

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

Case No. 99 of 2019

In the matter of :-

**Islahiya Public School, Puthur P.O., Kottakkal, Tirurangadi,
District Malappuram, Kerala-676503**

..... **Petitioner**

V/s

**Secretary, General Education Department, Government of
Kerala**

..... **Respondent**

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

ORDER

DATED 16.11.2021

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This application has been received on 15.03.2019 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Islahiya Public School, Puthur P.O., Kottakkal, Tirurangadi, District Malappuram, Kerala-676503.
2. Learned counsel for the petitioner filed affidavit of Dr. Ahammed Kabeer P., Chairman, Islahiya Charitable Trust, Kottakkal and the authorized representative of the applicant institution i.e. Islahiya Public School, Puthur P.O., Kottakkal, Tirurangadi, District Malappuram, Kerala-676503 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. : KL/2017/0159522 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, notarized copy of application dated 14.11.2018 submitted to State Competent Authority i.e. Secretary, General Education Department, Govt. of Kerala for grant of No Objection Certificate (in short 'NOC') alongwith postal receipt and its

tracking report, notarized copy of Trust Deed dated 27.03.2002, notarized copy of Supplementary/Amendment Trust Deed dated 04.12.2017, notarized copy of affiliation order no. CBSE/AFF/931238/ EX-01271-1819 / 2018 /1408785 dated 03.08.2018 issued by Deputy Secretary (AFF), Central Board of Secondary Education (CBSE), New Delhi to the petitioner institution for a period of five years w.e.f. 01.04.2018 to 31.03.2023 for Secondary School Examination. Learned Counsel for the petitioner also submitted that out of total 1070 students, 332 students are from Muslim minority community.

4. It is stated in the petition that on dated 14.11.2018, the petitioner institution has applied to the State Competent Authority for grant of NOC which was delivered on 17.11.2018 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. Despite service of registered notice dated 09.05.2019, 29.01.2020 and 12.02.2021, none appeared on behalf of the respondent. Hence the case is proceeded ex-parte against the respondent.
6. Pendency of the said application for such a disproportionately long period clearly indicates government's disinclination to grant NOC to the petitioner institution. Petitioner's rights to get MSC cannot be kept under suspended animation. In this view of the matter, it is a fit case for intervention by this Commission.
7. Having heard the Learned Counsel for the petitioner we have perused the documents, pleadings of the parties and affidavit of Dr. Ahammed Kabeer P., Chairman, Islahiya Charitable Trust, Kottakkal

and the authorized representative of the applicant institution i.e. Islahiya Public School, Puthur P.O., Kottakkal, Tirurangadi, District Malappuram, Kerala-676503.

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 the Islahiya Charitable Trust, Kottakkal 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 Dr. Ahammed Kabeer P., Chairman, Islahiya Charitable Trust, Kottakkal and the authorized representative of the applicant institution i.e. Islahiya Public School, Puthur P.O., Kottakkal, Tirurangadi, District Malappuram, Kerala-676503.
9. The Supplementary / Amended 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.
10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Islahiya Public School, Puthur P.O., Kottakkal, Tirurangadi, District Malappuram, Kerala-676503 run by Islahiya Charitable Trust, Kottakkal 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, Islahiya Public School, Puthur P.O., Kottakkal, Tirurangadi, District Malappuram, Kerala-676503 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 Dr. Ahammed Kabeer P., Chairman, Islahiya Charitable Trust, Kottakkal and the authorized representative of the applicant institution i.e. Islahiya Public School, Puthur P.O., Kottakkal, Tirurangadi, District Malappuram, Kerala-676503 for obtaining MSC from this Commission

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, 16th Day of November, 2021.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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