

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

Case No. 273 of 2019

In the matter of :-

**Al-Ameen Royal Urdu Primary School, Near PWD Office Hangal,
District Haveri, Karnataka-581104**

.....Petitioner

V/s

**Principal Secretary, Education Department (Higher Education),
Govt. of Karnataka, 6th Floor, Multi Storeyed Building, Karnataka**

..... Respondent

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

ORDER

DATED 25.05.2022

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received on 29.04.2019 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Al-Ameen Royal Urdu Primary School, Near PWD Office Hangal, District Haveri, Karnataka-581104.
2. Learned Counsel for the petitioner filed an affidavit of Mr. Maqbool Ahmed Akkivalli, President of The Maqbooliya Memorial Educational Welfare & Charitable 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. : KA/2011/0046566 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, notarized copy of NOC application dated 23.01.2019 sent to the State Competent Authority i.e. Principal Secretary, Education Department (Higher Education), Govt. of Karnataka alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 10.08.2009 of The Maqbooliya Memorial Educational Welfare & Charitable Trust, notarized copy of Supplementary Trust Deed dated 01.10.2018 and notarized copy of Recognition Order dated 27.05.2010 issued by the Deputy Director,

Public Instruction Department, Haveri to the unaided petitioner institution in Kannad language alongwith its English translation.

4. As per the information supplied by the unaided petitioner institution with regard to students strength, it is mentioned that all 471 students are from Muslim Minority Community. It is relevant to mention here that all 15 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 23.01.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 28.01.2019 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 06.06.2019, respondent has sent letter dated 25.09.2019 stating that the institution is required to approach appropriate authority i.e. Commission for Public Instructions, Belagavi Division, Dharwad prescribed by the Govt. of Karnataka vide GO No. ED 27/INFORMATION(Part-1), Bangalore dated 18.06.2014.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Mr. Maqbool Ahmed Akkivalli, President of The Maqbooliya Memorial Educational Welfare & Charitable 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 Maqbooliya Memorial Educational Welfare & Charitable 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 Mr. Maqbool Ahmed Akkivalli, President of The Maqbooliya Memorial Educational Welfare & Charitable Trust.

9. The Supplementary 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 Al-Ameen Royal Urdu Primary School, Near PWD Office Hangal, District Haveri, Karnataka-581104 run by The Maqbooliya Memorial Educational Welfare & Charitable 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, Al-Ameen Royal Urdu Primary School, Near PWD Office Hangal, District Haveri, Karnataka-581104, which is an unaided Primary School, is declared as a unaided 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 recognition / affiliation order issued to the unaided petitioner institution and resolution of the General Body of the Trust in favour of Mr. Maqbool Ahmed Akkivalli, President of The Maqbooliya Memorial Educational Welfare &

Charitable Trust for obtaining MSC from this Commission. If the petitioner institution failed to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.

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 **Wednesday, 25th Day of May, 2022.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

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