

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

Case No. 129 of 2023

In the matter of :-

**Poise College (Formerly known as JPB College), Gram Sankal Kheda
Kalan, SH-19, Ashok Nagar Road, District Vidisha, Madhya Pradesh
.....Petitioner**

V/s

**Secretary, Backward Classes and Minority Welfare Department, Govt.
of MP, Room No. 339, Mantralaya, Bhopal, MP**

..... Respondent

Present: Mr. Iftekar Ahmad, Advocate for the petitioner

ORDER

DATED 25.05.2023

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 09.05.2023 by hand through Mr. Iftekar Ahmad, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Poise College (Formerly known as JPB College), Gram Sankal Kheda Kalan, SH-19, Ashok Nagar Road, District Vidisha, Madhya Pradesh.
2. Learned counsel for the petitioner filed an affidavit of Mohammad Faisal Khan, President of Poise Educational and Welfare Society, 76, 77, 78, Indus Empire, Shahpura, Bawadiyakala, Bhopal, MP in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Muslim minority community.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : MP/2020/0261585 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 03.06.2021 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, notarized copy of NOC order no. v-lzk-i@21@2021@l=g&2@ Hkksiky dated 10.08.2021 passed by the State Competent Authority to the petitioner institution for three years from 10.08.2021, notarized copy of Certificate of Registration of Mohammad Faisal Khan, President of Poise Educational and Welfare Society, notarized copy of Memorandum of Association dated 13.01.2016 / 23.01.2016 alongwith list of founding and present members of the Society,

notarized copy of affiliation order dated 30.04.2019 issued by the Member Secretary, AICTE to the JPB College, Gram Sankal Kheda Kalan, SH-19, Ashok Nagar Road, District Vidisha, Madhya Pradesh for the academic year 2019-20 for Post Graduate Management Courses, notarized copy of affiliation order dated 03.07.2022 issued by the Member Secretary, AICTE to the Poise College, Vidisha, Madhya Pradesh for the academic year 2022-23 for Post Graduate Management Courses, notarized copy of affiliation order dated 16.02.2023 issued by the Registrar, Rajiv Gandhi Proudhyogiki Vishwavidyalaya to the Poise College, Vidisha, Madhya Pradesh for the academic session 2022-23 for Post Graduate Management Courses and resolution of the General Body of the Society in favour of Mohammad Faisal Khan, President of Poise Educational and Welfare Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in the year 2021-22, it is mentioned that out of total 15 students, 3 students are from the Muslim minority community, 1 student is from the Jain minority community and 11 students are Hindus. It is relevant to mention here that in the year 2021-22, out of the total 125 teachers, 27 teachers are from the Muslim 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 Christian

minority community in the State of Madhya Pradesh as per the census of 2011 is 6.57%.

5. The petitioner institution has filed application for grant of NOC before the State Competent Authority on dated 03.06.2021 and that application was accepted by the State Competent Authority and the following order dated 10.08.2021 has been passed :-

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6. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Mohammad Faisal Khan, President of Poise Educational and Welfare Society. In fact and circumstances of the case, need not to give notice of this petition, because respondent has granted NOC in favour of the petitioner institution.
7. 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 Muslim minority community and is being administered by Poise Educational and Welfare Society which is managed and run by the members of the Muslim 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 Mohammad Faisal Khan, President of Poise Educational and Welfare Society.

8. We have perused the Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar on dated 13.01.2016 / 23.01.2016 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 03.06.2021 and petition for grant of MSC on dated 09.05.2023. 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.
9. The Memorandum of Association dated 13.01.2016 / 23.01.2016 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily members of the Muslim 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 perused the order No. v-lzk-i@21@2021@l=g&2@Hkksiky dated 10.08.2021 passed by the State Competent Authority. By the above order State Competent Authority of Madhya Pradesh has granted NOC in favour of the petitioner institution.
11. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Poise College, Vidisha, Madhya Pradesh run by Poise Educational and Welfare 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 Muslim minority community.
12. Consequently, Poise College, Vidisha, Madhya Pradesh, which is for Post Graduate Management 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 Christian 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. However, it is made clear that if State Govt. has any objection in granting MSC in favour of the petitioner institution i.e. Poise College, Vidisha, Madhya Pradesh, is free to file an application for cancellation of MSC under section 12(c) of the NCMEI Act, 2004.
15. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Thursday, 25th Day of May, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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