

**F. NO. 403 OF 2017**  
**NATIONAL COMMISSION FOR MINORITY**  
**EDUCATIONAL INSTITUTIONS**

Present: Mr. Ankur Jaitly, Advocate for the petitioner.  
None for the respondent.

Dr. Naheed Abidi, Member of the Commission recused herself from this case.

Learned counsel for the petitioner has produced the original order dated 03.01.2012 issued by the Commissioner, Backward Classes and Minority Welfare Department, Madhya Pradesh granting temporary minority status certificate, which after due verification was returned to him. He has submitted that this temporary minority status certificate be converted into a permanent one. In our considered opinion the said submission of the petitioner merits acceptance.

In N. Ammad vs. Emjay High School (1988) 6 SCC 674 the Supreme Court has held that a minority educational institution continues to be so whether the Government declares it as such or not. When the Government declares an educational institution as a minority institution, it merely recognizes a factual position that the institution was established and is being administered by a minority community. The declaration is merely an open acceptance of the legal character of the institution which must necessarily have existed antecedent to such declaration.

The issue as to whether the minority status granted to institutions were bound to be renewed periodically had already been considered by the Madras High Court in T.K.V.T.S.S. Medical Educational & Charitable Trust vs. State of Tamil Nadu AIR 2002 Madras 42. It has been held **that a minority status can not be conferred on a minority educational institution for particular period to be renewed periodically like a driving license. It is not open for the State Government to review its earlier order conferring minority status on a minority educational institution unless it is shown that the institution concerned has suppressed any material fact while passing the order of conferral of minority status or there is fundamental change of circumstances**

**warranting cancellation of the earlier order.** Reference may, in this connection, be made to the following observations of their lordships:-

**“.....In conclusion, we hold that if any entity is once declared as minority entitling to the rights envisaged under Article 30(1) of the Constitution of India, unless there is fundamental change of circumstances or suppression of facts the Government has no power to take away that cherished constitutional right which is a fundamental right and that too, by an ordinary letter without being preceded by a fair hearing in conformity with the principles of natural justice.”**

(emphasis supplied)

Thus, the minority status once granted need not to be renewed periodically. Once the Government is satisfied and has granted the declaration, the same would hold good permanently.

Relying on the aforesaid judgment of the Madras High Court, we find and hold that the petitioner institution is a minority educational institution within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act. The minority status certificate be issued accordingly.

**DR. BALTEJ SINGH MANN  
MEMBER**

11.04.2018  
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