

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

Case No. 703 of 2019

In the matter of :-

**Shree Nahar Convent School, Bibdod Road Infront of Jayant Sen
Dham, District & Tehsil Ratlam, Madhya Pradesh-457001**

..... **Petitioner**

V/s

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

..... **Respondent**

**Present: Mr. Iftexhar Ahmad, Advocate for the petitioner
None for the respondent**

ORDER

DATED 17.11.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This application has been received on 15.05.2019 by hand from the petitioner for grant of Minority Status Certificate (in short 'MSC') to Shree Nahar Convent School, Bibdod Road Infront of Jayant Sen Dham, District & Tehsil Ratlam, Madhya Pradesh-457001.
2. The petitioner institution has filed an affidavit of Mr. Ravi Nahar, President of Shree Aaradhana Shikshan Samiti alongwith application for grant of MSC in 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. Learned counsel for the petitioner has filed copy of Unique ID No. : MP/2019/0230680 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, original application dated 04.01.2019 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, Govt. of Madhya Pradesh, notarized copy of Certificate of Registration of Shree Aaradhana Shikshan 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 downloaded Recognition Certificate No. CBSE/AFF/EX-00701-1920/2019-20 dated 23.06.2020 issued by the Joint Secretary

(Affiliation), CBSE to the unaided petitioner institution for 1st to 12th Std. from 01.04.2019 to 31.03.2024 and photocopy of the resolution of the General Body of the Society in favour of Mr. Ravi Nahar, President of Shree Aaradhana Shikshan Samiti for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 28.02.2019, it is mentioned that out of the total 1299 students, 324 students are from the Jain minority community, 132 students are from the Muslim minority community, 3 students are from the Christian minority community, 7 students are from Sikh minority community and 833 students are Hindus. It is relevant to mention here that out of total 46 teachers, 11 teachers are from Jain 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 this 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 04.01.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 04.01.2019 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 dated 12.06.2019 and 19.11.2019, no reply has been received by the respondent. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained

from the Committee constituted by this Commission for issuance of MSC to the petitioner institution vide order dated 30.11.2021, after service of letter / email to the physical inspection committee dated 29.12.2021, Assistant Director, Collector Office, Backward Classes & Minority Welfare Department, Govt. of MP has sent physical inspection report dated 30.03.2022 which was received in the Commission's Office on dated 04.04.2022 wherein they have recommended to grant MSC to the petitioner institution.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Mr. Ravi Nahar, President of Shree Aaradhana Shikshan 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 Jain minority community and is being administered by Shree Aaradhana Shikshan Samiti 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 Mr. Ravi Nahar, President of Shree Aaradhana Shikshan 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 Jain 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 Shree Nahar Convent School, Bibdod Road Infront of Jayant Sen Dham, District & Tehsil Ratlam, Madhya Pradesh-457001 run by Shree Aaradhana Shikshan 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 Jain minority community.

11. Consequently, Shree Nahar Convent School, Bibdod Road Infront of Jayant Sen Dham, District & Tehsil Ratlam, Madhya Pradesh-457001, which is from 1st to 12th Std., 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 Jain minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution and original resolution of the General Body of the Society in favour of Mr. Ravi Nahar, President of Shree Aaradhana Shikshan 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 **Thursday, 17th Day of November, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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