

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

Case No. 118 of 2024

In the matter of :-

**S.D.P.S. International School, Khandwa Road, Opposite Bilawali
Talab, Indore, Madhya Pradesh- 452 020.**

..... 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 04.11.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 01.03.2024 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to S.D.P.S. International School, Khandwa Road, Opposite Bilawali Talab, Indore, Madhya Pradesh- 452 020.
2. Learned counsel for the petitioner filed an affidavit of Ms. Vijaya Sojatia, Secretary of Smt. Dhairya Prabha Devi Sojatia – Women's Welfare Society (SDPS Womens Welfare Society) 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. He has also filed affidavit stating therein 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/2010/0028843 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 13.12.2022 by post to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Smt. Dhairya Prabha Devi Sojatia – Women's Welfare Society (SDPS Womens Welfare Society), notarized copy of Memorandum of Association and Rules & Regulations alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 12.03.2018 alongwith list of present members of the Society. He has also filed downloaded notarized copy of order dated 01.03.2024 issued by the Deputy Secretary/Joint Secretary (Aff), CBSE, granting affiliation for the period of 01.04.2025 to 31.03.2030 to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Ms. Vijaya Sojatia, Secretary of Smt. Dhairya Prabha Devi Sojatia – Women's Welfare Society (SDPS Womens Welfare Society) 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 2021-22, it is mentioned that out of total 652 students, 18 students were from the Muslim minority community, 02 students were from the Christian minority community, 38 students were from the Sikh minority

community, 28 students were from the Jain minority community and 566 students were Hindu. In the year 2022-23, it is mentioned that out of total 803 students, 42 students were from the Muslim minority community, 03 students were from the Christian minority community, 42 students were from the Sikh minority community, 30 students were from the Jain minority community and 686 students were Hindu. In the year 2023-24, it is mentioned that out of total 1425 students, 61 students were from the Muslim minority community, 05 students were from the Christian minority community, 52 students were from the Sikh minority community, 35 students were from the Jain minority community and 1272 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 42 teachers, 02 teachers were from the Muslim minority community, 01 teacher was from the Christian minority community, 04 teachers were from the Sikh minority community, 05 teachers were from the Jain minority community and 30 teachers were Hindu. In the academic year 2022-23, out of the total 57 teachers, 03 teachers were from the Muslim minority community, 02 teachers were from the Christian minority community, 03 teachers were from the Sikh minority community, 07 teachers were from the Jain minority community and 42 teachers were Hindu and in the academic year 2022-23, out of the total 78 teachers, 05 teachers were from the Muslim minority community, 02 teachers were from the Christian minority community, 03 teachers were from the Sikh minority community, 01 teacher was from the Jain minority community and 67 teachers were Hindu.

5. It is stated in the petition that on dated 13.12.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 19.12.2022 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. Afterservice of registered notice / email dated 19.03.2024 and 09.09.2025, 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 27.05.2024 which was 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 09.07.2024. After service of letter/emails to the physical inspection committee dated 12.07.2024 and reminders dated 24.09.2024, 28.11.2024 and 18.02.2025, 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 1922 students, 35 students were from the Jain minority community, which is 1.82% 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 Ms. Vijaya Sojatia, Secretary of Smt. Dhairya Prabha Devi Sojatia – Women's Welfare Society (SDPS Womens Welfare Society).
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 of Smt. Dhairya Prabha Devi Sojatia – Women’s Welfare Society (SDPS Womens Welfare Society) 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 Ms. Vijaya Sojatia, Secretary of Smt. Dhairya Prabha Devi Sojatia – Women’s Welfare Society (SDPS Womens Welfare Society).
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar, Firms, Indore on dated 12.03.2018 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 13.12.2022 and petition for grant of MSC on dated 01.03.2024. 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 Amended Memorandum of Association dated 12.03.2018 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 S.D.P.S. International School, Khandwa Road, Opposite Bilawali Talab, Indore, Madhya Pradesh- 452 020 run by of Smt. Dhairya Prabha Devi Sojatia – Women’s Welfare Society (SDPS Womens Welfare Society) 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, S.D.P.S. International School, Khandwa Road, Opposite Bilawali Talab, Indore, Madhya Pradesh- 452 020 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, 04th Day of November, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS