

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

Case No. 245 of 2021

In the matter of :-

**Ben-Hur Public School, Benhind S.P. Residence, Bilgaon
Road, Pilibhit, UP**

..... **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 24.05.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This application has been received on 03.12.2021 by post for grant of Minority Status Certificate (in short 'MSC') to Ben-Hur Public School, Benhind S.P. Residence, Bilgaon Road, Pilibhit, UP from Mr. Gurucharan Singh Bindra, Secretary of the Ben-Hur Public School Samiti.
2. The petitioner institution filed an affidavit of Mr. Gurucharan Singh Bindra, Secretary of the Ben-Hur Public School Samiti 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/2021/0287203 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan but not mentioned in the application for grant of MSC, copy of application dated 27.08.2021 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 Certificate of Registration of Ben-Hur Public School Samiti, 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 31.07.2018 issued by Assistant Secretary (Aff), CBSE to the unaided petitioner institution from 01.04.2018 to 31.03.2023 for Secondary School Examination and Senior School Certificate Examination and resolution of the General Body of the Society in favour of Mr. Gurucharan Singh Bindra, Secretary of the Ben-Hur Public School Samiti for obtaining MSC from this Commission which is not signed by the majority members of the Society.

4. As per the information supplied by the unaided petitioner institution with regard to students strength, it is mentioned that out of the total 2580 students, 592 students are from the Sikh minority community, 376 students are from the Muslim minority community, 1 student is from the Jain minority community and 1611 students are Hindus. It is relevant to mention here that out of total 124 teachers, 9 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 27.08.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 31.08.2021 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 20.12.2021, 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. Gurucharan Singh Bindra, Secretary of the Ben-Hur Public School Samiti.
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 Ben-Hur Public School Samiti 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. Gurucharan Singh Bindra, Secretary of the Ben-Hur Public School Samiti.

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 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 Public School, Benhind S.P. Residence, Bilgaon Road, Pilibhit, UP run by Ben-Hur Public School Samiti 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 Public School, Benhind S.P. Residence, Bilgaon Road, Pilibhit, UP, which is for Secondary School Examination and Senior School Certificate Examination, 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 and proper resolution duly signed majority members of the General Body of the Society in favour of Mr. Gurucharan Singh Bindra, Secretary of the Ben-Hur Public School Samiti for obtaining MSC from this Commission. 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 **Tuesday, 24th Day of May, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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