

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

Case No. 139 of 2019

In the matter of :-

Delhi Public Global School, Mayfair Road, Pandat nagla Bye-pass, Moradabad, Uttar Pradesh-244001

..... Petitioner

V/s

The Principal Secretary, Higher Education, Department of Education, Government of Uttar Pradesh

..... Respondent

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

ORDER

DATED 16.12.2021

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 05.04.2019 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Delhi Public Global School, Mayfair Road, Pandat nagla Bye-pass, Moradabad, Uttar Pradesh-244001.
2. Learned counsel for the petitioner filed affidavit of Shri Mohammed Abubaker Mansoor, President of Amtul Educational Trust and the authorized representative of the petitioner institution i.e. Delhi Public Global School, Mayfair Road, Pandat nagla Bye-pass, Moradabad, Uttar Pradesh-244001 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. : UP/2018/0202317 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 26.11.2018 sent to State Competent Authority i.e. Principal Secretary Higher Education, Department of Education, Government of Uttar Pradesh for grant of No Objection Certificate (in short 'NOC') alongwith postal

receipt and its tracking report, notarized copy of Trust Deed of Amtul Educational Trust dated 20.11.1995 alongwith list of founding trustees of the trust, notarized copy Amended Trust Deed dated 02.08.2002 and 21.03.2016 alongwith list of present trustees of the trust, notarized copy of letter no. CBSE/aff/2130709/2019/1513900 dated 24.08.2019 issued by Deputy Secretary, Central Board of Secondary Education (CBSE) to the unaided petitioner institution regarding change in school name and location but petitioner has not filed the affiliation letter dated 04.04.2019 issued by CBSE to the petitioner institution w.e.f. 01.04.2017 to 31.03.2022.

4. As per the information supplied by the petitioner institution with regard to student strength, it is mentioned that out of the total 1000 students, 965 students are from the Muslim minority community and 35 students are Hindus. It is relevant to mention here that out of total 60 teachers, 42 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 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.

6. After service of registered notice dated 20.05.2019, none appeared on behalf of the respondent. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained from the Committee constituted by this Commission for issuance of MSC to the petitioner institution vide order dated 25.02.2020. Thereafter, Physical Inspection Committee has sent physical inspection report dated 26.07.2021 and it is stated in the physical inspection report that during the physical inspection of the school the minority students are more than 50% of total students, building and other facilities found satisfactory.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Shri Mohammed Abubaker Mansoor, President of Amtul Educational Trust.
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 Amtul 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 Mohammed Abubaker Mansoor, President of Amtul Educational Trust.
9. The 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 Delhi Public Global School, Mayfair Road, Pandat nagla Bye-pass, Moradabad, Uttar Pradesh-244001

run by Amtul 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 sub-serving the interests of the Muslim minority community.

11. Consequently, Delhi Public Global School, Mayfair Road, Pandat nagla Bye-pass, Moradabad, Uttar Pradesh-244001 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, Affiliation letter issued by CBSE to the petitioner institution and also file resolution of the General Body of the Society to authorize Shri Mohammed Abubaker Mansoor, President of Amtul Educational Trust 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 Thursday, **16th Day of December, 2021.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**Dr. SHAHID AKHTER
MEMBER**

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