

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

Case No. 292 of 2023

In the matter of :-

**Birla Open Minds International School, Gram Hingonia, Panchayat
Jhalaria, Indore, Madhya Pradesh – 452007.**

..... Petitioner

V/s

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

..... Respondent

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

ORDER

DATED 26.08.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 13.10.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Birla Open Minds International School, Gram Hingonia, Panchayat Jhalaria, Indore, Madhya Pradesh – 452007.
2. Learned counsel for the petitioner filed an affidavit of Mr. Pankaj Porwal, Managing Trustee of Porwal Educational Trust 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 and also stating 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.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : MP/2023/0360878 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 18.04.2023 by post to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Trust Deed alongwith list of founding members of the Trust, notarized copy of Amended Trust Deed dated 02.01.2023 alongwith list of present members of the Trust. He has also filed downloaded notarized copy of order dated 26.09.2022 issued by the Deputy Secretary/Joint Secretary (Aff), CBSE, granting affiliation from 01.04.2023 to 31.03.2028 for the Secondary/Senior Secondary Level to the unaided petitioner institution and resolution of the General Body of the Trust in favour of Mr. Pankaj Porwal, Managing Trustee of Porwal Educational Trust 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 2020-21, it is mentioned that out of total 286 students, 01 student was from the Muslim minority community, 75 students were from the Jain minority community and 210 students were Hindu, In the year 2021-22, it is mentioned that out of total 310 students, 01 student was from the Muslim minority community, 02 students were from the Christian

minority community, 02 students were from the Sikh minority community, 81 student were from the Jain minority community and 224 students were Hindu. In the year 2022-23, it is mentioned that out of total 342 students, 02 students were from the Muslim minority community, 02 students were from the Christian minority community, 02 students were from the Sikh minority community, 88 students were from the Jain minority community and 248 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of the total 24 teachers, 07 teachers were from the Jain minority community and 17 teachers were Hindu, In the academic year 2021-22, out of the total 27 teachers, 08 teachers were from the Jain minority community and 19 teachers were Hindu. In the academic year 2022-23, out of the total 32 teachers, 02 teachers were from the Christian minority community, 01 teacher was from the Sikh minority community, 09 teachers were from the Jain minority community and 20 teachers were Hindu.

5. It is stated in the petition that on dated 18.04.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 24.04.2023 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 14.12.2023 and 25.06.2024, Deputy Director/Commissioner, Backward Classes & Minority Welfare Department, Government of Madhya Pradesh has sent E-mail, which was received before the Commission's office on dated 29.01.2024 and 22.07.2024 which were taken on record. 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 18.04.2024. After service of letters/emails to the physical inspection committee dated 25.06.2024, 27.08.2024, 16.10.2024, 06.01.2025 and 19.03.2025, Physical Inspection Committee, District Collector, Indore has sent physical inspection report dated 20.03.2025 which was received in the Commission's Office on dated 27.03.2025 wherein they have not recommended to grant minority status certificate to the petitioner institution. As per census report of 2011 Jain minority community in the state of Madhya Pradesh is 0.78%. It is mentioned in the physical inspection report that in the year 2024-25, out of the total 437 students, 34 students were from the Jain minority community, which is 7.78% the total student which is more than the state census of 2011 i.e. 0.78%.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mr. Pankaj Porwal, Managing Trustee of Porwal Educational Trust.
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 Porwal 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. Pankaj Porwal, Managing Trustee of Porwal Educational Trust.
10. I have perused the Amended Trust Deed of the petitioner institution which was registered before the Senior Deputy Registrar, Indore on dated 02.01.2023 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 18.04.2023 and petition for grant of MSC on dated 13.10.2023. 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 Trust Deed dated 02.01.2023 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 Birla Open Minds International School, Gram Hingonia, Panchayat Jhalaria, Indore, Madhya Pradesh – 452007 run by Porwal 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, Birla Open Minds International School, Gram Hingonia, Panchayat Jhalaria, Indore, Madhya Pradesh – 452007 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”.
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 **Tuesday, 26th Day of August, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS