

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

Case No. 267 of 2024

In the matter of :-

**Global School of Excellence, Khillikheda, Obaidulla Ganj, District
Raisen, Madhya Pradesh- 464 993.**

..... Petitioner

V/s

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

..... Respondent

**Present: Mr. Iftekhar Ahmed, 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 10.09.2024 by post through Mr. Iftekhar Ahmed, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Global School of Excellence, Khillikheda, Obaidulla Ganj, District Raisen, Madhya Pradesh- 464993.
2. Learned counsel for the petitioner filed an affidavit of Mrs. Sonal Vardhaman Mehta, Secretary of Society for Environment and Sustainable Development 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 notarized copy of Unique ID No. : MP/2018/0193911 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, original copy of application dated 21.02.2024 by hand to the State Competent Authority, notarized copy of Certificate of Registration of Society for Environment and Sustainable Development, certified copy of Memorandum of Association alongwith list of present members of the Society, certified copy of Rules and Regulation of Society, notarized copy of recognition dated 08.07.2023 issued by the Deputy Secretary/Joint Secretary (AFF.), SARAS to the unaided petitioner institution and resolution of the General Body of the Society in favour of Mrs. Sonal Vardhaman Mehta, Secretary of Society for Environment and Sustainable Development 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 381 students, 29 students were from the Muslim minority community, 03 students were from the Sikh minority community, 14 students were from the Jain minority community and 335 students were Hindus, in the year 2023-24, it is mentioned that out of total 504 students, 32 students were from the Muslim minority community, 04 students were from the Christian minority community, 03 students were from the Sikh minority community, 21 students were from the Jain

minority community and 444 students were Hindus and in the year 2024-25, it is mentioned that out of total 616 students, 39 students were from the Muslim minority community, 04 students were from the Christian minority community, 04 students were from the Sikh minority community, 26 students were from the Jain minority community and 543 students were Hindus. It is relevant to mention here that during the academic year 2022-23, out of the total 23 teachers, 02 teachers were from the Muslim minority community, 01 teacher was from the Sikh minority community, 05 teachers were from the Jain minority community and 15 teachers were Hindu, In the academic year 2023-24, out of the total 24 teachers, 02 teachers were from the Muslim minority community, 02 teachers were from the Sikh minority community, 05 teachers were from the Jain minority community and 15 teachers were Hindu and in the academic year 2024-25, out of the total 29 teachers, 04 teachers were from the Muslim minority community, 02 teachers were from the Sikh minority community, 06 teachers were from the Jain minority community and 17 teachers were Hindu.

5. It is stated in the petition that on dated 21.02.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.02.2024 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 19.12.2024, 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 13.02.2025. After service of letters/emails to the physical inspection committee dated 21.02.2025, Physical Inspection Committee, District Collector, Raisen has sent physical inspection report dated 28.03.2025 which was received in the Commission's Office on dated 02.04.2025 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 Mrs. Sonal Vardhaman Mehta, Secretary of Society for Environment and Sustainable Development.
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 Madhya Pradesh as per the census of 2011 is 0.78%.
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 Society for Environment and Sustainable Development 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 Mrs. Sonal Vardhaman Mehta, Secretary of Society for Environment and Sustainable Development.

10. I have perused the Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar of Societies, Bhopal on dated 18.01.2024 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 21.02.2024 and petition for grant of MSC on dated 10.09.2024. 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 Memorandum of Association dated 18.01.2024 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that Global School of Excellence, Khillikheda, Obaidulla Ganj, District Raisen, Madhya Pradesh- 464993 run by Society for Environment and Sustainable Development 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, Global School of Excellence, Khillikheda, Obaidulla Ganj, District Raisen, Madhya Pradesh- 464993 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 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 **Tuesday, 27th Day of May, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS