

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

Case No. 69 of 2020

In the matter of:-

**Samta Shiksha Niketan, Bhagwan Mahaveer Marg, Sagod Road, Ratlam
Dist., Madhya Pradesh – 457 001.**

.....Petitioner

V/s.

**Secretary, Room No. 339, Backward Classes and Minority Welfare
Department, Satpuda Bhawan, Govt. of M.P., Bhopal, Madhya Pradesh.**

..... Respondent

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

ORDER

DATED 23.05.2023

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 05.12.2019 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to "Samta Shiksha Niketan, Bhagwan Mahaveer Marg, Sagod Road, Ratlam Dist., Madhya Pradesh – 457 001".
2. Learned counsel for the petitioner filed an affidavit of Mr. Madanlal Kataria, Chairman of "Ratlam Samta Shiksha 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/2019/0247148 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 23.01.2019 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, Government of M.P., Bhopal, M.P., which was received by the respondent by post on 28.01.2019. The petitioner institution has also filed the notarized copy of Certificate of Registration, Memorandum of Association, Rules and Regulations, amended Memorandum of Association and Rules and Regulations of the "Ratlam Samta Shiksha Samiti", notarized copy of Affiliation order issued to the petitioner institution by the CBSE. He has also filed the original copy of Governing Body Resolution of the "Ratlam Samta Shiksha Samiti".
4. As per the information supplied by the petitioner unaided institution with regard to student strength in the year 2019, it is mentioned that out of the total 1471 students, 49 students are from the Muslim minority community, 09 students are

from the Sikh minority community, 561 students are from the Jain minority community and 852 students are Hindus. It is relevant to mention here that out of total 59 teachers, 05 teachers are from Muslim Minority community, 20 teachers are from Sikh Minority community and 34 teachers are Hindus. 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.

5. It is stated in the petition that on dated 23.01.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 28.01.2019 and the same 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. Despite service of registered notice dated 20.08.2020, respondent has not sent reply. 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 24.11.2021, after service of letters, reminder/ emails to the physical inspection committee dated 30.11.2021, 06.05.2022 and 09.09.2022, Assistant Director, Distr. Ratlam, M.P., sent the physical inspection report through post vide letter dated 11.10.2022, which was received in the Commission's Office on dated 17.10.2022. We have perused the inspection report, wherein they have recommended to grant MSC to the petitioner institution.
7. Heard learned counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Mr. Madanlal Kataria, Chairman of "Ratlam Samta Shiksha Samiti.
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 the "Ratlam Samta Shiksha 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 Mr. Madanlal Kataria, Chairman of "Ratlam Samta Shiksha Samiti.

9. The amended Memorandum of Association of the said Society clearly reflects that the beneficiaries of the petitioner institution are primarily members of the Jain minority community. In addition, the said facts are 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.
10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that the "Samta Shiksha Niketan, Bhagwan Mahaveer Marg, Sagod Road, Ratlam District, Madhya Pradesh-457 001, run by "Ratlam Samta Shiksha 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.
11. Consequently, Samta Shiksha Niketan, Bhagwan Mahaveer Marg, Sagod Road, Ratlam District, Madhya Pradesh-457 001, which is for Higher Secondary, 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.
12. After compliance of the above order, a minority status certificate be issued accordingly.
13. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Wednesday, 23rd Day of May, 2023.**

**DR. SHAHID AKHTER
MEMBER**

**DR. JASPAL SINGH
MEMBER**