

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

Case No. 127 of 2023

In the matter of :-

**Sahib Institute of Management and Research, 255/1/1/2, Gram
Morod, Khandva Road, Indore, Madhya Pradesh-452020**

.....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
None for the respondent

ORDER

DATED 13.03.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 09.05.2023 by hand through Mr. Iftekar Ahmad, Advocate, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Sahib Institute of Management and Research, 255/1/1/2, Gram Morod, Khandva Road, Indore, Madhya Pradesh-452020.
2. Learned counsel for the petitioner filed an affidavit of Mohammad Faisal Khan, Secretary of Sahib Shiksha Avam Samaj Kalyan Samiti 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 notarized copy of Unique ID No. : MP/2017/0117292 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, original application dated 27.01.2023 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, notarized copy of Certificate of Registration of Sahib Shiksha Avam Samaj Kalyan Samiti, certified copy of Memorandum of Association dated 05.08.2022 alongwith list of founding and

present members of the Society, notarized copy of affiliation order dated 15.05.2023 issued by the Member Secretary, AICTE to the unaided petitioner institution for the Academic Year 2023-24 for the Post Graduate Courses, notarized copy of the affiliation order dated 09.01.2024 issued by the Registrar, Rajiv Gandhi Proudhyogiki Vishwavidyalaya, Bhopal to the unaided petitioner institution for the academic session 2023-24 for the Post Graduate Courses and resolution of the General Body of the Society in favour of Mohammad Faisal Khan, Secretary of Sahib Shiksha Avam Samaj Kalyan Samiti for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in Academic Year 2021-22, it is mentioned that out of total 125 students, 41 students are from the Muslim minority community, 3 students are from the Christian minority community, 2 students are from the Sikh minority community, 9 students are from the Jain minority community and 70 students are Hindus. It is relevant to mention here that in Academic year 2021-22, out of 15 teachers, 4 teachers are from the Muslim Minority community.
6. It is stated in the petition that on dated 27.01.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 27.01.2023 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.
7. After service of registered notice/email dated 23.06.2023, Joint Director, Backward Classes and Minority Welfare Department on

behalf of the respondent has sent letter dated 28.07.2023, which was received in the Commission's office on dated 08.08.2023, was 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 30.08.2023. After service of letters/emails to the physical inspection committee dated 21.09.2023 and 03.01.2024, Physical Inspection Committee, Indore has sent physical inspection report dated 12.01.2024 which was received in the Commission's Office on dated 29.01.2024 wherein they have recommended to grant MSC to the petitioner institution.

8. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mohammad Faisal Khan, Secretary of Sahib Shiksha Avam Samaj Kalyan Samiti.
9. 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 Sahib Shiksha Avam Samaj Kalyan Samiti 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, Secretary of Sahib Shiksha Avam Samaj Kalyan Samiti.
10. 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 Muslim minority community in the State of Madhya Pradesh as per the census of 2011 is 6.57%.

11. I have perused the Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar, Firms and Societies, Bhopal on dated 05.08.2022 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 27.01.2023 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.
12. The Memorandum of Association dated 05.08.2022 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Muslim 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.
13. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Sahib Institute of Management and Research, 255/1/1/2, Gram Morod, Khandva Road, Indore, Madhya Pradesh-452020 run by Sahib Shiksha Avam Samaj Kalyan 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 Muslim minority community.

14. Consequently, Sahib Institute of Management and Research, 255/1/1/2, Gram Morod, Khandva Road, Indore, Madhya Pradesh-452020 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 Muslim 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.
15. After compliance of the above order, a minority status certificate be issued accordingly.
16. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 13th Day of March, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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