Shri Guru Nanak Higher Secondary School, Damoh, Near Government Polytechnic College, Jabalpur Naka Damoh District, Madhya Pradesh

Vs.

Secretary, Backward Classes and Minority Welfare Department , Bhopal, Madhya Pradesh

Case No. 460 of 2019

05.10.2023

Present: Mr. Ajay Deep Mishra, Advocate for the petitioner. None for the respondent.

- 1. Despite sending reminder letter by post and email to the members of Physical Inspection Committee, we have not received any response/physical inspection report from the Physical Inspection Committee till now.
- 2. Learned counsel for the petitioner has already submitted that the members of the Physical Inspection Committee have already inspected the petitioner institution, but we have not received inspection report till now.
- 3. Office is directed that if Physical Inspection Report is not received, then send reminder by post and also by email to the members of Physical Inspection Committee, for sending the original inspection report positively before next date of hearing.

In the interest of justice, list on 16.11.2023.

DR. SHAHID AKHTER MEMBER

Little Flower School, Jungle Ekla No. 2, Gulariha, P.O., Gorakhpur District, Uttar Pradesh - 273013.

Vs.

- 1. Secretary, Room No.- 19, 3rd Floor, Sachiv Bhawan, Uttar Pradesh Secretariat, Lucknow, Uttar Pradesh.
- 2. Additional Chief Secretary, Department of School Education, Govt. of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh.

Case No. 119 of 2020

05.10.2023

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

- 1. District Basic Education Officer has filed a letter dated 05.08.2023 along with some documents by hand, before the Commission's Office on dated 08.08.2023, which is taken on record.
- 2. In compliance of the Commission's earlier Order, Physical Inspection Committee has sent by post physical inspection report along with covering letter dated 30.08.2023 which was received in the Commission's Office on dated 06.09.2023, and is taken on record.
- 3. Learned counsel for the petitioner filed updated Unique ID by hand, before the Commission's Office on dated 27.09.2023, which is taken on record.
- 4. Learned counsel for the petitioner submitted that he has filed certified copies of all the relevant documents before this Commission.

Now, fix the case for final arguments on 06.12.2023.

DR. SHAHID AKHTER MEMBER

Madarsa Kamarunisa Islamia Education, Mitawali, Etmadpur, Agra, Uttar Pradesh - 283202.

Vs.

- 1. Principal Secretary, School Education, Department of Education, Govt. of Uttar Pradesh.
- 2. Additional Chief Secretary, Department of Higher Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh 226001.

Case No. 338 of 2020

05.10.2023

Present: Present: Mr. Prasanth Kulambil., Advocate for the petitioner. None for the respondent.

- 1. Mr. Prasanth Kulambil, Advocate appeared on behalf of the arguing counsel Mr. Junais P.
- 2. Learned Counsel for the petitioner seeks leave to withdraw the petition with liberty to file a fresh petition for the same relief.
- 3. Leave and liberty is granted.
- 4. The petition is disposed of as withdrawn.

DR. SHAHID AKHTER MEMBER

Madarsa Farooqiya, Gram Chitbishram Gramsabha Baradeehpost, Ahraura District Mirzapur, Uttar Pradesh - 231301.

Vs

- 1. Principal Secretary, Deptt. of School of Education, Govt. of UP, Bahu Khandi Secretariat, Lucknow.
- 2. Additional Chief Secretary, Department of School Education, Govt. of U.P. Bahu Khandi, Secretariat, Lucknow, UP- 226001.
- 3. Additional Chief Secretary, Minority Welfare and Waqf Department, Bahu Khandi, Secretariat, Lucknow, UP- 226001.

Case No. 114 of 2021

05.10.2023

Present: Mr. Maqbool Alam for the petitioner. None for the respondents.

- 1. Despite sending reminder letter by post and email to the members of Physical Inspection Committee, we have not received any response/physical inspection report from the Physical Inspection Committee till now.
- 2. Mr. Maqbool Alam appeared on behalf of the petitioner institution and submitted that the members of the Physical Inspection Committee have already inspected the petitioner institution, but we have not received inspection report till now.
- 3. Office is directed that if Physical Inspection Report is not received, then send reminder by post and also by email to the members of Physical Inspection Committee, for sending the original inspection report positively before next date of hearing.

In the interest of justice, list on 21.11.2023.

DR. SHAHID AKHTER MEMBER

Madarsa Rabiya Basari, Gram Manikpur, Post - Ahraura, District - Mirzapur, Uttar Pradesh - 231301.

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- 1. Principal Secretary, Deptt. Of School of Education, Govt. of UP, Bahu Khandi Secretariat, Lucknow.
- 2. 2. Additional Chief Secretary, Department of School Education, Govt. of U.P., Bahu Khandi, Secretariat, Lucknow, U.P. 226001.
- 3. Additional Chief Secretary, Minority Welfare and Waqf Department, Bahu Khandi, Secretariat, Lucknow, UP- 226001.

Case No. 115 of 2021

05.10.2023

Present: Mr. Maqbool Alam for the petitioner. None for the respondents.

- 1. I have perused the file and it is found that all the relevant documents are not certified.
- 2. Mr. Maqbool Alam appeared on behalf of the petitioner institution is directed to file certified copies of all the relevant documents before next date of hearing.
- 3. In the interest of justice, list on 21.11.2023.

DR. SHAHID AKHTER MEMBER

Madarsa Tahzibul Islam, Moh - Patwatola, Ahraura, Distt. - Mirzapur, U.P. - 231301.

Vs.

- 1. Principal Secretary, Deptt. Of School of Education, Govt. of UP, Bahu Khandi Secretariat, Lucknow.
- 2. Additional Chief Secretary, Department of School Education, Govt. of U.P., Bahu Khandi, Secretariat, Lucknow, U.P. 226001.
- 3. Additional Chief Secretary, Minority Welfare and Waqf Department, Bahu Khandi, Secretariat, Lucknow, UP- 226001.

Case No. 116 of 2021

05.10.2023

Present: Mr. Maqbool Alam for the petitioner. None for the respondents.

- 1. I have perused the file and it is found that all the relevant documents are not certified.
- 2. Mr. Maqbool Alam appeared on behalf of the petitioner institution is directed to file certified copies of all the relevant documents before next date of hearing.
- 3. In the interest of justice, list on 21.11.2023.

DR. SHAHID AKHTER MEMBER

St. Joseph's Matriculation Higher Secondary School, Ondipudur, Coimbatore, Tamil Nadu - 641016.

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

Case No. 189 of 2022 05.10.2023

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

- 1. Learned counsel for the petitioner filed five documents by hand, before the Commission's Office on dated 26.09.2023, which are taken on record.
- 2. In compliance of the Commission's earlier Order dated 06.04.2023, learned counsel for the petitioner produced the original amended MOA before the Court of the Commission and also file the notarized copy of the amended MOA in which date of amended is visible.
- 3. Learned counsel for the petitioner again prayed for time to file updated Recognition/ Affiliation certificate issued by State Board. In the interest of justice, time prayed for is allowed.

List on 29.11.2023.

DR. SHAHID AKHTER MEMBER

Infant Jesus Matriculation Higher Secondary School, Kumar Nagar, Tirupur, Tamil Nadu - 641603.

Vs.

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

Case No. 190 of 2022

05.10.2023

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

- 1. Learned counsel for the petitioner filed five documents by hand, before the Commission's Office on dated 27.09.2023, which are taken on record.
- 2. In compliance of the Commission's earlier Order dated 06.04.2023, today learned counsel for the petitioner produced the original amended MOA, which after due verification was returned to him and on 27.09.2023 he has filed the notarized copy of the amended MOA in which date of amendment is legible.
- 3. On dated 26.07.2023, Court of the Commission ordered to the Secretary of the Commission to enquire the matter for further action in this matter.
- 4. Secretary of the Commission is directed to submit the enquiry report before next date of hearing.
- 3. Learned counsel for the petitioner again prayed for time to file updated Recognition/ Affiliation certificate issued by State Board. In the interest of justice, time prayed for is allowed.

List on 29.11.2023.

DR. SHAHID AKHTER MEMBER

Mar Ivanios CBSE School, Bridge Ward, Kuzhithurai P.O., Kanyakumari District, Tamil Nadu - 629163.

Vs.

Principal Secretary, School Education Department, Government of Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009.

Case No. 199 of 2022

05.10.2023

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

- 1. Learned counsel for the petitioner filed three documents by hand, before the Commission's Office on dated 27.09.2023, which are taken on record.
- Heard, learned counsel for the petitioner.
 Reserved for Orders.

DR. SHAHID AKHTER MEMBER

Rampur National Senior Secondary School, Khusro Bagh Road, Rampur District, Uttar Pradesh- 244 901.

- 1. Additional Chief Secretary, Department of School Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh.
- 2. Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh.

Case No. 268 of 2022 10.10.2023

Present: Mr. Prasanth Kulambil, Advocate for the petitioner. None for the respondent.

Learned Counsel for the petitioner has filed notarized copy of five documents before the Commission's Office on dated 26.9.2023, which are taken on record.

Learned counsel for the petitioner has prayed for time to file updated recognition certificate issued by the Central/ State Examination Board. Time prayed for is allowed.

In the interest of justice, issue notice to the respondent by registered AD and e-mail.

List on 29.11.2023.

DR. SHAHID AKHTER MEMBER

Fatima Girls Higher Secondary School, T. Palur Road, Jayankodam, Udayarpalayam (T.K.), Ariyalur District, Tamil Nadu- 621 802.

Vs.

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

Case No. 270 of 2022 5.10.2023

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

Learned Counsel for the petitioner has filed notarized copy of six documents before the Commission's Office on dated 27.9.2023, which are taken on record.

Learned counsel for the petitioner has prayed for time to file updated recognition certificate issued by the Central/ State Examination Board. Time prayed for is allowed.

In the interest of justice, issue notice to the respondent by registered AD and e-mail.

List on 29.11.2023.

DR. SHAHID AKHTER MEMBER

Crescent International School, Bario (Knowledge Village), Govindpur, Dhanbad, Jharkhand- 828 109.

Vs.

Director, Secondary Education, Department of School Education & Literacy, S.E.& L. Department, MDI Building, Post Dhurwa, District Ranchi, Jharkhand- 834 004.

Case No. 05 of 2023 5.10.2023

Present: Mr. Prasanth Kulambil, Advocate for the petitioner.

None for the respondent.

Learned Counsel for the petitioner has filed notarized copy of three documents before the Commission's Office on dated 26.9.2023, which are taken on record.

Despite sending reminder letter by post and e-mail to the members of the Physical Inspection Committee, we have not received any response/Physical inspection report from the members of the Physical Inspection Committee till now.

Learned Counsel for the petitioner has submitted that the physical inspection committee has inspected the petitioner institution.

Office is directed to issue reminder letter by post and e-mail to the members of the Physical Inspection Committee for sending the report positively before the next date of hearing, if the inspection report is not received till sending the reminder letter.

List on 6.12.2023.

DR. SHAHID AKHTER MEMBER

Athar Ali Higher Secondary School, Village Milak Imlak, Block Munda Pandey, Moradabad, Uttar Pradesh- 244 001.

Vs.

Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh.

Case No. 183 of 2023 5.10.2023

Present: Mr. Prasanth Kulambil, Advocate for the petitioner.

None for the respondent.

Learned Counsel for the petitioner has filed notarized copy of five documents before the Commission's Office on dated 5.9.2023, which are taken on record.

Despite service of notice by registered AD and email, there is no appearance on behalf of the respondent even in second round and no reply has been filed by the respondent. In the facts and circumstances of the case we deem it just and proper that physical inspection report alongwith the recommendations may be obtained from the Committee consisting of the following members for issuance of the minority status certificate to the petitioner institution:-

- 1. Representative of the concerned District Collector(Chairperson)
- 2. Concerned District Education Officer (Member)
- 3. Concerned District Minority Welfare Officer/ Concerned District Social Welfare Officer (Member Secretary).

Office is directed to issue letter to the above authorities and also to provide a copy of the letter to the learned counsel for the petitioner.

Learned Counsel for the petitioner is directed to approach the members of the Physical inspection Committee and provide all the relevant documents to the said Committee.

In the interest of justice, list on 6.12.2023.

DR. SHAHID AKHTER MEMBER

Athar Ali Memorial Public School, Guiyan Bagh, Moradabad, Uttar Pradesh- 244 001.

Vs.

Additional Chief Secretary, Department of Secondary Education, Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow, Uttar Pradesh.

Case No. 184 of 2023 5.10.2023

Present: Mr. Prasanth Kulambil, Advocate for the petitioner.

None for the respondent.

Learned Counsel for the petitioner has filed notarized copy of five documents before the Commission's Office on dated 5.9.2023, which are taken on record.

Despite service of notice by registered AD and email, there is no appearance on behalf of the respondent even in second round and no reply has been filed by the respondent. In the facts and circumstances of the case we deem it just and proper that physical inspection report alongwith the recommendations may be obtained from the Committee consisting of the following members for issuance of the minority status certificate to the petitioner institution:-

- 1. Representative of the concerned District Collector (Chairperson)
- 2. Concerned District Education Officer (Member)
- 3. Concerned District Minority Welfare Officer/ Concerned District Social Welfare Officer (Member Secretary).

Office is directed to issue letter to the above authorities and also to provide a copy of the letter to the learned counsel for the petitioner.

Learned Counsel for the petitioner is directed to approach the members of the Physical inspection Committee and provide all the relevant documents to the said Committee.

In the interest of justice, list on 6.12.2023.

DR. SHAHID AKHTER MEMBER

5.10.2023

Pakiza School-1, 10, Manik Bagh Road, Near Vatika Greens Garden, Opp. Choithram Hospital, Indore, Madhya Pradesh.

Vs.

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

Present: Mr. Prasanth Kulambil, Advocate for the petitioner.

An application has been received by hand on 25.9.2023 from Pakiza School-1, 10, Manik Bagh Road, Near Vatika Greens Garden, Opp. Choithram Hospital, Indore, Madhya Pradesh for grant of minority status certificate. It be registered.

- 2. It transpires from the petition that on 2.11.2022, the petitioner institution has applied for grant of No Objection Certificate to the State Competent Authority i.e. Secretary, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh, Room No. 339, Mantralaya, Bhopal, Madhya Pradesh, which was received by the respondent on 7.11.2022. The said petition is still pending as per the petitioner institution. The petitioner has waited sufficiently for period of 90 days as per Section 10 of NCMEI Act, 2004, before filing this petition.
- 3. The petitioner has already filed the proof of delivery of track consignment to the respondent.
- 4. The petitioner has filed copy of the order No. 151562/117440 dated 17.5.2022 issued by the District Education Officer, Indore granting recognition to the petitioner institution for the period 1.4.2022 to 31.3.2025.
- 5. Petitioner has filed Resolution Passed by the Governing Body to obtain Minority Status Certificate from this Commission and envelope with postage for sending notice to the State Competent Authority.
- 6. It also transpires from the petition that the petitioner Institute is unaided school (Primary). During the academic year 2021-22, out of total 169 students, all students were from Muslim Minority Community, in 2022-23 out of total 262 students, all the students are from the Muslim Minority Community.
- 7. In this petition Amendment in Memorandum of Association of the Society is prior to the filing application u/s 10 of NCMEI Act. 2004 before the State Competent Authority and also petition before this Commission for grant of Minority Status Certificate.
- 8. Office has reported that the name of signatory i.e. Mr. Afzal Ansari is not available on Unique ID issued by the Niti Aayog portal NGO Darpan. The name of Secretary against Col. No. 1(f) is mentioned as Ashique Hussain Gauri in the founding members' list and against Col. No. 1(g) the name of Secretary is mentioned as Mr. Afzal Ansari, who is the present Secretary of the Society. The office report is ignored.
- 9. Office is directed to issue notice to the respondent by registered AD and e-mail.
- 10. List on 7.12.2023. Record of Case No. 243 of 2023 be tagged with the record of this Case.

5.10.2023

Al-Izmah School, 31/2A, Villuni Vayal Adaikadavan, Peruvurani, District Thanjavur, Tamil Nadu.

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

Present: Mr. Prasanth Kulambil, Advocate for the petitioner.

An application has been received by hand on 25.9.2023 from Al-Izmah School, 31/2A, Villuni Vayal Adaikadavan, Peruvurani, District Thanjavur, Tamil Nadu for grant of minority status certificate. It be registered.

- 2. It transpires from the petition that on 13.2.2023, the petitioner institution has applied for grant of No Objection Certificate to the State Competent Authority i.e. Principal Secretary, School Education Department, Government of Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai, Tamil Nadu 600009, which was received by the respondent on 16.2.2023. The said petition is still pending as per the petitioner institution. The petitioner has waited sufficiently for period of 90 days as per Section 10 of NCMEI Act, 2004, before filing this petition.
- 3. The petitioner has already filed the proof of delivery of track consignment to the respondent.
- 4. The petitioner has filed copy of order dated 2.8.2023 issued by National Institute of Open Schooling granting accreditation as a study centre to the petitioner institution.
- 5. Petitioner has filed Resolution Passed by the Governing Body to obtain Minority Status Certificate from this Commission and envelope with postage for sending notice to the State Competent Authority.
- 6. It also transpires from the petition that the petitioner Institute is unaided school (Primary). During the academic year 2020-21, out of total 160 students, 124 students were from Muslim Minority Community, in 2021-22, out of total 177 students, 135 students were from the Muslim Minority Community and in 2022-23, out of 170 students, 132 students are from the Muslim Minority Community.
- 7. In this petition Amendment in Trust Deed of the petitioner is prior to the filing application u/s 10 of NCMEI Act. 2004 before the State Competent Authority and also petition before this Commission for grant of Minority Status Certificate.
- 8. Office has reported that the institution is just a study centre accredited by NIOS which does not transpire to be affiliated/ recognized.
- 9. Learned counsel for the petitioner is directed to clarify the position regarding the status of the petitioner institution.
- 10. Office is directed to issue notice to the respondent by registered AD and e-mail.
- 11. List on 7.12.2023. Record of Case No. 230 of 2023 be tagged with the record of this Case.

5.10.2023

Markaz Public School, Kottamudi, Paloor Post, Madikeri, Kodagu, Karnataka- 571 214.

Vs.

Additional Chief Secretary, Education Department (Higher Education), Government of Karnataka, Bengaluru, Karnataka.

Present: Mr. Prasanth Kulambil, Advocate for the petitioner.

An application has been received by hand on 25.9.2023 from Markaz Public School, Kottamudi, Paloor Post, Madikeri, Kodagu, Karnataka- 571 214 for grant of minority status certificate. It be registered.

- 2. It transpires from the petition that on 20.10.2022, the petitioner institution has applied for grant of No Objection Certificate to the State Competent Authority i.e. Additional Chief Secretary, Education Department (Higher Education), Government of Karnataka, Bengaluru, Karnataka, which was received by the respondent on 25.10.2022. The said petition is still pending as per the petitioner institution. The petitioner has waited sufficiently for period of 90 days as per Section 10 of NCMEI Act, 2004, before filing this petition.
- 3. The petitioner has already filed the proof of delivery of track consignment to the respondent.
- 4. The petitioner has filed copy of the order dated 20.11.2020 issued by the Education Officer, Madikeri, Madikeri, Kodagu District granting accreditation to the petitioner institution.
- 5. Petitioner has filed Resolution Passed by the Governing Body to obtain Minority Status Certificate from this Commission and envelope with postage for sending notice to the State Competent Authority.
- 6. It also transpires from the petition that the petitioner Institute is unaided school (Primary). During the academic year 2020-21, out of total 664 students, all students were from Muslim Minority Community, in 2021-22 out of total 598 students, all the students were from the Muslim Minority Community and in 2022-23, out of total 665 student, all the students are from Muslim Minority Community.
- 7. In this petition Amendment in the Trust Deed of the petitioner Trust is prior to the filing application u/s 10 of NCMEI Act. 2004 before the State Competent Authority and also petition before this Commission for grant of Minority Status Certificate.
- 8. Office has reported that the name of Mr. P.A. Ismail Saquafi is not available on Unique ID. Mr. P.A. Ismail Saquafi is the present trustee in the trust as per the amended Trust Deed. The office report is ignored.
- 9. Office is directed to issue notice to the respondent by registered AD and e-mail.
- 10. List on 7.12.2023. Record of Case No. 239 of 2023 be tagged with the record of this Case.

- 1. Dr. Govind Babu, S/o Sh. Bachchan Lal, R/o 5, Nehru Road, Baraut District, Baghpat, Uttar Pradesh- Applicant No. 1.
- 2. Dr. Deepak Chandra Maurya, S/o Poshaki Lal Maurya, D.J. College Quarters, Nehru Road, C-Field, Baraut District, Baghpat, Uttar Pradesh- Applicant No. 2.
- 3. Dr. Krishna Govind Pandeya, S/o Suraj Prasad Pandeya, D.J. College Quarters, Nehru Road, C- Field, Baraut District, Baghpat, Uttar Pradesh- Applicant No. 3.

Vs.

1. Digambar Jain College, Baraut, District Baghpat, Uttar Pradesh- 250 609 run by (Digambar Jain High School Association, Baraut, Distt. Baghpat).

Respondent No. 1

2. Principal Secretary, Higher Education, Government of Uttar Pradesh.

Respondent No. 2

Misc. Case No. 12 of 2021 5.10.2023

Present: None for the applicant.

Mr. Prasanth Kulambil, Advocate for Respondent No. 1.

None for Respondent No. 2.

None appeared on behalf of applicants and Respondent No. 2.

Learned counsel for Respondent No. 2 submitted that same issue is pending before the Hon'ble High Court of Judicature at Allahabad.

In the interest of justice, list the case on 25.1.2024.

DR. SHAHID AKHTER MEMBER