

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

Case No. 234 of 2021

In the matter of :-

Vidya Jain Public School, Sector-6, Rohini, Delhi-110085

..... **Petitioner**

V/s

**Assistant Director of Education (Act), Directorate of
Education, Govt. of NCT of Delhi, Room No. 214-A, Old
Secretariat, Delhi-110054**

..... **Respondent**

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

ORDER

DATED 25.07.2023

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 03.11.2021 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Vidya Jain Public School, Sector-6, Rohini, Delhi-110085.
2. Learned counsel for the petitioner filed an affidavit of Shri Surendra Kumar Jain, President of the Vardhman Mahavira Education Society 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. : DL/2021/0295539 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 30.06.2021 sent to the State Competent Authority i.e. Assistant Director of Education (Act), Directorate of Education alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Vardhman Mahavira Education Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 11.01.2021 alongwith list of present members

of the Society, notarized copy of Affiliation Order dated 21.10.2020 issued by the Deputy Secretary / Joint Secretary (Aff), CBSE to the unaided petitioner institution from 01.04.2021 to 31.03.2026 for Secondary / Senior Secondary Level, notarized copy of recognition order dated 07.03.2023 issued by the Dy. Director of Education, Govt. of NCT of Delhi to the unaided petitioner institution beyond 31.03.2022 upto 31.03.2027 from Secondary to Sr. Secondary Level and resolution of the General Body of the Society in favour of Shri Surendra Kumar Jain, President of the Vardhman Mahavira Education Society for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength in the Academic Year 2018-21, it is mentioned that out of the total 1086 students, 146 students are from the Jain minority community, 23 students are from Muslim minority community, 2 students are from Christian minority community, 15 students are from Sikh minority community and 900 students are Hindus. It is relevant to mention here that out of total 46 teachers, 4 teachers are from Jain Minority community.
5. It is stated in the petition that on dated 30.06.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 05.07.2021 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 petition 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. Despite service of registered notice/email dated 18.11.2021, no reply / response has been received from the respondent.

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 06.07.2022. After service of letters, reminder / emails to the physical inspection committee dated 12.07.2022 and 12.10.2022, Physical Inspection Committee, Delhi has sent physical inspection report dated 12.09.2022 which was received in the Commission's Office on dated 16.09.2022 wherein they have not mentioned any adverse / negative remarks to grant MSC to the petitioner institution. They have only mentioned that the School is recognized till 31.03.2022.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Shri Surendra Kumar Jain, President of the Vardhman Mahavira Education Society.
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 Vardhman Mahavira Education Society 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 Surendra Kumar Jain, President of the Vardhman Mahavira Education Society.
9. 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. This Commission has also decided that there must be reasonable strength of students of particular minority community in a minority

educational institution. 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 Delhi as per the census of 2011 is 0.99%.

10. We have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Registrar of Societies, Delhi on dated 11.01.2021. The petitioner institution has applied for grant of NOC before the State Competent Authority U/s 10 of the NCMEI Act, 2004 on dated 30.06.2021 and petition for grant of MSC before this Commission on dated 03.11.2021. 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.
11. The Amended Memorandum of Association dated 11.01.2021 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the 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.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Vidya Jain Public School, Sector-6, Rohini, Delhi-110085 run by Vardhman Mahavira Education 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 Jain minority community.
13. Consequently, Vidya Jain Public School, Sector-6, Rohini, Delhi-110085, 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.

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

Signed, pronounced and published on **Tuesday, 25th Day of July, 2023.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. SHAHID AKHTER
MEMBER**

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