

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

**Case No. 292 of 2020**

**In the matter of :-**

**M S Creative Upper Primary School, H. No. 20-4-194/8/1,  
Shahalibanda, Khilwath, Bahadurpura Mandal-II, Hyderabad,  
Telangana-500002**

**..... Petitioner**

**V/s**

**Secretary, Minorities Welfare Department, Telangana  
Secretariat, Hyderabad**

**..... Respondent**

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

**ORDER**

**DATED 29.11.2022**

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

1. This petition has been received on 04.03.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to M S Creative Upper Primary School, H. No. 20-4-194/8/1, Shahalibanda, Khilwath, Bahadurpura Mandal-II, Hyderabad, Telangana-500002.
2. Learned counsel for the petitioner filed an affidavit of Mr. Anwar Ahmed, Secretary of MS Educational & Welfare 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 copy of Unique ID No. : TS/2019/0244888 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 16.10.2019 sent to the State Competent Authority i.e. Secretary, Minorities Welfare Department, Telangana Secretariat, Hyderabad alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 06.11.2013 of MS Educational & Welfare Trust, notarized copy of Supplementary Trust Deed dated 12.02.2016, notarized

copy of Recognition Order dated 12.12.2015 to the unaided petitioner institution from 2015-16 to 2024-25 for 1<sup>st</sup> to 7<sup>th</sup> Std. and resolution of the General Body of the Trust in favour of Mr. Anwar Ahmed, Secretary of MS Educational & Welfare Trust for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 01.06.2019, it is mentioned that out of the total 980 students, all students are from the Muslim minority community. It is relevant to mention here that out of total 61 teachers, all 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 this 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 16.10.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.10.2019 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 03.09.2020, respondent has sent letter dated 04.11.2020 which was received in the Commission's Office on dated 17.11.2020, is taken into record. 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 25.01.2022, after service of letters, reminder / emails to the physical inspection committee dated 18.02.2022 and 17.05.2022, District Educational Officer, Hyderabad District has sent physical inspection report dated 04.04.2022 which was received in the Commission's Office on dated 07.04.2022 wherein they have recommended to grant MSC to the petitioner institution.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Mr. Anwar Ahmed, Secretary of MS Educational & Welfare 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 MS Educational & Welfare 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. Anwar Ahmed, Secretary of MS Educational & Welfare 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 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 M S Creative Upper Primary School, H. No. 20-4-194/8/1, Shahalibanda, Khilwath, Bahadurpura Mandal-II, Hyderabad, Telangana-500002 run by MS Educational & Welfare 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, M S Creative Upper Primary School, H. No. 20-4-194/8/1, Shahalibanda, Khilwath, Bahadurpura Mandal-II, Hyderabad, Telangana-500002, which is from 1<sup>st</sup> to 7<sup>th</sup> Std., is declared as an 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. 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 **Tuesday, 29<sup>th</sup> Day of November, 2022.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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