

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

Misc. Case No. 10 of 2021

In the matter of :-

**Abdul Shahid Mahavidhyalay, Kasimpur Bahadurgarh,
Agra Road, Etah, Uttar Pradesh**

..... **Petitioner**

V/s

**Principal Secretary, Higher Education, Department of
Education, Sarojini Naidu Marg, Prayagraj, Uttar Pradesh -
211001**

..... **Respondent**

**Present: Mohd. Abuwak for the petitioner
None for the respondent**

**Application Under Section 12(C) of the
National Commission for Minority Educational
Institutions (in short 'NCMEI') Act, 2004 for
cancellation of Minority Status Certificate (in
short 'MSC') issued to Abdul Shahid
Mahavidhyalay, Kasimpur Bahadurgarh, Agra
Road, Etah, Uttar Pradesh vide Case No. 1102
of 2015 on dated 28.01.2016**

ORDER

DATED 29.09.2021

Justice Narendra Kumar Jain, Chairman, NCMEI

1. This petition has been received by hand on dated 01.04.2021 from Mohd. Abuwak, Manager / Secretary of the Abdul Shahid Mahavidhyalay, Kasimpur Bahadurgarh, Agra Road, Etah (Uttar Pradesh) run by Shri Abdul Shahid Educational Welfare Society for cancellation of MSC U/S 12(C) of the NCMEI Act, 2004 issued to petitioner institution vide Case No. 1103 of 2015 on dated 28.01.2016. Above petition was registered by this Commission on 08.07.2021.
2. It is stated in the petition that Abdul Shahid Mahavidhyalay, Kasimpur Bahadurgarh, Agra Road, Etah (Uttar Pradesh) is affiliated for D.El.Ed. by SCERT, Lucknow and for B.Ed. from Dr. B.R. Ambedkar University, Agra. Petitioner institution is working for the development and benefits of Muslim minority community students,

but since last some years this institution is not achieving their aims and objects, and taking this fact in the mind, the Governing Body has taken decision to declare, cancel the MSC of the applicant institution. Thereafter, on dated 08.07.2021 this Commission has perused the application for cancellation of MSC, Society registration certificate, MOA of the Society, recognition certificate, resolution passed by the committee for cancellation of MSC and also directed to submit the list of students belong to minority community, admitted in the institute in last three years.

3. Mohd. Abuwak has also filed with above petition photocopy of minority status certificate issued to the petitioner institution vide case no. 1103 of 2015, photocopy of recognition order dated 26.05.2015 issued by the National Council for Teacher Education, photocopy of recognition order dated 16.07.2020 issued by Dr. Bheem Rao Ambedkar University, Agra, photocopy of Certificate of Registration of Shri Abdul Shahid Educational Welfare Society, photocopy of Memorandum of Association of the said society and photocopy of Aadhaar Card of Mohd. Abuwak. In compliance of earlier order dated 08.07.2021, Mohd. Abuwak, filed list of three years (2018-19, 2019-20 and 2020-21) of students admitted from Muslim minority community alongwith fee Challan and counseling list of Dr. B.R. Ambedkar University, Agra. As per the above document there is no single student in the academic years 2018-19 and 2020-21 and in the academic year 2019-20 only 5 students are from Muslim minority community out of total 56 students in the petitioner institution.
4. Notice of above application for cancellation of MSC was sent to the respondent through registered post as well as email but despite notice, none appeared on behalf of the respondent, hence we proceeded ex-parte against the respondent.
5. We have heard Mohd. Abuwak, Secretary of the petitioner institution, considered the facts and circumstances of the case and also perused the documents filed by the petitioner on behalf of the institution.

6. It is an admitted fact that the petitioner institution is now not able to achieve the aims and objects of the petitioner institution and from the documentary evidence produced by the petitioner it has been proved that petitioner institution is now not able to work primarily for the benefits of Muslim minority community. It is an admitted fact from the documents filed by the petitioner that now the petitioner institution has failed to admit students belonging to the minority community in the petitioner institution as per rules and prescribed percentage governing admissions during the 2018-19, 2019-20 and 2020-21 academic years. So as per the provisions of the Section 12(C) of the NCMEI Act, 2004, minority status of the petitioner institution deserved to be cancelled. There is no documentary evidence on record to rebut the documentary evidence filed by the petitioner.
7. In the premise, the petition filed by Mohd. Abuwak, Secretary of the Society succeeds and is hereby allowed. The impugned order dated 28.01.2016 passed by this Commission in favour of Abdul Shahid Mahavidhyalay, Kasimpur Bahadurgarh, Agra Road, Etah, Uttar Pradesh vide case no. 1103 of 2015 is hereby cancelled. Petitioner is directed to surrender their original MSC of this Commission within one month from the date of this order. Notify the order to both the parties.
8. In view of the above, the present petition is disposed of accordingly.

Signed, pronounced and published on **Wednesday, 29th Day of September, 2021.**

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**