

**F. NO. 15 OF 2017  
NATIONAL COMMISSION FOR MINORITY  
EDUCATIONAL INSTITUTIONS**

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

Despite service of notice, there is no appearance on behalf of the respondent. Hence, the case is proceeded ex-parte.

Learned counsel for the petitioner has filed his Vakalatnama.

He has filed rejoinder to the reply filed by the respondent.

He has produced the original Trust Deed dated 24.11.2014 of the Global Educational & Social Trust, which after due verification was returned to him.

He has also produced the original order dated 11.3.2016 issued by the Council of Architecture, New Delhi granting approval to the petitioner institution, which after due verification was returned to him. He has filed a copy of the order dated 19.4.2016 issued by the Council of Architecture, New Delhi approving the change of name of the petitioner institution from "Rabindranath Tagore Institute of Architecture & Design, Faridabad" to "Delhi Global Institute of Architecture, Faridabad, Haryana".

He has also filed the affidavit of Mr. Narender Singh in support of the averments made in the petitions and also to prove that the beneficiaries of the petitioner institution are members of the Sikh community.

He has produced the original order dated 23.5.2015 issued by the NCTE, Jaipur granting recognition to the petitioner institution, which after due verification was returned to him.

It is stated in the petition that on 6.1.2016 the petitioner institution had applied to the State Government for grant of minority status certificate and the same is still pending. Despite service of notice, the competent authority of the State Government has failed to apprise the Commission about the status of the said application. Pendency of the said application for such a disproportionately long period clearly indicates government's disinclination to grant minority status certificates to the petitioner institution. Petitioner's right to get minority status certificate cannot be kept under suspended animation. In this view of the matter, it is a fit case for intervention by this Commission.

The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established and is administered by the Global Educational & Social Trust, which is a registered trust, constituted by the members of the Sikh community. All the trustees of the said trust are Sikh. The aforesaid averments made in the petition find ample corroboration from the documentary evidence produced on behalf of the petitioner institution and the affidavit Mr. Narender Singh.

The Trust Deed of the said Trust clearly reflects that the beneficiaries of the petitioner institution are members of the Sikh community. In addition, the said fact also stands proved from the affidavit Mr. Narender Singh. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.

We have already held in the Case No. 1320 of 2009 (Buckley Primary School vs. The Principal Secretary to Government, School & Mass Education Department, Government of Orissa) decided on 06.07.2010 that the identifying criteria of fixation of the percentage by the State Government governing admission of a minority community in a minority education institution cannot be included in the indicia for determining the minority status of such an institution.

Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Delhi Global Institute of Architecture, Tigaon Road, Jasana, Faridabad, Haryana- 121 101 run by the Global Educational & Social 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 Sikh community. Consequently, Delhi Global Institute of Architecture, Tigaon Road, Jasana, Faridabad, Haryana- 121 101 is declared as a minority educational institution within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act. A minority status certificate be issued accordingly.

**ZAFAR AGHA**  
**MEMBER**

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**DR. BALTEJ SINGH MANN**  
**MEMBER**

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**DR. NAHEED ABIDI**  
**MEMBER**

28.2.2017  
MD