

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

CASE NO. 110 OF 2024

In the matter of:

St. Xavier's World School, Kaland Chungi, Sardhana, Meerut, Uttar Pradesh- 250 001.

... Petitioner

Versus

**Additional Chief Secretary, Secondary Education Department,
Government of Uttar Pradesh, Bapu Bhawan, 7th Floor, Lucknow,
Uttar Pradesh- 226 001**

... Respondent

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

ORDER

Date: 13.11.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 28.02.2024 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Xavier's World School, Kaland Chungi, Sardhana, Meerut, Uttar Pradesh- 250 001.
2. Learned counsel for the petitioner filed an affidavit of Mr. Vishal Jain, President/Trustee of Dada Gurudev 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.
3. Learned counsel for the petitioner has filed copy of Unique ID No.: UP/2018/0208179 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 13.12.2022 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Trust Deed of Dada Gurudev Trust alongwith list of founding member of the Trust, notarized copy of Supplementary Trust Deed dated 01.08.2022 alongwith list of present member of the Trust, notarized copy of order dated 06.08.2021 issued by the Deputy Secretary/Joint Secretary (Aff), CBSE granting affiliation to the unaided petitioner institution from 01.04.2022 to 31.03.2027 for the Secondary/Senior Secondary Level to the petitioner institution and original resolution of the General Body of the Trust in favour of Mr. Vishal Jain, President/Trustee of Dada Gurudev Trust for obtaining MSC from this Commission.
4. As per the information supplied by the petitioner unaided institution with regard to students' strength, it is mentioned that during the academic year 2021-

22, out of the total 674 students, 120 students were from the Muslim minority community, 02 students were from the Christian minority community, 02 students were from the Sikh minority community, 94 students were from the Jain minority community and 456 students were Hindu. During the academic year 2022-23, out of the total 850 students, 195 students were from the Muslim minority community, 03 students were from the Christian minority community, 124 students were from the Jain minority community and 528 students were Hindu and during the academic year 2023-24, out of the total 941 students, 201 students were from the Muslim minority community, 02 students were from the Christian minority community, 112 students were from the Jain minority community and 626 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of 53 teachers, 05 teachers were from the Muslim Minority community, 01 teacher was from the Christian Minority community, 02 teachers were from the Sikh Minority community and 45 teachers were Hindu. During the academic year 2022-23, out of 58 teachers, 08 teachers were from the Muslim Minority community, 01 teacher was from the Jain Minority community and 49 teachers were Hindu and during the academic year 2023-24, out of 65 teachers, 13 teachers were from the Muslim Minority community, 02 teachers were from the Jain Minority community and 50 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 16.12.2022 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 19.03.2024, 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 15.05.2024. After service of letter/emails to the physical inspection committee dated 03.07.2024 and reminders dated 18.09.2024, 22.11.2024, 11.06.2025 and 11.08.2025, Physical Inspection Committee, has sent letter dated 26.09.2024, which was received by post in the Commission's Office on dated 03.12.2024 which was duly signed by members of the physical Inspection Committee wherein they have recommended to grant minority status certificate to the petitioner institution. Learned counsel for the petitioner has filed clarification affidavit. Thereafter, the same was sent to the physical Inspection Committee for filing their response. The Committee has failed to file their response. Hence, the case was proceeded ex-parte against them.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Mr. Vishal Jain, President/Trustee of Dada Gurudev Trust.

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 Dada Gurudev Trust which is managed and run by the members of the Jain minority community. The aforesaid averments made in the petitioner find ample corroboration from the documentary evidence produced on behalf of the petitioner institution and the affidavit of Mr. Vishal Jain, President/Trustee of Dada Gurudev Trust.

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 Amended Trust Deed of the petitioner institution, which was registered before the Deputy-Registrar, Meerut on dated 01.08.2022 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 12.12.2022 and petition for grant of MSC on dated 28.02.2024. 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 Trust Deed dated 01.08.2022 of the said Society and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily the 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that St. Xavier's World School, Kaland Chungi, Sardhana, Meerut, Uttar Pradesh- 250 001 run Dada Gurudev 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 subserving the interests of the Jain minority community.

13. Consequently, St. Xavier's World School, Kaland Chungi, Sardhana, Meerut, Uttar Pradesh- 250 001 is declared as 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 **Thursday, 13th day of November, 2025.**

DR. SHAHID AKHTER

MEMBER

DSS