

**GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR MINORITY  
EDUCATIONAL INSTITUTIONS**

**CASE NO. 180 OF 2019**

**In the matter of :-**

**Vimla Devi College of Education, Village Juledha, Tehsil  
Sardhana, District Meerut, Uttar Pradesh.**

**..... Petitioner**

**Vs**

**Principal Secretary, Higher Education, Department of  
Education, Government of Uttar Pradesh, Bahu Khandi,  
Secretariat, Lucknow, Uttar Pradesh- 226 001.**

**.....Respondent**

Present: Mr. Vikas, counsel for the petitioner.  
None for the respondent.

**O R D E R**

**Dated: 15<sup>th</sup> July 2021**

**Justice Narendra Kumar Jain, Chairman**

An application along with affidavit of Mr. Gautam Jain, Secretary, Vimla Devi Shwetamber Jain Trust have been received on 29.3.2019 by hand from Shri Junais P., Advocate of the petitioner for grant of minority status certificate to Vimla Devi College of Education, Vill. Juledha, Tehsil Sardhana, Distt. Meerut, Uttar Pradesh- 250 342.

2. Learned counsel for the petitioner has filed notarized Unique ID No.: UP/2017/0177355 of the petitioner's trust as given by the Niti Aayog Portal NGO Darpan. He has also filed affidavit of Mr. Gautam Jain, Secretary of the petitioner 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 Jain minority community. He has filed the notarized copies of Trust Deed dated 18.5.2012 and Amended/ Supplementary Trust Deed dated 27.4.2018 of the Vimla Devi Shwetambar Jain Trust. He has also filed notarized copy of application dated 1.11.2018 submitted to the competent authority of the State Government for grant of No Objection Certificate along with its online tracking report. He has also filed the notarized copy of order No. NRC/NCTE/NRCAPP-7594/Recognition/B.Ed./268<sup>th</sup> Meeting (Patt-3)/2017 dated 25.4.2017 issued by the NCTE in respect of petitioner institution for conducting Teacher Education Programme from the academic session 2017-18.

3. It is stated in the petition that on dated 1.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC 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 straightway to this Commission as per the provisions of Section 10 of NCMEI Act, 2004.

4. Despite notice, the competent authority of the State Government of Uttar Pradesh has failed to apprise the commission about the status of the said application. None appeared on behalf of the respondent. Hence, the case is proceeded ex-parte against the respondent. Pendency of the said application for such a disproportionately long period clearly indicates the State Government's disinclination to grant NOC to the petitioner institution. Petitioner's right to get minority status certificate cannot be kept under suspended animation. In this view, it is a fit case for intervention by this Commission.

5. The Special Secretary, Higher Education Department (Section 6), Uttar Pradesh has sent letter dated 11.10.2019 stating that the said department has not received application dated 1.11.2018 of the petitioner institution. After receiving the letter and other documents, they will consider the NOC application of the petitioner institution. It is pertinent to mention here that the petitioner has sent application for grant of NOC to the competent authority and has also filed the proof of service of the said application.

6. We have heard the learned counsel appearing for the petitioner institution and perused the record, documentary evidence and affidavit of Mr. Gautam Jain, Secretary of the Vimla Devi Shwetamber Jain Trust.

7. 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 community and is being administered by Vimla Devi Shwetamber Jain Trust which is managed and run by the members of the Jain 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. Gautam Jain, Secretary of the petitioner trust.

8. The amended Trust Deed of the said trust clearly reflects that the beneficiaries of the petitioner institution are members of the Jain minority community. The said facts are also stands proved from the affidavit of Mr. Gautam Jain. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.

9. Relying on the said unrebutted evidence produced on behalf of the petitioner, Vimla Devi College of Education, Village Juledha, Tehsil Sardhana, District Meerut, Uttar Pradesh run by Vimla Devi Shwetamber Jain 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 Jain Community.

10. Consequently, Vimla Devi College of Education, Village Juledha, Tehsil Sardhana, District Meerut, Uttar Pradesh 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 and also file latest affiliation order granted by the competent authority.

11. After compliance of the above order, a minority status certificate be issued accordingly.

12. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on Thursday, 15<sup>th</sup> day of July, 2021.

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

MD