

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

Case No. 46 of 2025

In the matter of :-

Pathways School-Noida, SSC-2, Sector 100, Noida, Uttar Pradesh-201301.

..... **Petitioner**

V/s

**Additional Chief Secretary, Department of Secondary Education,
Government of Uttar Pradesh**

..... **Respondent**

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

ORDER

DATED 27.05.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 06.03.2025 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Pathways School-Noida, SSC-2, Sector 100, Noida, Uttar Pradesh- 201301.
2. Learned counsel for the petitioner filed an affidavit of Mr. Praveen Jain, Director of Sarla Holdings Private Limited 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 photocopy of application dated 26.09.2024 by Post to the State Competent Authority alongwith postal receipt and its tracking report, certified copy of Certificate of Incorporation of Sarla Holdings Private Limited dated 25.07.2001 as a registered company under Companies Act, 1956 (No. 1 of 1956) issued by Registrar of Companies, NCT of Delhi & Haryana, certified copy of Memorandum of Association and Article of Association alongwith list of founding director of company, certified copy of Amended Memorandum of Association and Article of Association alongwith list of present director of company, notarized copy of recognition dated 26.12.2023 issued by the District Basic Education Officer to the unaided petitioner institution and resolution of the General Body of the registered company in favour of Mr. Praveen Jain, Director of Sarla Holdings Private Limited for obtaining MSC from this Commission.
4. As per the information supplied by the petitioner unaided institution with regard to students strength as on Academic Year 2022-23, it is mentioned that out of total 898 students, 19 students were from the Muslim minority community, 03 students were from the Christian minority community, 42 students were from the Sikh minority community, 76 students were from the Jain minority community, 05 students were from the Buddhist minority community and 753 student were Hindu. In the Academic Year 2023-24, it is mentioned that out of total 937 students, 23 students were from the Muslim minority community, 07 students were from the Christian minority community, 39 students were from the Sikh

minority community, 79 students were from the Jain minority community, 05 students were from the Buddhist minority community and 784 student were Hindu and in the Academic Year 2024-25, it is mentioned that out of total 958 students, 29 students were from the Muslim minority community, 08 students were from the Christian minority community, 34 students were from the Sikh minority community, 82 students were from the Jain minority community, 05 students were from the Buddhist minority community and 800 student were Hindu. It is relevant to mention here that during the academic year 2022-23, out of the total 285 teachers, 11 teachers were from the Muslim minority community, 22 teachers were from the Christian minority community, 15 teachers were from the Sikh minority community, 07 teachers were from the Jain minority community and 230 teachers were Hindu. In the academic year 2023-24, out of the total 295 teachers, 09 teachers were from the Muslim minority community, 24 teachers were from the Christian minority community, 15 teachers were from the Sikh minority community, 10 teachers were from the Jain minority community and 237 teachers were Hindu and in the academic year 2024-25, out of the total 300 teachers, 10 teachers were from the Muslim minority community, 26 teachers were from the Christian minority community, 12 teachers were from the Sikh minority community, 10 teachers were from the Jain minority community and 242 teachers were Hindu.

5. It is stated in the petition that on dated 26.09.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.10.2024 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 petition 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 24.03.2025, no reply/ response 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 23.04.2025. After service of letters/emails to the physical inspection committee dated 24.04.2025, Physical Inspection Committee, District Magistrate, Gautam Buddha Nagar has sent physical inspection report dated 17.05.2025 which was received in the Commission's Office on dated 19.05.2025 wherein they have recommended to grant minority status certificate to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mr. Praveen Jain, Director of Sarla Holdings Private Limited.
8. 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 Jain minority community in the State of Uttar Pradesh as per the census of 2011 is 0.11%.
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 Jain minority community and is being administered by Sarla Holdings Private Limited 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. Praveen Jain, Director of Sarla Holdings Private Limited.

10. I have perused the Amended Memorandum of Association and Article of Association of the petitioner institution which was registered before the Dy. Asst. Registrar of Companies, NCT of Delhi on dated 06.09.2024 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 26.09.2024 and petition for grant of MSC on dated 06.03.2025. 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.
11. The Amended Memorandum of Association and Article of Association dated 06.09.2024 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Jain minority community. In addition, the said facts 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.
12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Pathways School- Noida, SSC-2, Sector 100, Noida, Uttar Pradesh- 201301 run by Sarla Holdings Private Limited 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, Pathways School-Noida, SSC-2, Sector 100, Noida, Uttar Pradesh- 201301 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 fails 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 **Tuesday, 27th Day of May, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS