

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS (NCMEI)**

Case No. 68 of 2019

In the matter of :-

**The Indian Cambridge School, 12, Chander Road, Dalanwala,
Dehradun, Uttarakhand-248001**

..... Petitioner

V/s

**Deputy Chief Secretary (Upper Mukhya Sachiv), Higher
Education, Dehradun, Uttarakhand and Anr.**

..... Respondent

**Present: Mr. Vikas, Advocate for the petitioner
None for the respondent**

ORDER

DATED 18.01.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 11.03.2019 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to The Indian Cambridge School, 12, Chander Road, Dalanwala, Dehradun, Uttarakhand-248001.
2. Learned counsel for the petitioner filed an affidavit of Mr. Syed Mohammed Yasar, Secretary of Blue Bells Public School Society in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Muslim minority community.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : UA/2018/0207473 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, notarized copy of application dated 22.11.2018 sent to State Competent Authority i.e. Deputy Chief Secretary (Upper Mukhya Sachiv), Higher Education, Dehradun for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of The Blue Bells Public School Society which is for five years from 29.03.2015 which has already expired, notarized copy of

Memorandum of Association alongwith list of founding members of the society, notarized copy of amended memorandum of Association alongwith list of present governing body members of the society, notarized copy of Certificate of Affiliation dated 30.06.2003 issued by Council for the Indian School Certificate Examination, New Delhi to the unaided petitioner institution and General Body resolution of the Society in favour of Mr. Syed Mohammed Yasar, Secretary of Blue Bells Public School Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner institution with regard to student strength, it is mentioned that out of the total 690 students, 315 students are from the Muslim minority community, 5 students are from the Christian minority community, 3 students are from Sikh minority community and 365 students are Hindus. It is relevant to mention here that out of total 37 teachers, 3 teachers are from Muslim Minority community. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution.
5. It is stated in the petition that on dated 22.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 24.11.2018 and the said application is still pending before the State Competent Authority. The State Competent Authority has not granted NOC in favour of the petitioner institution till now and also not rejected the said application and not communicated the same to the petitioner. After 90 days from the receipt of the application for grant of NOC, the petitioner has filed this application for grant of MSC to this Commission straightway as per the provisions of Section 10 and 11(f) of National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004.

6. After service of registered notice dated 01.05.2019, 09.01.2020 and 01.03.2021, respondent has sent letters dated 17.05.2019, 22.03.2021 by post which were received by the Commission on 30.05.2019 and 30.03.2021. Vide letter dated 21.06.2021 which was received in the Commissions Office on 02.07.2021, Chief Education Officer, Dehradun submitted that the petitioner institution has not provided the requisite documents.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Mr. Syed Mohammed Yasar, Secretary of Blue Bells Public School Society.
8. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Muslim minority community and is being administered by Blue Bells Public School Society which is managed and run by the members of the Muslim minority 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 Mr. Syed Mohammed Yasar, Secretary of Blue Bells Public School Society.
9. The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Muslim minority community. In addition, the said facts also stands proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.
10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that The Indian Cambridge School, 12, Chander Road, Dalanwala, Dehradun, Uttarakhand-248001 run by Blue Bells Public School Society 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 Muslim minority community.

11. Consequently, The Indian Cambridge School, 12, Chander Road, Dalanwala, Dehradun, Uttarakhand-248001 is declared as a minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004 subject to the condition that the petitioner would file an affidavit or undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of the Muslim minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution, updated / renewed Certificate of Registration of Blue Bells Public School Society and updated recognition/ affiliation order.
12. After compliance of the above order, a minority status certificate be issued accordingly.
13. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 18th Day of January, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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