

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

**Case No. 237 of 2019**

**In the matter of :-**

**National Public Senior Secondary School, Indrapuri Colony, Bettiah, West  
Champan District, Bihar-845438**

..... **Petitioner**

V/s

**Secretary, Human Resource Development Department, Government of Bihar,  
Secretariat Patna, Bihar**

..... **Respondent**

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

**ORDER**

**DATED 05.10.2021**

**Justice Narendra Kumar Jain, Chairman, NCMEI**

1. This application has been received on 22.04.2019 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to National Public Senior Secondary School, Indrapuri Colony, Bettiah, West Champan District, Bihar-845438.
2. Learned counsel for the petitioner filed affidavit of Shri Mohammad Ali, Secretary, Millia Educational Trust 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. : BR/2018/0206734 of the petitioner's trust as given by the Niti Aayog Portal NGO Darpan, notarized copy of application on dated 26.11.2018 sent to State Competent Authority i.e. Secretary, Human Resource Development Department, Govt. of Bihar for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its tracking report, notarized copy of Trust Deed of Millia Educational Trust and notarized copy of recognition letter dated 21.10.2014 issued by Secretary, Bihar School Examination Board, Patna to the petitioner institution for the Senior Secondary level. Learned Counsel for the petitioner also submitted that Bihar School Examination Board is the Government Body, who issues Affiliation Letter.
4. It is stated in the petition that on dated 26.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was delivered on 28.11.2018 to the State Competent Authority 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.

5. After service of registered notice, respondent has sent reply by post which was received by the Commission on 20.08.2019 and 25.09.2019 wherein the NOC application of the petitioner institution is forwarded to District Education Officer, West Champaran, Bettiah for submitting inspection report but till date we have not yet received any reply from them.
6. Having heard the Learned Counsel for the petitioner we have perused the documents, pleadings of the parties and affidavit of Shri Mohammad Ali, Secretary, Millia Educational Trust.
7. 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 the Millia Educational Trust 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 Shri Mohammad Ali, Secretary, Millia Educational Trust.
8. As per the information supplied by the petitioner institution are that out of total 1851 students, 1290 students are from the Muslim minority community, 05 are from Christian minority community and 556 are Hindus and out of total 24 Teacher / Faculty, 15 are from Muslim minority community and 9 are Hindus.
9. The petitioner institution has fulfilled all the criteria for grant of MSC. The Competent Authority has failed to consider their application for grant of NOC. To obtain minority status certificate is a constitutional right of minority educational institution. The petitioner institution is established and administered by the members of the Muslim minority community.
10. The Trust Deed and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily members of the Muslim minority community. In addition, the said facts are 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.
11. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that National Public Senior Secondary School, Indrapuri Colony, Bettiah, West Champaran District, Bihar-845438 run by Millia Educational 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 subserving the interests of the Muslim minority community.
12. Consequently, National Public Senior Secondary School, Indrapuri Colony, Bettiah, West Champaran District, Bihar-845438 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 and also file resolution of the General Body of the Trust to authorize Shri Mohammad Ali, Secretary, Millia Educational Trust for obtaining MSC from this Commission.

13. After compliance of the above order, a minority status certificate be issued accordingly.
14. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 5<sup>th</sup> Day of October, 2021.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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