

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

Case No. 128 of 2023

In the matter of :-

**Gurukripa College of Professional Studies, Gram Kamton,
Tehsil Bareli, District Raisen, 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
None for the respondent

ORDER

DATED 14.03.2024

Dr. Shahid Akhter, Member, 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 Gurukripa College of Professional Studies, Gram Kamton, Tehsil Bareli, District Raisen, Madhya Pradesh.
2. Learned counsel for the petitioner filed an affidavit of Ms. Avneet Jain, President of Shri Kartik Swami Shaikshanik 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 Jain minority community.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : MP/2023/0345140 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, original application dated 05.01.2023 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, notarized copy of Certificate of Registration of Shri Kartik Swami Shaikshanik Samiti, certified copy of Memorandum of Association dated 24.07.2020 alongwith list of founding and present members

of the Society, notarized copy of affiliation order dated 02.06.2023 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 27.12.2023 issued by the Registrar, Barkatulla Vishwavidyalaya, Bhopal to the unaided petitioner institution for the academic session 2023-24 for the Bachelor and Post Graduate Courses and resolution of the General Body of the Society in favour of Ms. Avneet Jain, President of Shri Kartik Swami Shaikshanik 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, 8 students are from the Jain minority community, 1 student is from the Christian minority community, 27 students are from the Muslim minority community, and 89 students are Hindus. It is relevant to mention here that in Academic year 2021-22, out of 15 teachers, 1 teacher is from the Jain Minority community.
6. It is stated in the petition that on dated 05.01.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 05.01.2023 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 22.12.2023, Physical Inspection Committee, Raisen has sent physical inspection report dated 18.01.2024 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 Ms. Avneet Jain, President of Shri Kartik Swami Shaikshanik 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 Jain minority community and is being administered by Shri Kartik Swami Shaikshanik 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 Ms. Avneet Jain, President of Shri Kartik Swami Shaikshanik 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 Jain minority community in the State of Madhya Pradesh as per the census of 2011 is 0.78%.

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 24.07.2020 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 05.01.2023 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 24.07.2020 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.
13. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Gurukripa College of Professional Studies, Gram Kamton, Tehsil Bareli, District Raisen, Madhya Pradesh run by Shri Kartik Swami Shaikshanik 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.
14. Consequently, Gurukripa College of Professional Studies, Gram Kamton, Tehsil Bareli, District Raisen, Madhya Pradesh 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.

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 **Thursday, 14th Day of March, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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