

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

Case No. 163 of 2022

In the matter of :-

**IPS Academy Institute of Business Management and
Research, Sanwer Road, Gram Badodia Khan, Indore, Ujjain
Road, Gram Badodiya Khan Sanwer, Madhya Pradesh-453551
.....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 30.07.2023

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 07.09.2022 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to IPS Academy Institute of Business Management and Research, Sanwer Road, Gram Badodia Khan, Indore, Ujjain Road, Gram Badodiya Khan Sanwer, Madhya Pradesh-453551.
2. Learned counsel for the petitioner filed an affidavit of Mr. Achal Chaudhary Jain, President of Indo Education and Services Society and the authorized representative of the applicant institution i.e. IPS Academy Institute of Business Management and Research, Sanwer Road, Gram Badodia Khan, Indore, Ujjain Road, Gram Badodiya Khan Sanwer, Madhya Pradesh-453551 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/2017/0159683 of the petitioner's Society as

given by the Niti Aayog Portal NGO Darpan, notarized copy of application dated 12.06.2018 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, notarized copy of Certificate of Registration of Indo Education and Services Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 29.09.2017 alongwith list of present members of the Society, notarized copy of affiliation order dated 13.06.2023 issued by the Member Secretary, AICTE to the unaided petitioner institution for the Academic Year 2023-24 for the Post Graduate Management Courses, notarized copy of affiliation order dated 21.11.2023 issued by the Registrar, Devi Ahilya Vishwavidyalaya, Indore to the unaided petitioner institution for the Academic Year 2023-24 for the Graduate and Post Graduate Management Courses and resolution of the General Body of the Society in favour of Mr. Achal Choudhary Jain, President of Indo Education and Services Society 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 2019-20, it is mentioned that out of the total 13 students, 2 students were from the Jain minority community, 1 student was from the Christian minority community and 10 students were Hindus, in Academic Year 2020-21, it is mentioned that out of the total 55 students, 5 students were from the Jain minority community, 1 student was from the Christian minority community, 1 student was from the Buddhist minority community and 48 students were Hindus, in Academic Year 2021-22, it is mentioned that out of the total 100 students, 6 students were from the Jain minority community, 4 students were from Muslim minority community, 1 students was from Sikh minority community and 89 students were Hindus. It is relevant to mention here that in Academic Year 2019-20, 2020-21 and 2021-22, it is mentioned

that out of the total 5, 5 and 9 teachers respectively, no teachers were from the Jain minority community.

5. It is stated in the petition that on dated 12.06.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 15.06.2018 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 21.09.2022 and 27.09.2022, Joint Director, Backward Classes and Minority Welfare Department on behalf of the respondent has sent letter dated 02.11.2022 which was received in the Commission's office on dated 04.11.2022 which 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 22.11.2022 and after service of letter/email to the physical inspection committee dated 28.12.2022, 10.03.2023, 24.04.2023, 25.07.2023, 30.10.2023, 05.12.2023 and 29.01.2024, Physical Inspection Committee, Indore District have sent the physical inspection report dated 12.01.2024 which was received in the Commission's office on dated 29.01.2024, 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. Achal Choudhary Jain, President of Indo Education and Services Society.

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 Jain minority community in the State of Madhya Pradesh as per the census of 2011 is 0.78%.
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 Indo Education and Services 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 Mr. Achal Choudhary Jain, President of Indo Education and Services Society.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Sub Registrar, Indore on dated 29.09.2017 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 12.06.2018 and petition for grant of MSC on dated 07.09.2022. 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 29.09.2017 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 IPS Academy Institute of Business Management and Research, Sanwer Road, Gram Badodia Khan, Indore, Ujjain Road, Gram Badodiya Khan Sanwer, Madhya Pradesh-453551 run by Indo Education and Services 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, IPS Academy Institute of Business Management and Research, Sanwer Road, Gram Badodia Khan, Indore, Ujjain Road, Gram Badodiya Khan Sanwer, Madhya Pradesh-453551 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 fails 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, 30th Day of July, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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