

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

Case No. 257 of 2019

In the matter of :-

Edify School, Mandsaur Neemuch Bypass, Near Guradiya Balaji Temple, District Mandsaur, Madhya Pradesh-458001

..... **Petitioner**

V/s

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

..... **Respondent**

**Present: Ms. Avneet Kaur, Advocate for the petitioner
None for the respondent**

ORDER

DATED 29.11.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 25.04.2019 by hand through Ms. Avneet Kaur, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Edify School, Mandsaur Neemuch Bypass, Near Guradiya Balaji Temple, District Mandsaur, Madhya Pradesh-458001.
2. Learned counsel for the petitioner filed an affidavit of Shri Aditya Surana, Secretary of Surana Education Society 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.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : MP/2017/0119318 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 23.06.2014 which was submitted by hand to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, Govt. of Madhya Pradesh, certified copy of Certificate of Registration of Surana Education Society, certified copy of Memorandum of Association alongwith list of founding members of the Society, photocopy of affiliation order dated 11.03.2016 issued by the

Assistant Secretary (Aff), CBSE to the unaided petitioner institution from 01.04.2016 to 31.03.2019 for Secondary School Examination and resolution of the General Body of the Society in favour of Shri Aditya Surana, Secretary of Surana Education Society for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength, it is mentioned that out of the total 362 students, 79 students are from the Jain minority community, 43 students are from the Muslim minority community, 1 student is from Sikh minority community and 239 students are Hindus. It is relevant to mention here that out of total 39 teachers, 2 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 23.06.2014, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 23.06.2014 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. After service of registered notice dated 29.05.2019, 13.03.2020 and 19.08.2021, respondent has sent letter dated 17.01.2022 which was received in the Commission's office on dated 31.01.2022, is taken into record. 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 15.12.2021, after service of letters, reminder / emails to the physical inspection committee dated 22.12.2021, 25.03.2022, 30.08.2022 and 06.10.2022, District Education Officer, Mandsaur has sent physical inspection report dated 30.09.2022 which was received in the Commission's Office on dated 12.10.2022 wherein they have not mentioned any adverse remarks 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 Shri Aditya Surana, Secretary of Surana Education Society.
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 Surana Education Society 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 Aditya Surana, Secretary of Surana Education Society.
9. The 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 Edify School, Mandsaur Neemuch Bypass, Near Guradiya Balaji Temple, District Mandsaur, Madhya Pradesh-458001 run by Surana Education Society 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, Edify School, Mandsaur Neemuch Bypass, Near Guradiya Balaji Temple, District Mandsaur, Madhya Pradesh-458001, which is for Secondary School 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 Jain minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution and updated affiliation /recognition order issued by the State Board / CBSE to the unaided petitioner institution. 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, 29th Day of November, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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