

F. NO. 01 OF 2017
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS

Present: Mr. Jose Abraham, 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 produced the original Trust Deed dated 16.12.2016 of the All Saint Educational (New Delhi) Trust, which after due verification was returned to him.

He has also produced the original order dated 6.11.2015 issued by the CBSE granting affiliation to the petitioner institution, which after due verification was returned to him.

He has filed the affidavit of Ms. Sonia Narang 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.

Since the petitioner institution is affiliated to CBSE, the State Government does not have power to grant minority status certificate as sought by the petitioner. Hence, 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 All Saint Educational (New Delhi) Trust, which is a registered trust, constituted by the majority members of the Sikh community. Out of 07 founding trustees, 06 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 Ms. Sonia Narang. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.

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 of Ms. Sonia Narang.

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 Gurusharan Convent, GH-9 (Near Telephone Exchange), Paschim Vihar, New Delhi- 110 087 run by All Saint Educational (New Delhi) 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, Gurusharan Convent, GH-9 (Near Telephone Exchange), Paschim Vihar, New Delhi- 110 087 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.

Recd a.
28/1/17
S. S. P.
M

ZAFAR AGHA
MEMBER

DR. BALTEJ SINGH MANN
MEMBER

DR. NAHEED ABIDI
MEMBER

7.2.2017
MD