

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

CASE NO. 241 OF 2024

In the matter of:-

**Sharda University Greater Noida, Plot No. 32, 34 Knowledge Park – III,
Greater Noida, Uttar Pradesh – 201 310.**

... Petitioner

Versus

**Additional Chief Secretary, Higher Education, Room No. 3, Naveen
Bhawan, U.P. Secretariat, Lucknow – 226 001.**

... Respondent

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

ORDER

Date: 20.02.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 25.07.2024 by hand from Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Sharda University Greater Noida, Plot No. 32, 34 Knowledge Park – III, Greater Noida, Uttar Pradesh (hereinafter referred to as University).

2. Learned counsel for the petitioner has filed the affidavit of Mr. Pradeep Kumar Gupta, Trustee, Sharda Educational Trust and Chancellor of the petitioner university, in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner university are members of the Jain minority community.

3. Learned counsel for the petitioner has filed a copy of Unique ID No.: UP/2017/0116810 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 24.04.2024 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Trust Deed, Supplementary Trust Deed alongwith founding and present members of the Sharda Educational Trust. He has also filed original Resolution passed by General Body of the Sharda Educational Trust in favour of Sh. Pradeep Kumar Gupta, Trustee of the petitioner Trust for obtaining minority status certificate from this Commission. He has also filed original Governing Board Resolution of the petitioner trust issued in favour of Sh. Pradeep Kumar Gupta, Trustee, Sharda Educational Trust, to obtain minority status certificate from this Commission. He has also filed certified copy of application for grant of minority status certificate dated 08.06.2018 submitted before the Director, U.P. State Minority Commission alongwith its withdrawal application dated 21.07.2023 and disposal letter dated 19.04.2024 issued by the Director,

U.P. State Minority Commission. He has also filed copy of Gazette notification dated 24.03.2009 regarding establishment of Sharda University, Greater Noida. He has also filed a copy of letter dated 29.10.2010 of Under Secretary, University Grants Commission, New Delhi, addressed to the Registrar, Sharda University, Greater Noida, U.P., regarding the registration of the said university under Section 2(f) of UGC Act, 1956. He has also filed religion certificate dated 03.07.2018 issued by the Tehsildar (Sadar), Agra, to prove that Sh. Pradeep Kumar Gupta belongs to Jain community.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength, it is mentioned that in the petitioner university, during the academic year 2021-22, it is mentioned that out of the total 12032 students, 1356 students were from the Muslim minority community, 615 students were from the Christian minority community, 77 students were from the Sikh minority community, 64 students were from the Jain minority community, 48 student were from the Buddhist minority community and 9872 students were Hindu. In the academic year 2022-23, it is mentioned that out of the total 13822 students, 1577 students were from the Muslim minority community, 785 students were from the Christian minority community, 97 students were from the Sikh minority community, 91 students were from the Jain minority community, 60 students were from the Buddhist minority community, 01 student was Parsee and 11211 students were Hindu. In the academic year 2023-24, it is mentioned that out of the total 16599 students, 1829 students were from the Muslim minority community, 979 students were from the Christian minority community, 125 students were from the Sikh minority community, 169 students were from the Jain minority community, 70 students were from the Buddhist minority community, 02 students were Parsee and 13425 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 877 teachers, 52 teachers were from the Muslim minority community, 10 teachers were from the Christian minority community, 12 teachers were from the Sikh minority community, 07 teachers were from the Jain minority community and 796 teachers were Hindu. In the academic year 2022-23, out of the total 843 teachers, 70 teachers were from the Muslim minority community, 16 teachers were from Christian minority community, 13 teachers were from the Sikh minority community, 07 teachers were from the Jain minority community, 01 teacher was from Buddhist minority community and 843 teachers were Hindu. In the academic year 2023-24, out of the total 1104 teachers, 71 teachers were from the Muslim minority community, 20 teachers were from the Christian minority community, 11 teachers were from the Sikh minority community, 06 teachers were from the Jain minority community, 01 teacher was from Buddhist minority community and 995 teachers were Hindu. 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.

5. It is stated in the petition that on dated 24.04.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on the same day 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 14.08.2024, 21.11.2024 and 02.12.2024 to the respondent. On 17.10.2024, learned counsel for the respondent filed letter dated 08.10.2024 of the Special Secretary, Higher Education Department, Government of Uttar Pradesh addressed to the Regional Education Officer (Higher), Meerut. On 18.11.2024, rejoinder was filed by the learned counsel for the petitioner before the Commission's office. It was the internal communication of the State Government and no reply 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 28.11.2024, after service of letter/ email to the physical inspection committee dated 02.12.2024, District Magistrate, Gautam Budh Nagar has sent physical inspection report dated 22.01.2025 alongwith positive remarks for issuance of minority status certificate to petitioner university, which is duly signed by all the members of the physical inspection committee. The same was received in the Commission's Office on dated 22.01.2025. Copies of Trust Deed dated 1995, June 2006 (Supplementary), Oct, 2011, Nov. 2011, Nov. 2017 & July 2019 and copies of affiliation/ approval letters to Indian Nursing Council, Council of Architecture, Pharmacy Council of India, Bar Council of India, Dental Council of India, National Medical Commission/ Medical Council of India, UP State Medical Faculty, National Council of Teacher Education are annexed with the physical inspection report.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Mr. Pradeep Kumar Gupta, Trustee, Sharda Educational Trust and Chancellor of the petitioner university.

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 Sharda Educational Trust, 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. Pradeep Kumar Gupta, Trustee, Sharda Educational Trust and Chancellor of the 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 Jain minority community in the State of Uttar Pradesh as per the census of 2011 is 0.11%.

10. I have perused the Supplementary Trust Deed of the petitioner trust, which was registered before the Deputy Registrar, Agra on dated 31.01.2006, which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 24.04.2024 and petition for grant of MSC on dated 25.07.2024.

11. The objects of the trust Deed dated 16.12.1995 of Sharda Educational Trust clearly proves that the beneficiaries of the petitioner university are members of the Jain minority community. The objects of the

supplementary trust deed of the said trust dated 31.01.2006 clearly proves that it is meant to serve the whole society. It is also mentioned in the supplementary trust deed of the said trust that this deed is executed in original trust deed dated 16.12.1995 duly registered on 16.12.1995 its book IV Volume No. 15 at pages 181 to 188 as document no. 1541 at the office of Sub Registrar, Agra & read this document alongwith original Trust Deed. All the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are members of the Jain 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 Sharda University, Greater Noida, Plot No. 32, 34 Knowledge Park – III, Greater Noida, Uttar Pradesh, run by the Sharda 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 Jain minority community.

13. Consequently, Sharda University, Greater Noida, Plot No. 32, 34 Knowledge Park – III, Greater Noida, 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 or undertaking to the fact that the petitioner University 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 University 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, 20th day of February, 2025.**

**DR. SHAHID AKHTER
MEMBER**