

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

Case No. 249 of 2023

In the matter of :-

**Ayaan College of Nursing, V.P.O. Bhogiwal, District
Malerkotla, Punjab-148019**

..... Petitioner

V/s

**Additional Chief Secretary, Educational Language Punjab,
Civil Secretariat-II, Sector 9A, Chandigarh**

..... Respondent

**Present: Ms. Shanezehra Rizvi, Advocate for the petitioner
None for the respondent**

ORDER

DATED 14.05.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 13.09.2023 by hand through Er. Mohd. Razak Qureshi, Chairman of Ayaan Institute of Medical Sciences for grant of Minority Status Certificate (in short 'MSC') to Ayaan College of Nursing, V.P.O. Bhogiwal, District Malerkotla, Punjab-148019.
2. Er. Mohd. Razak Qureshi, Chairman of Ayaan Institute of Medical Sciences filed an affidavit of Er. Mohd. Razak Qureshi, Chairman of Ayaan Institute of Medical Sciences 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 and also stating 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.
3. Er. Mohd. Razak Qureshi, Chairman of Ayaan Institute of Medical Sciences has filed copy of Unique ID No. : PB/2023/0346202 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 03.06.2023 sent to the State Competent Authority i.e. Additional Chief Secretary,

Educational Language Punjab alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Ayaan Institute of Medical Sciences, notarized copy of the Trust Deed dated 03.02.2011 of Ayaan Institute of Medical Sciences, notarized copy of Amended Memorandum of Association dated 01.06.2023 alongwith list of present members of the Society, downloaded copy of the affiliation order dated 23.08.2023 issued by the Indian Nursing Council to the unaided petitioner institution for the academic session 2023-24 for B.Sc(N) Courses and resolution of the General Body of the Society in favour of Er. Mohd. Razak Qureshi, Chairman of Ayaan Institute of Medical Sciences 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 2022-23, it is mentioned that out of total 266 students, 48 students were from the Muslim minority community, 2 students were from the Christian minority community, 99 students were from the Sikh minority community, 1 student was from the Jain minority community and 116 students were Hindus. It is relevant to mention here that in academic year 2022-23, out of the total 32 teachers, 10 teachers were from Muslim Minority community.
5. It is stated in the petition that on dated 03.06.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 07.06.2023 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 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 02.11.2023, 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 28.11.2023. After service of letter/email to the physical inspection committee dated 14.12.2023, Physical Inspection Committee, Malerkotla District has sent physical inspection report dated 22.01.2024 which was received in the Commission's Office on dated 24.01.2024 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition and the documents filed by the petitioner and affidavit of Er. Mohd. Razak Qureshi, Chairman of Ayaan Institute of Medical Sciences.
8. 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 Punjab as per the census of 2011 is 1.93%.
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 Ayaan Institute of

Medical Sciences 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 Er. Mohd. Razak Qureshi, Chairman of Ayaan Institute of Medical Sciences.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Addl. Registrar of Firms and Societies, Ludhiana on dated 01.06.2023 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 03.06.2023 and petition for grant of MSC on dated 13.09.2023. 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.
11. The Amended Memorandum of Association dated 01.06.2023 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.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Ayaan College of Nursing, V.P.O. Bhogiwal, District Malerkotla, Punjab-148019 run by Ayaan Institute of Medical Sciences 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.
13. Consequently, Ayaan College of Nursing, V.P.O. Bhogiwal, District Malerkotla, Punjab-148019 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

14. 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, 14th Day of May, 2024.**

**DR. SHAHID AKHTER
MEMBER**

VB