

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

Case No. 257 of 2022

In the matter of :-

Shri Digamber Jain Girls' College, Dimapur, Nagaland-797112

.....Petitioner

V/s

**Additional Director (HOD), School Education, Nagaland,
Directorate of School Education, Nagaland, Kohima-797001**

..... Respondent

Present: None

ORDER

DATED 13.12.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 28.11.2022 by post from Shri Omprakash Sethi, Chairman of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Shri Digamber Jain Girls' College, Dimapur, Nagaland-797112.
2. Shri Omprakash Sethi, Chairman of Shri Digamber Jain Samaj filed an affidavit 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. : NL/2019/0239507 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of NOC order no. ED/PLN/MINORITY CER/2019-20(Pt) dated 14.06.2022 passed by the Director, Directorate of School Education, Govt. of Nagaland, photocopy of Certificate of Registration of Shri Digamber Jain Samaj, photocopy of Memorandum of Association dated 27.08.2009, photocopy of Memorandum of Association dated 24.11.2018, photocopy of list of Executive Members of the Society, original list of Executive Members 2021-24, photocopy of permanent affiliation order issued by the Deputy Registrar(Acad.), Nagaland University to the unaided petitioner institution for the Bachelor Courses.

4. As per the information supplied by the petitioner unaided institution with regard to students strength, it is mentioned that out of total 1138 students, 7 students are from the Jain minority community, 78 students are from the Muslim minority community, 688 students are from the Christian minority community, 5 students are from Buddhist minority community and 360 students are Hindus. It is relevant to mention here that out of the total 4 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 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.
5. Perused the pleading of the petitioner institution, the documents filed by the petitioner, NOC granted by the State Competent Authority of Nagaland and affidavit of Shri Omprakash Sethi, Chairman of Shri Digamber Jain Samaj.
6. 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 Digamber Jain Samaj 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 Omprakash Sethi, Chairman of Shri Digamber Jain Samaj.
7. 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 members of the Jain minority community. State of Nagaland has given NOC to the petitioner institution. 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.

8. We have perused the order No. ED/PLN/MINORITY CER/2019-20(Pt) dated 14.06.2022 passed by the State Competent Authority. By the above order State Competent Authority of Nagaland has granted NOC in favour of the petitioner institution.
9. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Shri Digamber Jain Girls' College, Dimapur, Nagaland-797112 run by Shri Digamber Jain Samaj 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.
10. Consequently, Shri Digamber Jain Girls' College, Dimapur, Nagaland-797112, which is for Bachelor Courses, is declared as a minority unaided 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, certified copy of all the relevant documents and resolution of the General Body of the Society in favour of Shri Omprakash Sethi, Chairman of Shri Digamber Jain Samaj for obtaining MSC from this Commission. If the petitioner institution failed to comply the above order of this Commission within a period of six months from the date of receiving the order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.
11. After compliance of the above order, a minority status certificate be issued accordingly. Secretary is directed to send copy of this order to

the parties by Regd. Post / Email and also inform by phone / mobile for compliance of this order.

12. However, it is made clear that if State Govt. has any objection in granting MSC in favour of the petitioner institution i.e. Shri Digamber Jain Girls' College, Dimapur, Nagaland-797112, is free to file an application for cancellation of MSC under section 12(c) of the NCMEI Act, 2004.
13. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 13th Day of December, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**Dr. SHAHID AKHTER
MEMBER**

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