

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

CASE NO. 14 OF 2024

In the matter of:

**Doon International School, Niwazpur, PO Dalelgunj, Thana RC Mission,
Shahjahanpur, 63, Uttar Pradesh – 242 001.**

... Petitioner

Versus

**The Additional Chief Secretary, Secondary Education Department,
Government of Uttar Pradesh, Babu Bhawan, 7th Floor, Lucknow, Uttar
Pradesh – 226 001.**

... Respondent

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

ORDER

Date: 03.10.2024

Dr. Shahid Akhter, Member

1. This petition has been received on 29.12.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Doon International School, Niwazpur, PO Dalelgunj, Thana RC Mission, Shahjahanpur, 63, Uttar Pradesh.

2. Learned counsel for the petitioner filed affidavit of Sh. Jasmeet Singh Sahni, Trustee of the Brijendra Singh Sahni Educational Trust and authorized representative of the applicant institution i.e. Doon International School, Niwazpur, PO Dalelgunj, Thana RC Mission, Shahjahanpur, 63, Uttar Pradesh, in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Sikh minority community.

3. Learned counsel for the petitioner has filed notarized copy of Unique ID No.: UP/2022/0315293 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 26.09.2023 submitted before the State Competent authority for NOC, notarized copies of Trust Deed and amended Trust Deed of the Brijendra Singh Sahni Educational Trust. He has filed original Governing Body Resolution of the petitioner trust for obtaining minority status certificate from this Commission. He has also filed notarized copy of Order of Affiliation dated 09.06.2022 of the petitioner institution, issued by the CBSE.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength, it is mentioned that in the year 2020-21, out of the total 190 students, 22 students were from Muslim minority community, 06 students were from Sikh minority community and 162 students were Hindu. In the year 2021-22, out of the total 234 students, 28 students were from the Muslim minority community, 08 students were from Sikh minority community and 198 students were Hindu. In the year 2022-23, out of the total 490 students, 47 students were from the Muslim minority community, 01

student was from Christian minority community, 14 students were from Sikh minority community and 428 students were Hindu. It is relevant to mention here, that during the academic year 2020-21, out of the total 10 teachers, 02 teachers were from the Muslim minority community, 03 teachers were from Sikh minority community and 05 teachers were Hindu. In the year 2021-22, out of the total 11 teachers, 02 teachers were from Muslim minority community, 03 teachers were from Sikh minority community and 06 teachers were Hindu. In the year 2022-23, out of the total 18 teachers, 04 teachers were from Muslim minority community, 01 teacher was from Christian minority community, 14 teachers were from Sikh minority community and 428 teachers were Hindu.

5. It is stated in the petition that on dated 26.09.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 26.09.2023 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. After service of registered notice/email dated 15.02.2024, 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 19.03.2024, after service of letter/ email to the physical inspection committee dated 10.04.2024, the District Inspector of Schools, Shahjahanpur, has sent physical inspection report dated 18.04.2024, which was received in the Commission's Office on dated 29.04.2024 wherein they have not mentioned any adverse/ negative remarks to grant minority status certificate to the petitioner institution.

7. Heard learned counsel for the petitioner, perused the pleadings of the parties, the documents filed by the petitioner and affidavit of Sh. Jasmeet Singh Sahni, Trustee of the Brijendra Singh Sahni Educational Trust and authorized representative of the applicant institution i.e. Doon International School, Niwazpur, PO Dalelgunj, Thana RC Mission, Shahjahanpur, 63, Uttar Pradesh.

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 Sikh minority community and is being administered by the Brijendra Singh Sahni Educational Trust, which is managed and run by the members of the Sikh 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 Sh. Jasmeet Singh Sahni, Trustee of the Brijendra Singh Sahni Educational Trust and authorized representative of the applicant institution i.e. Doon International School, Niwazpur, PO Dalelgunj, Thana RC Mission, Shahjahanpur, 63, Uttar Pradesh.

9. 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 this Commission in Case No. 1320 of 2009 dated 06.07.2010) 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 Sikh minority community in the State of Uttar Pradesh as per the census of 2011 is 0.32%.

10. I have perused the amended Trust Deed of the Brijendra Singh Sahni Educational Trust, which was registered before the Deputy Registrar, Firms Societies Evam Chits, Sadar, Shahjahanpur, U.P., on dated 24.08.2023 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 26.09.2023 and petition for grant of msc on dated 29.12.2023.

11. The amended Trust Deed of the Brijendra Singh Sahni Educational Trust and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily the members of the Sikh minority community. In addition, the said fact 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 before this Commission.

12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that the Doon International School, Niwazpur, PO Dalelgunj, Thana RC Mission, Shahjahanpur, 63, Uttar Pradesh, run by the Brijendra Singh Sahni Educational Trust, 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 Sikh minority community.

13. Consequently, Doon International School, Niwazpur, PO Dalelgunj, Thana RC Mission, Shahjahanpur, 63, Uttar 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 for undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of the Sikh 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.

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 **Thursday, 03rd day of October, 2024.**

**DR. SHAHID AKHTER
MEMBER**