Sh. Radhey Pratap Singh, R/o. Village and Post – Akbarpur Farsi, District – Amethi, Uttar Pradesh.

V/s.

- 1. Wasi Naqvi National Inter College, Raebareli, U.P. & Anr.
- 2. Additional Chief Secretary, Bahukhandi Secretariat, Lucknow, UP
- 3. Directorate of Secondary Education, 18th Park Road, Lucknow, UP as party respondent.

Case No. 27 of 2018

15.09.2021

Present: Ms. Savita Singh, Advocate for the applicant. Mr. Mutjaba Azhar Naqvi for the respondent.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Mr. Mujtaba Azhar Naqvi, Manager, Wasi Naqvi National Inter College, Rae Bareli has sent by post a letter dated 11.04.2021, which is received in the Commission's Office on dated 27.04.2021 and is taken on record.

In the said letter Mr. Mujtaba Azhar Naqvi, Manager has informed that Mr. Radhey Pratap Singh has expired and requested to dismiss this case.

This Commission has already given Order that legal representative of Late Shri Radhey Pratap Singh are contesting the present case. So request of the respondent is declined as per the Order of this Commission dated 05.03.2020.

We have heard, learned counsel for the petitioner and during the arguments, learned counsel for the petitioner has filed an application to implead State Competent Authority and also Directorate of Secondary Education, Uttar Pradesh as party respondent in this case, application is taken on record.

We have heard learned counsel for the petitioner as well as Mr. Mujtaba Azhar Naqvi appeared on behalf of respondent.

Mr. Mujtaba Azhar Naqvi has submitted that he has no objection in accepting of this application submitted by the learned counsel for the petitioner to implead the State Competent Authority and Directorate of Secondary Education, Uttar Pradesh as party respondent in the present case.

In the interest of justice, for the reasons stated in application and also looking to the facts and circumstances of the case this application is hereby allowed.

Additional Chief Secretary, Govt. of U.P. Higher Education & Secondary Education, Bahukhandi Secretariat, Lucknow, UP and Directorate of Secondary Education, 18th Park Road, Lucknow, UP impleaded as party respondents. Sh. Radhey Pratap Singh, R/o. Village and Post – Akbarpur Farsi, District – Amethi, Uttar Pradesh.

- V/s. 1. Wasi Naqvi National Inter College, Raebareli, U.P. & Anr.
- 2. Additional Chief Secretary, , UP
- 3. Directorate of Secondary Education, UP.

Learned counsel for the petitioner is directed to file amended cause title within prescribed period of limitation as per Order 06 Rule 18 of C.PC.

Learned counsel for the petitioner directed to submit two envelopes and postal charges along with copy of applications under Section 12(c) of the NCMEI Act, 2004 for sending notice to the respondents with correct address of the parties.

After compliance of the above order by the learned counsel for the petitioner, Office is directed to issue notice to the respondents.

Office is directed to tag File No.69 of 2011 with this Case. List on 30.11.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Radiance Public School, Near Toll Gate, K. Ramarajapuram, Kodairoad, District Dindigul Nilakottai, Tamil Nadu - 624206 V/s.

The Principal Secretary, School Education Department, Government of Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu - 600009

Case No. 72 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission

In compliance of the Commission's earlier Order dated 25.02.2021, learned counsel for the petitioner filed by hand, envelope and postal stamps before the Commission's Office on dated 09.03.2021, for sending notice to the respondent. Office has reported that learned counsel for the petitioner has not filed copy of application under Order 8 Rule 9 and Section 151 C.P.C. read with Section 12 of the NCMEI Act, 2004, to accept the Rejoinder Affidavit. So Office has not issued the notice to the respondent.

Learned counsel for the petitioner prayed for time to file copy of the said application.

After compliance of the above order by the learned counsel for the petitioner, Office is directed to issue notice to the respondent immediately.

It transpires from the petition that out of total 164 students only 41 students are from Christian Minority Community.

Learned Counsel for the petitioner is directed to file general body resolution of Trust to obtain Minority Status Certificate from this Commission.

List on 01.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

Child Jesus Nursery & Primary School, No. 161/1, Vettanviduthi Village, Karambakudi Taluk, Padukkottai District, Tamil Nadu - 622301

V/s.

The Principal Secretary, School Education Department, Government of Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu - 600009

Case No. 73 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Despite service of regd. notice, none appeared on behalf of the respondent, even in the second round.

It transpires from the petition that out of total 314 students only 18 students are from Christian Minority Community.

Learned Counsel for the petitioner is directed to file general body resolution of Trust to obtain Minority Status Certificate from this Commission.

Learned Counsel for the petitioner submitted that they have filed certified copies of all the relevant documents before the Commission.

Now, fix the case for final arguments on 01.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Olive Kids Nursery and Primary School, A.V.V.S. Colony, Min Nagar, Makkinampatti Road, Pallachi,Coimbatore District, Tamil Nadu - 642003.

V/s.

The Principal Secretary, School Education Department, Government of Tamil Nadu

Case No. 79 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Despite service of regd. notice, none appeared on behalf of the respondent, even in the second round.

It transpires from the petition that out of total 483 students only 283 students are from Christian Minority Community.

It also transpire from the record that application for grant of MSC and application dated 22.11.2018 for grant of NOC filed before the State Competent Authority by Mr. J. Syed Mohamed, Chairman, Dheen Educational and Charitable Trust. But there is quite difference in the signatures on both applications.

Learned Counsel for the petitioner prayed for time to submit Affidavit in this regard.

Learned Counsel for the petitioner is directed to file general body resolution of Trust to obtain Minority Status Certificate from this Commission.

Now, fix the case for final arguments on 01.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

M.J.M. College, Village - Barethiya, Street/Road - Nagod, Taluka - Unchehra, Barethiya, District - Satna, Madhya Pradesh

V/s.

The Secretary, Room No. 339, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh, Mantralaya, Bhopal, Madhya Pradesh

Case No. 268 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Learned counsel for the petitioner submitted that in compliance of the Commission's earlier Order dated 29.10.2020, he has filed envelope and postal charges before the Commission's Office on dated 15.12.2020, which is not available on record.

Office is directed to check and then immediately send notice to the respondent in compliance of the earlier Order dated 29.10.2020.

It transpires from the petition that out of total 75 students only 12 students are from Jain Minority Community.

It also transpires from the record that Mr. Mukesh Kumar Jain, Secretary, Late Smt. Sampat Bai Jain ALP Sankyak Kalyaan Samiti has filed application for grant of MSC and application dated 28.11.2018 for grant of NOC filed before the State Competent Authority by unknown person.

Learned Counsel for the petitioner is also not sure that who has filed said application before the state Competent Authority but prima facie signatures are quite different.

Learned Counsel for the petitioner is directed to file general body resolution of Society to obtain Minority Status Certificate from this Commission.

List on 01.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

Al-Fitrah Islamic Madrassa, Chelakulam Vengola P.O., Ernakulam District, Kerala

V/s.

The Secretary, General Education Department, Government of Kerala, Thiruvananthapuram, Kerala – 695001

Case No. 269 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Learned Counsel for the petitioner again prayed for time to file certified copies of all the relevant documents.

It transpires from the petition that all the total 275 students are Muslim in this institution.

It also transpires from the record that Mr. Abdul Azez T.A., Secretary, Chelakulam Trust for Global Studies has filed application for grant of MSC and application dated 10.12.2018 for grant of NOC filed by unknown person.

Learned counsel for the petitioner submitted that may be different person has filed the said application under section 10 of NCMEI Act, 2004 and prayed for time to file explanation.

Learned Counsel for the petitioner prayed for time to file Recognition/Affiliation Certificate of the State/Central Board of Secondary Education (CBSE).

Learned Counsel for the petitioner is directed to file general body resolution of Trust to obtain Minority Status Certificate from this Commission.

List on 01.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

Boon Public School, Kallar, Malakkallu P.O., Kasargode District, Kerala

V/s.

The Secretary, General Education Department, Government of Kerala, Thiruvananthapuram, Kerala – 695001

Case No. 271 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Learned Counsel for the petitioner prayed for time to file certified copies of all the relevant documents.

It transpires from the petition that out of total 341 students only 290 students are from Muslim Minority Community.

Learned Counsel for the petitioner is directed to file general body resolution of Trust to obtain Minority Status Certificate from this Commission.

List on 01.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Al-Madeena Madrassa, P.O. - Paivalike, Via - Uppala, Uppala, Kasargod District, Kerala

V/s.

The Secretary, General Education Department, Government of Kerala, Thiruvananthapuram, Kerala - 695001

Case No. 272 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission

Inspection Committee has sent inspection report by post, which was received in the Commission's Office on dated 05.03.2021, is taken on record.

Office is directed to supply a copy of the inspection report to the learned counsel for the petitioner.

It transpires from the petition that all the total 227 students are Muslim in this institution.

Learned Counsel for the petitioner is directed to file general body resolution of Trust to obtain Minority Status Certificate from this Commission.

Learned Counsel for the petitioner prayed for time to file Recognition/Affiliation Certificate of the State/Central Board of Secondary Education (CBSE).

List on 02.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

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

V/s.

The Principal Secretary, Education Department (Higher Education), Government of Karnataka, 6th Floor, Multi Storeyed Building, Karnataka – 560001

Case No. 273 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Learned counsel for the petitioner has prayed for time to file an application and certified copies of the relevant documents

Learned counsel for the petitioner filed four documents by hand, before the Commission's Office on dated 09.09.2021, which is taken on record.

Learned counsel for the petitioner prayed for time to file an application.

It transpires from the petition that all the total 471 students are Muslim in this institution.

Learned Counsel for the petitioner is directed to file general body resolution of Trust to obtain Minority Status Certificate from this Commission.

List on 02.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Saket International School, Barwani-Anjad Road, Anjad, District - Barwani, Madhya Pradesh

V/s.

The Secretary, Room No. 339, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh, Mantralaya, Bhopal, Madhya Pradesh

Case No. 274 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Despite service of regd. notice, none appeared on behalf of the respondent, even in the second round.

Office is directed to inform the respondent by email/ telephone for next date of hearing.

Learned Counsel for the petitioner prayed for time to file certified copies of all the relevant documents.

It transpires from the petition that out of total 1268 students only 26 students are from Jain Minority Community.

It also transpires from the record that in Col. No. 6(a) of the application for grant of MSC, petitioner has furnished information that he has applied before the state Competent Authority for NOC under Section 10 of NCMEI Act, 2004 on dated 21.01.2019 instead of 23.01.2019.

Learned Counsel for the petitioner prayed for time to file an application to clarify the issue.

Learned Counsel for the petitioner is directed to file general body resolution of Society to obtain Minority Status Certificate from this Commission.

List on 02.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

SPDS Women's College, Indore, Khandwa Road, Opposite Bilawali Tank, Indore, District - Indore, Madhya Pradesh V/s.

The Secretary, Room No. 339, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh, Mantralaya, Bhopal, Madhya Pradesh

Case No. 278 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Despite service of regd. notice, none appeared on behalf of the respondent, even in the second round.

Office is directed to inform the respondent by email/ telephone for next date of hearing.

It transpires from the petition that out of total 376 students only 38 students are from Jain Minority Community.

Learned Counsel for the petitioner is directed to file general body resolution of Society to obtain Minority Status Certificate from this Commission.

List on 02.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Al- Fitrah Islamic Madrassa, Palamkonam, Perumkulam P.O., Alancode, Attingal, Thirivananthapuram District, Kerala -695102

V/s.

The Secretary, General Education Department, Government of Kerala, Thiruvananthapuram, Kerala – 695001

Case No. 279 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission.

Learned Counsel for the petitioner prayed for time to file certified copies of all the relevant documents.

It transpires from the petition that all the total 227 students are Muslim in this institution.

Learned Counsel for the petitioner is directed to file general body resolution of Trust to obtain Minority Status Certificate from this Commission.

List on 02.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Marankandy English Medium School, Marankandy, P.O. Chokli, Kannur District, Kerala

V/s.

The Secretary, General Education Department, Government of Kerala, Thiruvananthapuram, Kerala - 695001

Case No. 285 of 2019

15.09.2021

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

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission

Despite service of regd. notice, none appeared on behalf of the respondent, even in the second round.

Office is directed to inform the respondent by email/ telephone for next date of hearing.

Learned Counsel for the petitioner prayed for time to file certified copies of all the relevant documents.

Learned Counsel for the petitioner is directed to file general body resolution of Society to obtain Minority Status Certificate from this Commission.

It transpires from the petition that out of total 299 students only 253 students are from Muslim Minority Community.

List on 02.12.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Madarsa Anjuman Islamiya Faizul Uloom, Village - Dhanauji Khurd, Post - Fazil Nagar, District - Kushinagar, Uttar Pradesh.

Vs.

Additional Chief Secretary, Govt. of U.P. Higher Education & Secondary Education, Bahukhandi Secretariat, Lucknow, UP.

Case No. 75 of 2020

15.09.2021

Present: Mr. Seraj Ahmad for the petitioner.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission

Mr. Seraj Ahmad, Manager, Madarsa Anjuman Islamiya Faizul Uloom present in person on behalf of the petitioner.

Petitioner has filed by hand Affidavit along with covering letter dated 09.07.2021, before the Commission's Office on dated 09.07.2021, which is taken on record.

Mr. Seraj Ahmad seeks leave to withdraw the petition with liberty to file a fresh petition for the same relief.

Leave and liberty is granted.

The petition is disposed of as withdrawn.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

M S Creative English School, Vanjarpatti Naka, Bhiwandi, Thane, Maharashtra - 421308

V/s.

- 1. Deputy Secretary, Minorities Development Department, Government of Maharashtra, Room No. 715, Mantralaya (Annexe), Mumbai, Maharashtra
- 2. Joint Secretary, Minorities Development Department, Room No. 715, Mantralaya (Annexe), Mumbai – 400032

Case No. 262 of 2020

15.09.2021

Present: Ms. Anju Joseph, Advocate for the petitioner. None for the respondent.

Ms. Anju Joseph, Advocate appeared on behalf of the arguing counsel Mr. Jose Abraham.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission

Despite service of regd. notice, none appeared on behalf of both the respondents, even in the second round.

Learned counsel for the petitioner filed four documents by hand, before the Commission's Office on dated 21.10.2020, which is taken on record.

Learned Counsel for the petitioner prayed for time to file Recognition/Affiliation Certificate of the State/Central Board of Secondary Education (CBSE).

It transpires from the petition that all the total 636 students are Muslim in this institution.

Learned Counsel for the petitioner is directed to file general body resolution of Trust to obtain Minority Status Certificate from this Commission.

List on 10.02.2022.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

Madrasa Tul Banat, Village & P.O. Garha, P.S. - Pupri, District - Sitamarhi, Bihar - 843320

V/s.

Secretary, Human Resource Development Department, Government of Bihar, Secretariat, Patna, Bihar.

Case No. 295 of 2020

15.09.2021

Present: None.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission

Despite notice by post and email, none appeared on behalf of the petitioner, even in the second round.

It transpires from the record that in the year 2017-18, all the total 257 students are Muslim Community in this institution.

It transpires from the record that the petitioner has not applied to the State Competent Authority for grant of NOC.

The Hon'ble Supreme Court in Civil Appeal No. 3945 of 2018 in case of Sisters of St. Joseph of Cluny vs. The State of West Bengal and Ors. vide order dated 18.04.2018, has held that any person who desires to establish minority educational institution after the amendment Act of 2006 came into force, must apply only to the competent authority for grant of No Objection Certificate for the said purpose.

All applications for the establishment of a minority educational institution after the amendment Act of 2006 must go to the competent authority set up under the statute.

As per the law and settled procedure of this Commission, petitioner cannot apply before this Commission unless and until the MSC application is disposed of by the State Competent Authority.

Since nobody has appeared to make any submission. The Commission has waited sufficiently. The Commission has been forced to dismiss the petition.

Hence, the petition is dismissed in default.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

Madarsa Darussalaam, Village and Post - Dhanpura, Block - Bahadrabad District - Haridwar, Uttarakhand - 249404.

Vs.

Alpsankhyak Director, Uttarakhand Madarsa Kalyan Bhawan, Shaeed Bhagat Singh Colony, Near A.T.S. Adhoiwala, Dehradun, Uttarakhand – 248001.

Case No. 351 of 2020

15.09.2021

Present: None.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission

Despite notice by post and email, none appeared on behalf of the petitioner, even in the second round.

Office is again directed to issue show cause notice to the petitioner by email given in the Niti Aayog Unique ID, as to why this petition be not dismissed at this stage.

List on 21.10.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER

Madrasa Al-Madina Academy, Mahmoodpur Road, Village & Post - Piran Kaliyar, Tehsil - Roorkee, District - Haridwar, Uttarakhand - 247667.

Vs.

Alpsankhyak Director, Uttarakhand Madarsa Kalyan Bhawan, Shaeed Bhagat Singh Colony, Near A.T.S. Adhoiwala, Dehradun, Uttarakhand – 248001.

Case No. 352 of 2020

15.09.2021

Present: None.

Due to Covid-19 pandemic and lockdown in the country this case is taken up today, as per the general notice of this Commission

Despite notice by post and email, none appeared on behalf of the petitioner, even in the second round.

Office is again directed to issue show cause notice to the petitioner by email given in the Niti Aayog Unique ID, as to why this petition be not dismissed at this stage.

List on 21.10.2021.

JUSTICE NARENDRA KUMAR JAIN CHAIRMAN

DR. JASPAL SINGH MEMBER

DR. SHAHID AKHTER MEMBER