

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

Case No. 86 of 2022

In the matter of :-

Ben-Hur Gurukul, Ben-Hur Road, Pilibhit, Uttar Pradesh

..... **Petitioner**

V/s

**Additional Chief Secretary, Department of Secondary Education,
Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar
Pradesh**

..... **Respondent**

Present: Mr. Parvinder Singh Sahmey for the petitioner
None for the respondent

ORDER

DATED 21.09.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This application has been received on 13.06.2022 by post for grant of Minority Status Certificate (in short 'MSC') to Ben-Hur Gurukul, Ben-Hur Road, Pilibhit, Uttar Pradesh from Mr. Gurditt Singh Sahmey, Managing Trustee of the Trust
2. The petitioner institution filed an affidavit of Mr. Gurditt Singh Sahmey, Managing Trustee of Gurjas Educational and Charitable Trust 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.
3. The petitioner institution has filed notarized copy of Unique ID No. : UP/2021/0287339 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan but not mentioned in the application for grant of MSC, notarized copy of application dated 01.09.2021 sent to State Competent Authority i.e. Additional Chief Secretary, Department of Secondary Education, Govt. of Uttar Pradesh for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its tracking report, notarized copy of Trust Deed of 29.09.2014 of Gurjas Educational and Charitable Trust, notarized copy of Permanent Recognition Orders dated 26.03.2022 issued by District Basic Education Officer, Pilibhit to the unaided petitioner institution for

Primary (Class 1 to 5th) and Upper Primary (Class 6th to 8th) and resolution of the General Body of the Trust in favour of Mr. Gurditt Singh Sahmey, Managing Trustee of Gurjas Educational and Charitable Trust for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength, it is mentioned that out of the total 401 students, 68 students are from the Sikh minority community, 28 students are from the Muslim minority community and 305 students are Hindus. It is relevant to mention here that out of total 18 teachers, 2 teachers are from Sikh 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 01.09.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 03.09.2021 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 and email dated 13.07.2022, none appeared on behalf of the respondent. Then petitioner has submitted some documents before the Commission's Office alongwith copy of letter no. : CBSC/2022-23 dated 12.04.2022 sent by The District School Inspector, Pilibhit, UP to The Education Director (Secondary), General Education (1), 2nd Section, Prayagraj stating that if this Commission issues Minority Status Certificate to the

petitioner institution under the rules then they have no objection in granting MSC to the petitioner institution.

7. Heard the representative of the petitioner institution, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Mr. Gurditt Singh Sahmey, Managing Trustee of Gurjas Educational and Charitable Trust.
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 Sikh minority community and is being administered by Gurjas Educational and Charitable Trust which is managed and run by the members of the Sikh 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. Gurditt Singh Sahmey, Managing Trustee of Gurjas Educational and Charitable Trust.
9. The Trust Deed and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Sikh 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 Ben-Hur Gurukul, Ben-Hur Road, Pilibhit, Uttar Pradesh run by Gurjas Educational and Charitable Trust 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 minority community.
11. Consequently, Ben-Hur Gurukul, Ben-Hur Road, Pilibhit, Uttar Pradesh, which is for Upper Primary, Class 1st to 8th, 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 Sikh 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 **Wednesday, 21st Day of September, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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