

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

Case No. 612 of 2019

In the matter of :-

**Prem Pathshala, Canal Road, Gumniwala, Shyampur, Rishikesh,
Dehradun, Uttarakhand-249204**

..... **Petitioner**

V/s

**Deputy Chief Secretary (Upper Mukhya Sachiv), Higher Education,
Govt. of Uttarakhand**

..... **Respondent**

Present: Mr. Jose Abraham, Advocate for the petitioner
None for the respondent

ORDER

DATED 17.11.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 31.07.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Prem Pathshala, Canal Road, Gumniwala, Shyampur, Rishikesh, Dehradun, Uttarakhand-249204.
2. Learned counsel for the petitioner filed an affidavit of Rev. Vikrant Bhandari, Secretary of The Association for Garhwal's Advancement, Prosperity and Evangelization (AGAPE) in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Christian minority community.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : UA/2017/0153409 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 07.01.2019 sent to the State Competent Authority i.e. Deputy Chief Secretary (Upper Mukhya Sachiv), Higher Education, Govt. of Uttarakhand alongwith its postal receipt and tracking report, notarized copy of Certificate of Registration of Rev. Vikrant Bhandari, Secretary of The Association for Garhwal's Advancement, Prosperity and Evangelization (AGAPE), 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 permanent recognition order no. : Basic / 1064-63 dated 06.02.98 issued by the Divisional Assistant

Education Director, Garhwal Mandal (Pauri) to the unaided petitioner institution for Upper Primary and resolution of the General Body of the Society in favour of Rev. Vikrant Bhandari, Secretary of The Association for Garhwal's Advancement, Prosperity and Evangelization (AGAPE) for obtaining MSC from this Commission and Baptism Certificates of founding and present members of the Society.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 01.01.2019, it is mentioned that out of the total 444 students, 115 students are from the Christian minority community, 8 students are from the Muslim minority community and 321 students are Hindus. It is relevant to mention here that out of total 13 teachers, 7 teachers are from Christian 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 this 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 07.01.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 08.01.2019 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 07.10.2019 and 22.07.2021, respondent has sent letters dated 31.10.2019, 08.01.2020, 24.01.2020 which were received in the Commission's Officer on dated 13.11.2019, 14.01.2020 and 06.02.2020 respectively, are taken into 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 14.12.2021, after service of letters, reminder / emails to the physical inspection committee dated 27.12.2021 and 20.05.2022, District Education Officer (Primary Education), Dehradun has sent physical inspection report dated 14.06.2022 which was received in the Commission's Office on dated 22.06.2022 wherein they have not mentioned any adverse remarks to grant MSC to the petitioner institution.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Rev. Vikrant Bhandari, Secretary of The Association for Garhwal's Advancement, Prosperity and Evangelization (AGAPE).
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 Christian minority community and is being administered by Rev. Vikrant Bhandari, Secretary of The Association for Garhwal's Advancement, Prosperity and Evangelization (AGAPE) which is managed and run by the members of the Christian 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 Rev. Vikrant Bhandari, Secretary of The Association for Garhwal's Advancement, Prosperity and Evangelization (AGAPE).
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 the members of the Christian minority community. In addition, the said facts 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 Prem Pathshala, Canal Road, Gumniwala, Shyampur, Rishikesh, Dehradun, Uttarakhand-249204 run by Rev. Vikrant Bhandari, Secretary of The Association for Garhwal's Advancement, Prosperity and Evangelization (AGAPE) 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 subserving the interests of the Christian minority community.

11. Consequently, Prem Pathshala, Canal Road, Gumniwala, Shyampur, Rishikesh, Dehradun, Uttarakhand-249204, which is for Upper Primary, is declared as an 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 Christian minority community subject to the eligibility of the students and availability of the accommodation in the 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 **Thursday, 17th Day of November, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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