

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

CASE NO. 183 OF 2024

In the matter of:

**Vibgyor High, B/H TGB Hotel, Dummas Road, Magdalla, Surat,
Gujarat- 395007.**

... Petitioner

Versus

**The Deputy Director, Director of Schools, Government of Gujarat,
Old Secretariat, Block 9/1, Gandhinagar, Gujarat- 382010.**

... Respondent

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

ORDER

Date: 25.11.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 26.04.2024 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Vibgyor High, B/H TGB Hotel, Dummas Road, Magdalla, Surat, Gujarat- 395 007.
2. Learned counsel for the petitioner filed an affidavit of Mr. Dara Satpatiwala, Trustee of Empire Foundation and authorized representative of petitioner institution in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Parsee minority community. He has also filed another affidavit stating therein that the petitioner institution shall not deny admission of eligible candidate of the Parsee 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 a notarized copy of Unique ID No.: MH/2017/0151579 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 06.10.2023 by post to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Trust Deed alongwith list of founding members of the Trust and Amended Trust Deed alongwith list of present members of Empire Foundation, notarized copy of order dated 25.08.2023 issued by the Deputy Secretary/Joint Secretary (AFF.) CBSE granting affiliation to the unaided petitioner institution for the period of 01.04.2023 to 31.03.2028 for the Senior Secondary Level and original resolution of the General Body of the Society in favour of Mr. Dara Satpatiwala, Trustee of Empire Foundation 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 757 students, 19 students were from the Muslim minority community,

04 students were from the Christian minority community, 03 students were from the Sikh minority, 44 students were from the Jain minority community, 08 students were from the Parsee minority community and 679 students were Hindu. During the academic year 2022-23, out of the total 721 students, 18 students were from the Muslim minority community, 02 students were from the Sikh minority, 172 students were from the Jain minority community, 01 student was from the Buddhist minority community, 08 students were from the Parsee minority community and 679 students were Hindu and during the academic year 2023-24, out of the total 705 students, 09 students were from the Muslim minority community, 02 students were from the Christian minority community, 04 students were from the Sikh minority, 67 students were from the Jain minority community, 08 students were from the Parsee minority community and 615 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of 69 teachers, 04 teachers were from the Christian Minority community, 06 teachers were from the Jain Minority community and 59 teachers were Hindu. During the academic year 2022-23, out of 112 teachers, 04 teachers were from the Christian Minority community, 03 teachers were from the Sikh Minority community, 09 teachers were from the Jain Minority community and 96 teachers were Hindu and during the academic year 2023-24, out of 103 teachers, 01 teacher was from the Muslim Minority community, 02 teachers were from the Christian Minority community, 01 teacher was from the Sikh Minority community, 07 teachers were from the Jain Minority community and 92 teachers were Hindu.

5. It is stated in the petition that on dated 06.10.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 10.10.2023 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 13.05.2024, 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 14.08.2024. After service of letter/emails to the physical inspection committee dated 10.09.2024 and reminders dated 05.11.2024, 31.01.2025, 08.04.2025, 23.07.2025, 23.09.2025, 07.10.2025 and 21.10.2025. The Physical Inspection Committee has failed to file their response. Hence, the case was proceeded ex-parte against them in terms of order dated 16.10.2025 and the matter was reserved for orders. On 18.11.2025 after court hearing, an email has been received from the Collector, Surat which was duly signed by all members of the physical Inspection Committee wherein they have recommended to grant minority status certificate to the petitioner institution.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Mr. Dara Satpatiwala, Trustee of Empire Foundation and authorized representative of petitioner institution.

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 Parsee minority community and is being administered by Empire Foundation which is managed and run by the members of the Parsee 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. Dara Satpatiwala, Trustee of Empire Foundation and authorized representative of petitioner institution.

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 Parsee minority community in the State of Gujarat as per the census of 2011 is less than 1%.

10. I have perused the Amended Trust Deed of the petitioner institution, which was registered before the Joint Charity Commissioner, Mumbai on dated 15.09.2018 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 06.10.2023 and petition for grant of MSC on dated 26.04.2024. 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 15.09.2018 of the said Trust and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily the members of the Parsee 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that Vibgyor High, B/H TGB Hotel, Dummas Road, Magdalla, Surat, Gujarat- 395007 run by Empire Foundation 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 Parsee minority community.

13. Consequently, Vibgyor High, B/H TGB Hotel, Dummas Road, Magdalla, Surat, Gujarat- 395007 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."

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, 25th day of November, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS