

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

Misc. Case No. 02 of 2023

In the matter of :-

**Mr. Anil Kumar Yadav, Manager, Acharya Baldev Shiksha
Samiti, Kopa, Patarahi, Jaunpur, Uttar Pradesh**

..... Petitioner

V/s

**1) Principal/Headmaster, Acharya Baldev Sansthan,
Village Kopa, P.O. Patarahi, District Jaunpur, UP**

**2) Deputy Director, Minorities Welfare Department, Indira
Bhawan, Lucknow, Uttar Pradesh**

**3) Additional Chief Secretary, Department of Secondary
Education, Babu Bhawan, 7th Floor, Lucknow, Uttar
Pradesh-226001**

..... Respondents

**Present: Mr. Junais P., Advocate for the petitioner /
applicant**

None for the respondents

**Application Under Section 12(C) of the
National Commission for Minority Educational
Institutions (in short 'NCMEI') Act, 2004 for
cancellation of Minority Status Certificate (in
short 'MSC') issued to Acharya Baldev
Sansthan, Village Kopa, P.O. Patarahi, District
Jaunpur, UP vide Case No. 2391 of 2012 on
dated 04.12.2012**

ORDER

DATED 11.04.2023

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received by hand on dated 01.02.2023 from Mr. Anil Kumar Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, Uttar Pradesh for cancellation of MSC issued to Acharya Baldev Sansthan, Village Kopa, P.O. Patarahi, District Jaunpur, UP vide Case No. 2391 of 2012 on dated 04.12.2012. Above petition was registered by this Commission on 16.02.2023 and notices were issued to the respondents.
2. The brief facts of the case are that on dated 01.02.2023, this Commission has received application by hand from Mr. Anil Kumar

Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, Uttar Pradesh in which it is stated that at the time of granting MSC, majority members of the Society were from Buddhist minority community but at present members of the Society are not from the minority community. So minority status of the institution be cancelled.

3. Petitioner has also filed with above petition Affidavit of Mr. Anil Kumar Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, Uttar Pradesh, photocopy of minority status certificate alongwith covering letter dated 05.12.2012, certified copy of Certificate of Registration of Acharya Baldev Shiksha Samiti, certified copy of Memorandum of Association alongwith list of members of the Society, List of minority members of the Society, copy of resolution of the Society dated 02.12.2022. By the said resolution it is resolved that MSC granted in favour of the petitioner institution should be cancelled.
4. Notices of above application for cancellation of MSC were sent to all the respondents but none appeared before this Commission on behalf of the respondents despite service of registered notices and email also.
5. Learned Counsel for the petitioner surrendered the original Minority Status Certificate alongwith covering letter dated 05.12.2012 issued to the petitioner institution which is taken on record during the course of arguments.
6. We have considered the facts and circumstances of the case and also perused the documents filed by the petitioner on behalf of the institution.
7. It is an admitted fact that only seven (7) members out of seventeen (17) total members are from minority community and ten (10) are from non minority community remaining in the Society. This minority educational institution is being run by a Society, then majority of the members of the Society, must be from the minority community. So as per the provisions of the NCMEI Act, 2004, petitioner institution

has lost the minority status. There is no documentary evidence on record to rebut the documentary evidence filed by the petitioner.

8. In the premise, the petition filed by Mr. Anil Kumar Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, Uttar Pradesh succeeds and allowed. The impugned order dated 04.12.2012 passed by this Commission in favour of Acharya Baldev Sansthan, Village Kopa, P.O. Patarahi, District Jaunpur, UP for grant of MSC is hereby cancelled.
9. In view of the above, the present petition is allowed and disposed of accordingly.

Signed, pronounced and published on Tuesday, **11th Day of April, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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