadings of the parties and affidavit of Shri Achal K. Chaudhary Jain, President, Indore Education and Services 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 Jain minority community and is being administered by the Indore Education and Services 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 Shri Achal K. Chaudhary Jain, President, Indore Education and Services 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 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.
9. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that IPS Academy, College of Pharmacy, Rajendra Nagar, A.B. Road, Indore, Madhya Pradesh-452012 run by Indore Education and Services 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.
10. Consequently, IPS Academy, College of Pharmacy, Rajendra Nagar, A.B. Road, Indore, Madhya Pradesh-452012 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, file resolution of the General Body of the Society to authorize Shri Achal K. Chaudhary Jain, President, Indore Education and Services Society for obtaining MSC from this Commission and also file updated recognition certificate / affiliation order.

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, 7<sup>th</sup> Day of October, 2021.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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