

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

**Case No. 199 of 2020**

**In the matter of :-**

**Shree Bafna Public School, Thandla Road, Meghnagar P.O.,  
District Jhabua, Madhya Pradesh-457779**

**.....Petitioner**

**V/s**

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

**..... Respondent**

Present: Mr. Junais P, Advocate for the petitioner  
None for the respondent

**ORDER**

**DATED 11.05.2023**

**Justice Narendra Kumar Jain, Chairman, NCMEI**

1. This petition has been received on 10.02.2020 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Shree Bafna Public School, Thandla Road, Meghnagar P.O., District Jhabua, Madhya Pradesh-457779.
2. Learned counsel for the petitioner filed an affidavit of Mr. Yashwant Kumar Bafna, President of Ranjeet Singh Kesrimal Bafna Shiksha Samiti and the authorized representative of the applicant institution i.e. Shree Bafna Public School, Thandla Road, Meghnagar P.O., District Jhabua, Madhya Pradesh-457779 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 notarized copy of Unique ID No. : MP/2018/0200577 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, notarized copy of application dated 28.11.2018 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare

Department alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Ranjeet Singh Kesrimal Bafna Shiksha Samiti, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 14.07.2016 alongwith list of present members of the Society, notarized copy of affiliation order dated 06.08.2021 issued by the Deputy Secretary / Joint Secretary (Affiliation), CBSE to the unaided petitioner institution for Secondary / Senior Secondary Level from 01.04.2022 to 31.03.2027 and resolution of the General Body of the Society in favour of Mr. Yashwant Kumar Bafna, President of Ranjeet Singh Kesrimal Bafna Shiksha Samiti for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength in Academic Year 2018-20, it is mentioned that out of the total 741 students, 43 students are from the Jain minority community, 10 students are from Muslim minority community, 8 students are from Christian minority community, 1 student is from Sikh minority community and 679 students are Hindus. It is relevant to mention here that in Academic Year 2018-20, it is mentioned that out of the total 33 teachers, 3 teachers are from the 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. 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 Jain minority community in the State of Madhya Pradesh as per the census of 2011 is 0.78%.

5. It is stated in the petition that on dated 28.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 01.12.2018 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 05.03.2020 and 05.11.2020, respondent has sent letter dated 08.01.2021 and 16.12.2020, which were received in the Commission's office on dated 18.01.2021 and 23.12.2020 respectively which are 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 27.01.2022, after service of letter / email to the physical inspection committee dated 07.02.2022, 28.04.2022, 12.08.2022, 04.10.2022 and 05.12.2022, Physical Inspection Committee, Jhabua has sent physical inspection report dated 22.07.2022 and 28.12.2022 which were received in the Commission's Office on dated 01.08.2022 and

04.01.2023 wherein they have not mentioned any adverse / negative remarks to grant MSC to the petitioner institution.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Mr. Yashwant Kumar Bafna, President of Ranjeet Singh Kesrimal Bafna Shiksha Samiti.
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 Ranjeet Singh Kesrimal Bafna Shiksha Samiti 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 Mr. Yashwant Kumar Bafna, President of Ranjeet Singh Kesrimal Bafna Shiksha Samiti.
9. We have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar on dated 14.07.2016 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 28.11.2018 and petition for grant of MSC on dated 10.02.2020. 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 Amended Memorandum of Association dated 14.07.2016 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.
11. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Shree Bafna Public School,

Thandla Road, Meghnagar P.O., District Jhabua, Madhya Pradesh-457779 run by Ranjeet Singh Kesrimal Bafna Shiksha Samiti 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.

12. Consequently, Shree Bafna Public School, Thandla Road, Meghnagar P.O., District Jhabua, Madhya Pradesh-457779, 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 Jain 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, 11<sup>th</sup> Day of May, 2023.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

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