

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

Case No. 228 of 2019

In the matter of :-

**CH Institute of Business Studies, Palia Road, Off Ujjain Road, Baroli,
Indore, Madhya Pradesh-453111**

..... **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 26.05.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 09.04.2019 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to CH Institute of Business Studies, Palia Road, Off Ujjain Road, Baroli, Indore, Madhya Pradesh-453111.
2. Learned Counsel for the petitioner filed an affidavit of Shri Sumeet Maru Jain, Chairman, Cerebral Education Society and the authorized representative of the applicant institution i.e. CH Institute of Business Studies, Palia Road, Off Ujjain Road, Baroli, Indore, Madhya Pradesh-453111 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/2019/0230857 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of NOC application dated 30.11.2018 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh alongwith its tracking report, notarized copy of Certificate of Registration of Cerebral Education 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, notarized copy of Recognition Order dated 29.04.2018

issued by the Member Secretary, AICTE to the aided petitioner institution for the Academic Year 2018-19 for Post Graduate Diploma in Management.

4. As per the information supplied by the aided petitioner institution with regard to students strength, it is mentioned that out of the total 283 students, 46 students are from the Jain minority community, 11 students are from Muslim Minority Community and 226 students are Hindus. It is relevant to mention here that out of total 21 teachers, 9 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 30.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 03.12.2018 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 24.05.2019 and 05.03.2020, 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 17.11.2021, after service of notice to the physical inspection committee dated 23.11.2021, 10.02.2022 and 31.03.2022, no reply has been received from the Physical Inspection Committee Members. Pendency of the said application for grant of NOC 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 by the Committee members. Petitioner's rights to get MSC cannot be kept under suspended animation in this oldest case of this Commission. In this view of the matter, it is a fit case for intervention by this Commission.

7. Heard the Learned Counsel for the petitioner, perused the pleading of petitioner institution, the documents filed by the petitioner and affidavit of Shri Sumeet Maru Jain, Chairman, Cerebral Education 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 Cerebral Education 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 Sumeet Maru Jain, Chairman, Cerebral Education 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that CH Institute of Business Studies, Palia Road, Off Ujjain Road, Baroli, Indore, Madhya Pradesh-453111 run by Cerebral Education 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, CH Institute of Business Studies, Palia Road, Off Ujjain Road, Baroli, Indore, Madhya Pradesh-453111, which is for Post Graduate Diploma in Management, is declared as an aided 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, updated recognition / affiliation order issued to the aided petitioner institution, resolution of the General Body of the Society in favour of Shri Sumeet Maru Jain, Chairman, Cerebral Education Society for obtaining MSC from this Commission and original copy of NOC application dated 30.11.2018 under Section 10 of the NCMEI Act, 2004 alongwith the post office receipt by which said application was sent the State Competent Authority. 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 **Thursday, 26th Day of May, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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