

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

CASE NO. 148 OF 2023

In the matter of:

Dayal Group of Institutions, Village- Bakkas, Sultanpur Road, Next to India Canal, Tehsil - Mohanlalganj, Lucknow District, Uttar Pradesh- 226 501.

... Petitioner

Versus

**Additional Chief Secretary, Higher Education Department,
Government of Uttar Pradesh.**

... Respondent

Present: Mr. Jose Abraham, Advocate for the petitioner.
None for the respondent.

ORDER

Date: 30.01.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 23.05.2023 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Dyal Group of Institutions, Village-Bakkas, Sultanpur Road, Next to India Canal, Tehsil - Mohanlalganj, Lucknow District, Uttar Pradesh- 226501.

2. Learned counsel for the petitioner filed affidavit of Mr. Sundeep, Chairman, Dayal Educational Trust and authorized representative of petitioner institution in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Christian minority community and stating that the petitioner institution shall not deny admission of eligible candidate of the Christian minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution.

3. Learned counsel for the petitioner has filed a notarized copy of Unique ID No.: UP/2018/0184983 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 10.02.2023 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Trust Deed and Supplementary Trust Deed of Dayal Educational Trust. He has also filed

download copy of Affiliation Order dated 30.07.2024 to Dayal Group of Institutions Issued by Dr. A.P.J Abdul Kalam Technical University to the petitioner institution. He has also filed download copy of recognition order dated 23.03.2024 to Dayal Group of Institutions issued by AICTE. He has filed original Resolution of the General Body of the Trust in favour of Mr. Sundeep, Chairman, "Dayal Educational Trust" for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength during the academic year 2020-21, it is mentioned that out of the total 161 students, 19 students were from the Muslim minority community, 5 students were from the Christian minority community and 137 students were Hindu. In the year 2021-22, it is mentioned that out of the total 197 students, 17 students were from the Muslim minority community, 8 students were from the Christian minority community and 172 students were Hindu. In the year 2022-23, it is mentioned that out of the total 183 students, 18 students were from the Muslim minority community, 3 students were from the Christian minority community and 162 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of the total 10 teachers, 04 teachers were from Muslim minority community, 06 teachers were Hindu. In the year 2021-22, out of the total 11 teachers, 03 teachers were from Muslim minority community, 08 teachers were Hindu. In the year 2022-23, out of the total 12 teachers, 04 teachers were from the Muslim minority community, 08 teachers were Hindu.

5. It is stated in the petition that on dated 10.02.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 10.02.2023 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. Despite service of registered notice/email dated 09.06.2023 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 19.09.2023, after service of letter/email to the physical inspection committee dated 31.10.2023, the District Collector, Lucknow, has sent physical inspection report dated 22.11.2023, which was received in the Commission's Office on dated 08.12.2023 wherein they have recommended to grant of MSC consider as per rules.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Mr. Sundeep, Chairman, "Dayal Educational Trust" and authorized representative of petitioner institution.

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 Christian minority community and is being administered by the Dayal Educational Trust, which is managed and run by the members of the Christian 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. Sundeep, Chairman, Dayal Educational Trust and authorized representative of petitioner institution.

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 Christian minority community in the State of Uttar Pradesh as per the census of 2011 is 0.18%.

10. I have perused the Supplementary Trust Deed of the petitioner institution, which was registered before the Deputy Registrar, Firms, Trust, Chits, Lucknow, Uttar Pradesh, on dated 27.01.2023 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 10.02.2023 and petition for grant of MSC on dated 23.05.2023.

11. The Supplementary Trust Deed dated 27.01.2023 of the said 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 Christian 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that the Dyal Group of Institutions, Village-Bakkas, Sultanpur Road, Next to India Canal, Tehsil - Mohanlalganj, Lucknow District, Uttar Pradesh- 226501, run by the Dayal 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 Christian minority community.

13. Consequently, Dyal Group of Institutions, Village- Bakkas, Sultanpur Road, Next to India Canal, Tehsil - Mohanlalganj, Lucknow District, Uttar Pradesh- 226501, is declared as 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 **Thursday, 30th day of January, 2025.**

**DR. SHAHID AKHTER
MEMBER**

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