

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

**Case No. 741 of 2019**

**In the matter of :-**

**Quadeer Husain Inter College, Ganjdundwara, District Kasganj,  
Uttar Pradesh-201242**

**..... Petitioner**

**V/s**

**1. Principal Secretary, Department of Education, Govt. of Uttar  
Pradesh**

**2. Additional Chief Secretary, Department of School Education,  
Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow,  
Uttar Pradesh**

**..... Respondent**

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

**ORDER**

**DATED 13.12.2022**

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

1. This petition has been received on 24.09.2019 by hand through Mr. Abdul Vakeel, Secretary of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Quadeer Husain Inter College, Ganjdundwara, District Kasganj, Uttar Pradesh-201242.
2. Mr. Abdul Vakeel, Secretary of the Quadeer Husain Memorial Welfare Society filed an affidavit 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. Mr. Abdul Vakeel for the petitioner has filed incomplete Unique ID No. : UP/2019/0227403 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan but not mentioned in the petition for grant of MSC, original application dated 11.06.2019 sent to the State Competent Authority i.e. Chief Secretary, Secondary Education Department, Uttar Pradesh, notarized copy of Certificate of Registration of Quadeer Husain Memorial Welfare Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of

Association alongwith list of present members of the Society, copy of Recognition Order dated 02.05.2018 to the unaided petitioner institution for the year 2020 for 6<sup>th</sup> to 12<sup>th</sup> Std. (High School and Intermediate Examination) and resolution of the General Body of the Society in favour of Mr. Abdul Vakeel, Secretary of the Quadeer Husain Memorial Welfare Society for obtaining MSC from this Commission.

4. It transpires from the petition filed by the petitioner Mr. Abdul Vakeel Secretary of the petitioner institution filed application for grant of MSC and in Col. No. 6(a), it is mentioned that the petitioner institution has filed application for grant of NOC before the State Competent Authority on dated 16.06.2019 but the petitioner has filed application for grant of NOC on dated 11.06.2019, During the course of arguments, Learned Counsel for the petitioner submitted that they will file clarification affidavit in this regard.
5. As per the information supplied by the unaided petitioner institution with regard to students strength, it is mentioned that out of the total 796 students, 516 students are from the Muslim minority community and 280 students are Hindus. It is relevant to mention here that out of total 28 teachers, 20 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.
6. It is stated in the petition that on dated 16.06.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC 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.

7. After service of registered notice dated 28.11.2019, 15.09.2021, 20.10.2021, 24.11.2021 and 25.03.2022 respondent has sent letter dated 11.10.2021 which was received in the Commission's Office on dated 20.10.2021, 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 17.05.2022, after service of letters, reminder / emails to the physical inspection committee dated 25.05.2022, 16.08.2022 and 09.09.2022, District Officer, Kasganj has sent physical inspection report dated 16.11.2022 which was received in the Commission's Office on dated 22.11.2022 wherein they have recommended to grant MSC to the petitioner institution.
8. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Mr. Abdul Vakeel, Secretary of the Quadeer Husain Memorial Welfare Society.
9. 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 Quadeer Husain Memorial Welfare Society 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. Abdul Vakeel, Secretary of the Quadeer Husain Memorial Welfare Society.
10. The Amended Memorandum of Association 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.

11. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Quadeer Husain Inter College, Ganjdundwara, District Kasganj, Uttar Pradesh-201242 run by Quadeer Husain Memorial Welfare Society 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.
12. Consequently, Quadeer Husain Inter College, Ganjdundwara, District Kasganj, Uttar Pradesh-201242, which is from 6<sup>th</sup> to 12<sup>th</sup> Std. (High School and Intermediate Examination), 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, proper Unique ID issued by Niti Aayog, Clarification Affidavit about the NOC application and updated recognition / affiliation order issued by the State Board / CBSE to the unaided 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.
13. After compliance of the above order, a minority status certificate be issued accordingly.
14. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 13<sup>th</sup> Day of December, 2022.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. JASPAL SINGH  
MEMBER**

**DR. SHAHID AKHTER  
MEMBER**

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