

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

Case No. 247 of 2021

In the matter of :-

**Poornayu Ayurved Chikitsalaya Evam Anusandhan Vidhyapeeth
Dayoda Teerth, Tilwaraghat, Jabalpur, Madhya Pradesh-482003
..... Petitioner**

V/s

**Secretary, Backward Classes and Minority Welfare Department,
Govt. of Madhya Pradesh**

..... Respondent

Present: Mr. Sandesh Kumar Jain for the petitioner

ORDER

DATED 16.12.2021

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 09.12.2021 by hand for grant of Minority Status Certificate (in short 'MSC') to Poornayu Ayurved Chikitsalaya Evam Anusandhan Vidhyapeeth Dayoday Teerth, Tilwaraghat, Jabalpur, Madhya Pradesh-482003.
2. The petitioner institution has filed an affidavit of Shri Sandesh Kumar Jain, S/o Late Shri K.C. Jain, Managing Trustee / authorized signatory of Shri Digambar Jain Sanrakshani Sabha Trust, Jabalpur support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are primarily members of the Jain minority community.
3. The petitioner institution has also filed the certified copy of Unique ID No. : MP/2021/0292154 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, certified copy of No Objection Certificate (NOC) letter dated 10.08.2021 issued by the State Competent Authority for three years to the petitioner institution to obtain MSC from this Commission, certified copy of registration certificate of the Trust, certified copy of Trust Deed of Shri Digambar Jain Sanrakshani Sabha Trust, Jabalpur, certified copy of amended trust deed, certified copy of list of founding trustees, certified copy of list of present

trustees, certified copy of permission letter no. Ref. No. 3-5/2011-Ay. (56) dated 05.11.2021 issued by the President, Medical Assessment and Rating Board for Indian System of Medicine (NCISM), National Commission for Indian System of Medicine, Ministry of Ayush, Govt. of India wherein said Commission has mentioned that “after examining the documents and records filed by the institute, it is found that the college is fulfilling the notified and approved criteria for issuing letter of permission for 100 seats in UG (BAMS) course, for the Academic Session 2021-22 onward”, copy of resolution passed by the General Body of the Trust in favour of Mr. Sandesh Kumar Jain to obtain MSC from this Commission, certified copy of affiliation letter no. Aff./2020/2137 dated 25.09.2020 issued by the Registrar, MP Medical Science University, Jabalpur, MP to the petitioner institution for starting B.A.M.S. Course with admission capacity of 100 seats for the academic session 2021-22, certified copy of NOC letter no. F.1-9/2020/1/59 dated 07.09.2020 issued by the Deputy Secretary, Govt. of MP, Department of Ayush for B.A.M.S. Course.

4. Heard Mr. Sandesh Kumar Jain for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Shri Sandesh Kumar Jain, Managing Trustee / authorized signatory of Shri Digambar Jain Sanrakshani Sabha Trust, Jabalpur.
5. 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 Shri Digambar Jain Sanrakshani Sabha Trust, Jabalpur 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 Sandesh Kumar Jain, Managing Trustee / authorized signatory of Shri Digambar Jain Sanrakshani Sabha Trust, Jabalpur.

6. The Amended Trust Deed 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.
7. We have also perused the letter dated 10.08.2021 issued by the State Competent Authority for grant of NOC for three years to the petitioner institution but as per the verdict of the Hon'ble High Court of Madras in case of T.K.V.T.S.S. Medical Educational & Charitable Trust vs. State of Tamil Nadu AIR 2002 Madras 42, it has been held that a minority status cannot be conferred on a minority educational institution for particular period to be renewed periodically like a driving license. It is not open for the State Government to review its earlier order conferring minority status on a minority educational institution unless it is shown that the institution concerned has suppressed any material fact while passing the order of conferral of minority status or there is fundamental change of circumstances warranting cancellation of the earlier order. Reference may, in this connection, be made to the following observations of their lordships : -

“.....In conclusion, we hold that if any entity is once declared as minority entitling to the rights envisaged under Article 30(1) of the Constitution of India, unless there is fundamental change of circumstances or suppression of facts the Government has no power to take away that cherished constitutional right which is a fundamental right and that too, by an ordinary letter without being preceded by a fair hearing in conformity with the principles of natural justice.”

(emphasis supplied)

8. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Poornayu Ayurved Chikitsalaya Evam Anusandhan Vidhyapeeth Dayoda Teerth, Tilwaraghat, Jabalpur, Madhya Pradesh-482003 run by Shri Digambar Jain Sanrakshani Sabha Trust, Jabalpur 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 Jain minority community.

9. Consequently, Poornayu Ayurved Chikitsalaya Evam Anusandhan Vidhyapeeth Dayoday Teerth, Tilwaraghat, Jabalpur, Madhya Pradesh-482003 is declared as a 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.
10. After compliance of the above order, a minority status certificate be issued accordingly.
11. However, it is made clear that if State Govt. has any objection in granting MSC in favour of the petitioner institution i.e. Poornayu Ayurved Chikitsalaya Evam Anusandhan Vidhyapeeth Dayoday Teerth, Tilwaraghat, Jabalpur, Madhya Pradesh-482003, is free to file an application for cancellation of MSC under section 12(c) of the NCMEI Act, 2004.
12. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Thursday, 16th Day of December, 2021.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**Dr. SHAHID AKHTER
MEMBER**