

**GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR MINORITY  
EDUCATIONAL INSTITUTIONS (NCMEI)  
Case No. 192 of 2022**

**In the matter of :-**

**Aman Public School, Islam Nagar Road, Lambakheda,  
Bhopal, Madhya Pradesh-462001**

.....Petitioner

**V/s**

**Secretary, Backward Classes and Minority Welfare  
Department, Govt. of MP, Room No. 339, Mantralaya, Bhopal,  
MP**

..... Respondent

Present: Mr. Iftexhar Ahmed, Advocate for the petitioner  
None for the respondent

**ORDER**

**DATED 27.07.2023**

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

1. This application has been received on 04.10.2022 by hand from the petitioner for grant of Minority Status Certificate (in short 'MSC') to Aman Public School, Islam Nagar Road, Lambakheda, Bhopal, Madhya Pradesh-462001.
2. The petitioner institution has filed an affidavit of Shri Abdul Allam, Secretary of Progressive Educational Trust alongwith application for grant of MSC in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are primarily members of the Muslim minority community. The petitioner institution has also filed the certified copy of Recognition Certificate dated 26.01.2021 issued by the Joint Director, Bhopal to the unaided petitioner institution till academic session 2025-26 for High School and resolution of the General Body of the Trust in favour of Shri Abdul Allam, Secretary of Progressive Educational Trust for obtaining MSC from this Commission.
3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : MP/2018/0192202 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, original application dated 22.03.2022 sent to the State Competent Authority i.e.

Secretary, Backward Classes and Minority Welfare Department, Certified copy of Trust Deed dated 29.02.2016 of Progressive Educational Trust, certificate of registration issued by the Registrar, Public Trust, Bhopal stating that the petitioner Trust is registered on 03.03.2018 before this office.

4. As per the information supplied by the unaided petitioner institution with regard to students strength in Academic Year 2021-22, it is mentioned that out of the total 443 students, 392 students are from the Muslim minority community, 3 students are from Christian minority community and 48 students are Hindus. It is relevant to mention here that in Academic Year 2021-22, it is mentioned that out of the total 24 teachers, 19 teachers are from the Muslim minority community.
5. It is stated in the petition that on dated 22.03.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 22.03.2022 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 petition 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. Despite service of registered notice/email dated 18.11.2022, no reply has been received from the respondent. 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 05.01.2023. After service of letters / emails to the physical inspection committee dated 10.01.2023, Physical Inspection Committee, Bhopal has sent physical inspection report

dated 05.04.2023 which was received in the Commission's Office on dated 11.04.2023 wherein they have recommended to grant MSC to the petitioner institution.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Shri Abdul Allam, Secretary of Progressive Educational 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 Progressive Educational 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 Shri Abdul Allam, Secretary of Progressive Educational Trust.
9. 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. This Commission has also decided in many cases as per the judgement of Hon'ble Apex Court in T.M.A. Pai Foundation Vs The State of Karnataka (2002) 8 SCC 481, a minority whether linguistic or religious is determinable only by reference to demography of the State and not by taking into consideration the population of the country as a whole. We are aware of the Buckley Judgement passed by this Commission but there must be reasonable strength of students of minority community in a minority institution and in our considered opinion the percentage could be determined based on the actual proportion of specific minority community in the State population as per prevailing

census. Population of Muslim minority community in the State of Madhya Pradesh as per the census of 2011 is 6.57%.

10. We have perused the Trust Deed of the petitioner institution which was registered before the Registrar, Public Trust, Bhopal on 03.03.2018 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 22.03.2022 and petition for grant of MSC on dated 04.10.2022. So it is clear that the amendment has been done before the application filed before the State Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.
11. The Trust Deed dated 03.03.2018 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.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Aman Public School, Islam Nagar Road, Lambakheda, Bhopal, Madhya Pradesh-462001 run by Progressive Educational 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.
13. Consequently, Aman Public School, Islam Nagar Road, Lambakheda, Bhopal, Madhya Pradesh-462001, which is for High School, 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.

14. After compliance of the above order, a minority status certificate be issued accordingly.
15. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Thursday, 27<sup>th</sup> Day of July, 2023.**

**JUSTICE NARENDRA KUMAR JAIN  
CHAIRMAN**

**DR. SHAHID AKHTER  
MEMBER**

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