

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

Case No. 109 of 2022

In the matter of :-

**Siddhartha Degree College, Akhlor Kheri, Village-Akhlor Kheri,
Post Office Rankhandi, Pargana & Tehsil Deoband, District
Saharanpur, Uttar Pradesh-247554**

..... Petitioner

V/s

- 1) Secretary, Minority Commission / State Minority Educational Commission, Indira Bhawan, Lucknow, Uttar Pradesh**
- 2) Additional Chief Secretary, Department of Higher Education, Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh**

..... Respondents

**Present: Dr. Mahak Singh for the petitioner
None for the respondent**

ORDER

DATED 09.03.2023

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 11.07.2022 by post through Dr. Mahak Singh for grant of Minority Status Certificate (in short 'MSC') to Siddhartha Degree College, Akhlor Kheri, Village-Akhlor Kheri, Post Office Rankhandi, Pargana & Tehsil Deoband, District Saharanpur, Uttar Pradesh-247554.
2. The petitioner institution has filed an affidavit of Dr. Mahak Singh, Chairman of Siddhartha Education Foundation 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 Buddhist minority community.
3. The petitioner institution has also filed the notarized copy of Unique ID No. : UP/2021/0295899 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, certified copy of application dated 04.04.2022 sent to State Competent Authority i.e. Secretary, Minority Commission / State Minority Educational Commission which was received by the respondent by post on 08.04.2022.

4. The petitioner institution has also filed the notarized copy of Trust Deed dated 24.12.2005 of Siddhartha Education Foundation, notarized copy of Supplementary Trust Deed dated 08.04.2010, notarized copy of Permanent Affiliation Order dated 21.06.2021 issued by the Registrar, Ch. Charan Singh University, Meerut to the unaided petitioner institution from the Academic Year 2021-22 for Graduate Level Courses and resolution of the General Body of the Trust in favour of Dr. Mahak Singh, Chairman of Siddhartha Education Foundation for obtaining MSC from this Commission.
5. As per the information supplied by the petitioner institution with regard to student strength In the year 2021-22, it is mentioned that out of the total 306 students, 139 students are from the Buddhist minority community, 37 students are from the Muslim minority community, 1 student is from the Sikh minority community and 129 students are Hindus. It is relevant to mention here that out of total 53 teachers, 19 teachers are from Buddhist 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.
6. After service of registered notice dated 19.10.2022, respondent has sent letter dated 10.11.2022 which was received in the Commission's Office on dated 22.11.2022, which is taken on record. As per the direction of the State Competent Authority, Ch. Charan Singh University (CCSU), Meerut vide its order no. P.A./4850 dated 16.01.2023 has issued 'No Objection Certificate' to the petitioner institution and mentioned that CCSU has No Objection if Minority Status Certificate is granted to Siddhartha Degree College, Akhlor Kheri, Akhlor Kheri, Deoband, District Saharanpur, Uttar Pradesh who is established and directed by Buddhist minority persons.

7. Heard Dr. Mahak Singh for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Dr. Mahak Singh, Chairman of Siddhartha Education Foundation.
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 Buddhist minority community and is being administered by Siddhartha Education Foundation which is managed and run by the members of the Buddhist 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 Dr. Mahak Singh, Chairman of Siddhartha Education Foundation.
9. The Supplementary 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 Buddhist 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.
10. We have also perused the order no. P.A./4850 dated 16.01.2023 issued by the Registrar, Ch. Charan Singh University, Meerut, UP for grant of NOC to the petitioner institution.
11. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Siddhartha Degree College, Akhlor Kheri, Village-Akhlor Kheri, Post Office Rankhandi, Pargana & Tehsil Deoband, District Saharanpur, Uttar Pradesh-247554 run by Siddhartha Education Foundation 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 Buddhist minority community.
12. Consequently, Siddhartha Degree College, Akhlor Kheri, Village-Akhlor Kheri, Post Office Rankhandi, Pargana & Tehsil Deoband,

District Saharanpur, Uttar Pradesh-247554 which is for Graduate Level Courses 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 Buddhist minority community subject to the eligibility of the students and availability of the accommodation in the 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.

13. After compliance of the above order, a minority status certificate be issued accordingly.
14. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Thursday, 9th Day of March, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

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