

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

Case No. 45 of 2022

In the matter of :-

**Vyas World School, Opposite Mahanagar Colony, Behind Reg
College, Pilibhit Bypass, District Bareilly, Uttar Pradesh-243122
.....Petitioner**

V/s

**1) Additional Chief Secretary, Department of Higher & Secondary
Education, Govt. of Uttar Pradesh, Bahu Khandi, Secretariat,
Lucknow, Uttar Pradesh-226001**

**2) Additional Chief Secretary, Department of Secondary
Education, Babu Bhawan, 7th Floor, Lucknow, Uttar Pradesh-
226001**

..... Respondents

**Present: Mr. Jose Abraham, Advocate for the petitioner
None for the respondent**

ORDER

DATED 24.05.2023

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 18.04.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Vyas World School, Opposite Mahanagar Colony, Behind Reg College, Pilibhit Bypass, District Bareilly, Uttar Pradesh-243122.
2. Learned counsel for the petitioner filed an affidavit of Shri Inder Pal Singh, Chairman of Regional Welfare & Upliftment 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 Sikh minority community.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : UP/2017/0176555 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 04.01.2022 sent to the State Competent Authority i.e. Additional Chief Secretary, Department of Higher & Secondary Education alongwith its postal receipt and tracking report, notarized copy of Trust Deed dated 18.05.2011 of Regional Welfare & Upliftment Trust, notarized copy of Supplementary Trust Deed dated 27.12.2021, copy of Affiliation order dated 07.07.2021 issued by the Deputy Secretary / Joint Secretary (Aff),

CBSE to the unaided petitioner institution from 01.04.2022 to 31.03.2027 for the Secondary / Senior Secondary Level and resolution of the General Body of the Trust in favour of Shri Inder Pal Singh, Chairman of Regional Welfare & Upliftment Trust for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength in the year 2019-20, it is mentioned that out of total 884 students, 206 students were from the Sikh minority community, 36 students were from the Muslim minority community, 2 students were from Jain minority community and 640 students were Hindus, in the year 2020-21, it is mentioned that out of total 951 students, 218 students were from the Sikh minority community, 40 students were from the Muslim minority community, 3 students were from Jain minority community and 690 students were Hindus, in the year 2021-22, it is mentioned that out of total 1021 students, 239 students are from the Sikh minority community, 43 students are from the Muslim minority community, 4 students are from Jain minority community and 735 students were Hindus. It is relevant to mention here that in the year 2019-20, out of the total 67 teachers, 16 teachers were from Sikh Minority community, in the year 2020-21, out of the total 80 teachers, 19 teachers were from Christian Minority community, in the year 2021-22, out of the total 92 teachers, 21 teachers are from Sikh 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. This Commission has also decided in many cases as per the judgement of Hon'ble Apex Court in T.M.A. Pai Foundation Vs The State of Karnataka (2002) 8 SCC 481, a minority whether linguistic or religious is determinable only by reference to demography of the State and not by taking into consideration the population of the country as a whole. We are aware of the Buckley Judgement passed by this Commission but there must be reasonable strength of students of minority community in a minority

institution and in our considered opinion the percentage could be determined based on the actual proportion of specific minority community in the State population as per prevailing census. Population of Sikh minority community in the State of Uttar Pradesh as per the census of 2011 is 0.32%.

5. It is stated in the petition that on dated 04.01.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 07.01.2022 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/email dated 09.05.2022, respondent has sent letter dated 10.06.2022 which was received in the Commission's office on dated 22.06.2022, is taken on 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 17.08.2022, after service of letter / email to the physical inspection committee dated 15.09.2022 and 09.11.2022, Physical Inspection Committee, Bareilly has sent physical inspection report dated 01.12.2022 which was received in the Commission's Office on dated 07.12.2022 wherein they have not mentioned any negative / adverse remarks to grant MSC to the petitioner institution.
7. Heard the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Shri Inder Pal Singh, Chairman of Regional Welfare & Upliftment Trust.
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 Sikh minority community and is

being administered by Regional Welfare & Upliftment Trust which is managed and run by the members of the Sikh 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 Inder Pal Singh, Chairman of Regional Welfare & Upliftment Trust.

9. We have perused the Supplementary Trust Deed of the petitioner institution which was registered before the Deputy Registrar, Bareilly on dated 27.12.2021 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 04.01.2022 and petition for grant of MSC on dated 18.04.2022. So it is clear that the amendment has been done before the application filed before the State Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.
10. The Supplementary Trust Deed dated 27.12.2021 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Sikh 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.
11. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Vyas World School, Opposite Mahanagar Colony, Behind Reg College, Pilibhit Bypass, District Bareilly, Uttar Pradesh-243122 run by Regional Welfare & Upliftment 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 Sikh minority community.
12. Consequently, Vyas World School, Opposite Mahanagar Colony, Behind Reg College, Pilibhit Bypass, District Bareilly, Uttar Pradesh-243122, which is for Secondary / Senior Secondary Level, 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 Sikh 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 **Wednesday, 24th Day of May, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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