

F. NO. 537 OF 2015
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS

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

Vide order dated 24.8.2015, the case was fixed for hearing on 2.3.2016. Learned counsel for the petitioner has filed an application of Dr. Narender Singh, Chairman, Global Educational & Social Trust for taking up the case today. For the reasons stated in the application, it is allowed and the case is taken up today. The date of 2.3.2016 fixed in the matter is hereby cancelled.

Learned counsel for the petitioner has produced the original Deed of Trust dated 3.5.2002 and the amended Trust Deed dated 24.11.2014 of the Global Educational & Social Trust, which after due verifications were returned to him.

In the original Trust Deed of the said trust Mr. Nagendra Goel, Mr. Ravi Kumar, Mr. Narender Singh, Mr. Virendra Goel, Mrs. Sunita Jain, Mrs. Madhu and Mrs. Sarla were the trustees of the said trust. Learned counsel for the petitioner states that all the trustees except Mr. Narender Singh have resigned. He has also produced the original resignation letters of the above-mentioned trustees, which after due verifications were returned to him. He has filed the affidavits of the above-mentioned persons stating that they have resigned from the Global Educational & Social Trust.

It is stated in the amended Trust Deed 24.11.2014 that presently Dr. Narender Singh, S. Bahadur Singh Cheema and S. Kesar Singh Chahal are the trustees of the said trust and they belong to the Sikh community.

He has filed original certificate dated 7.9.2015 issued by the President, Gurdwara Sri Guru Singh Sabha, 11 Block, Central Park, Kalyanpuri, Delhi certifying that Mr. Narender Singh is a Sehajdhar Sikh. The said certificate is in Punjabi language. English translation thereof duly notarized by the Notary Public has been filed. He has filed the original certificate dated 16.2.2015 issued by the Tehsildar, Dhuri, Sangrur in respect of Bahadar Singh and the

original Certificate dated 26.11.2014 issued by the Tehsildar, Samrala in respect of Kesar Singh Chahal certifying that they belong to Sikh community.

He has filed the affidavits of the three trustees affirming that they belong to the Sikh community.

He has also filed a copy of the letter dated 7.4.2015 issued by the All India Council for Technical Education (AICTE) granting approval to the petitioner institution, which is downloaded from the website of the said council and also the Minutes of the Meeting to the trust held on 30.11.2014.

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

It is stated in the petition that on 3.12.2014, 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 certificate 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 being administered by the Global Educational & Social Trust, which is a registered trust. Presently, all the trustees of the said trust are from the Sikh 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 Dr. Narender Singh.

The amended Deed of Trust dated 24.11.2014 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

of Dr. 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 Management, 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 Management, 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. The minority status certificate be given Dasti.

ZAFAR AGHA
MEMBER

08.09.2015
MD