

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

Case No. 460 of 2019

In the matter of:-

**Shri Guru Nanak Higher Secondary School, Damoh, Near Government
Polytechnic College, Jabalpur Naka Damoh District, Madhya Pradesh.**

.....Petitioner

Vs.

**Secretary, Backward Classes and Minority Welfare Department,
Government of Madhya Pradesh, Room No. 339, Mantralaya, Bhopal,
Madhya Pradesh.**

..... Respondent

Present: Mr. Ajay Deep Mishra, Advocate for the petitioner
None for the respondent

ORDER

DATED: 06.11.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 6.6.2019 by hand from Shri Rajendra Shing Bagga, President for grant of Minority Status Certificate (in short 'MSC') to Shri Guru Nanak Higher Secondary School, Damoh, Near Government Polytechnic College, Jabalpur Naka, Damoh, District Damoh, Madhya Pradesh- 470 661.

2. Learned counsel for the petitioner filed an affidavit of Shri Rajendra Singh Bagga, President on behalf of Guru Nanak Education Society and authorized representative of the applicant institution i.e. Shri Guru Nanak Higher Secondary School, Damoh, Near Government Polytechnic College, Jabalpur Naka, Damoh, District Damoh, Madhya Pradesh- 470 661 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.: MP/2018/0191829 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 17.7.2018 sent to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, notarized copy of Certificate of Registration of Guru Nanak Education Society, notarized copy of Memorandum of Association, unamended and amended Constitution of the said Society, list of founding members, list of members for the period 21.10.2018 to 20.10.2021, notarized copy of order dated 1.10.2020 issued by the CBSE granting affiliation to the

petitioner institution for the period 1.4.2020 to 31.3.2025, copy of Governing Body Resolution dated 27.11.2021 and 13.12.2022.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in academic year 2018-19, it is mentioned that out of total 1944 students, 87 students were from the Muslim minority community, 50 students were from the Sikh minority community, 216 students were from the Jain minority community and 1591 students were Hindus. It is relevant to mention here that in academic year 2018-19, out of total 87 teachers, 04 teachers were from the Muslim minority community, 01 teacher was from Christian minority community, 13 teachers were from Sikh minority community, 06 teachers were from Jain minority community and 64 teachers were Hindu.

5. It is stated in the petition that on dated 17.7.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 17.7.2018 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. Despite service of registered notice to the respondent dated 16.8.219 and 13.6.2022, the respondent has failed to apprise the Commission about the status of the said application. 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 19.9.2023. After service of letter/email to the physical inspection committee dated 21.9.2023 and reminder letters dated 5.10.2023, 27.12.2023, 12.2.2024 and 27.3.2024, Assistant Director, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh has vide letter dated 24.3.2024 has sent physical inspection report, which was received in the Commission's Office on dated 2.4.2024 wherein they have recommended to grant MSC to the petitioner institution. Population of Sikh minority community in the State of Madhya Pradesh as per the census of 2011 is 0.21%.

7. The Commission has observed that the name of the petitioner Society has been mentioned as “Guru Nanak Education Society” and in the Constitution, Affidavit and in Unique ID, the name has been mentioned as “Shri Guru Nanak Education Society”. Learned counsel for the petitioner has filed clarification letter dated 4.10.2024 stating that the Sikh community always use word SHRI before Guru Nanak to pay the respect for Guru Nanak Dev Sahab.

8. Heard learned counsel for the petitioner, perused the pleadings of the parties, the documents filed by the petitioner and affidavit of Shri Rajendra Singh Bagga, President of the Guru Nanak Education Society and authorized representative of the applicant institution i.e. Shri Guru Nanak Higher Secondary School, Damoh, Near Government Polytechnic College, Jabalpur Naka Damoh District, Madhya Pradesh.

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 Sikh minority community and is being administered by Guru Nanak Education Society 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 Shri Rajendra Singh Bagga, President of the Guru Nanak Education Society.

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 Sikh minority community in the State of Madhya Pradesh as per the census of 2011 is 0.21%.

11. I have perused the amended constitution of Guru Nanak Education Society which was amended is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 17.7.2018 and petition for grant of MSC on dated 6.6.2019. 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 Constitution of the petitioner Society 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 facts also stand 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that Shri Guru Nanak Higher Secondary School, Damoh, Near Government Polytechnic College, Jabalpur Naka Damoh District, Madhya Pradesh run by Guru Nanak Education 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 subserving the interests of the Sikh minority community.

14. Consequently, Shri Guru Nanak Higher Secondary School, Damoh, Near Government Polytechnic College, Jabalpur Naka Damoh District, 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 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 minority status certificate will be automatically deemed to be dismissed.

15. 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 **Wednesday, 6th Day of November, 2024.**

**DR. SHAHID AKHTER
MEMBER**

MD