

F. NO. 63 OF 2017
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS

Present: Mrs. Manju Pattiyani, 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 13.1.2017 of the Shiv Narayan Educational & Social Welfare Trust, which after due verification was returned to her.

She has also filed photograph and copy of the Floor Plan of the proposed petitioner institution approved by the Pradhan Vill. Khirwa Jalalpur.

She has also filed affidavit of Mr. Premchand Jain 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 community.

This case emanates from U.P. The Division Bench of the Allahabad High Court has rendered a decision in Special Appeal No. 903 of 2006 decided on 24.08.2006 declaring that the State Government does not have power to issue minority status certificate to a minority institution. 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 is proposed to be run by the Shiv Narayan Educational & Social Welfare Trust, which is a registered trust, constituted by the members of the Jain community. Both the trustees of the said trust are also Jain. 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. Premchand Jain. 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 Jain community. In addition, the said fact also stands proved from the affidavit of Mr. Premchand Jain.

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 proposed Mairashtra College of Professional Education, Khirwa Jalalpur, Madrasa Road, Sardhana, Meerut, Uttar Pradesh- 250 324 proposed to be run by the Shiv Narayan Educational & Social Welfare 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 Jain community. Consequently, the proposed Mairashtra College of Professional Education, Khirwa Jalalpur, Madrasa Road, Sardhana, Meerut, Uttar Pradesh- 250 324 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

DR. BAL TEJ SINGH MANN
MEMBER

DR. NAHEED ABIDI
MEMBER

15.2.2017
MD

Handwritten notes in the left margin, including the word "Mairashtra" and some illegible scribbles.