

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

Case No. 35 of 2022

In the matter of :-

Aided Mappila Upper Primary (A.M.U.P.) School, Koolimuttam, District Thrissur, Kerala-680691

.....**Petitioner**

V/s

Director, Directorate of Minority Welfare, Government of Kerala, 4th Floor, Vikas Bhavan, Thiruvananthapuram, Kerala

..... **Respondent**

Present: Ms. Lakshmi Sree P, Advocate for the petitioner
None for the respondent

ORDER

DATED 18.01.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 16.03.2022 by hand through Ms. Lakshmi Sree P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Aided Mappila Upper Primary (A.M.U.P.) School, Koolimuttam, District Thrissur, Kerala-680691.
2. Learned counsel for the petitioner filed an affidavit of Mr. P.M. Abdul Majeed, Manager of the applicant institution i.e. Aided Mappila Upper Primary (A.M.U.P.) School, Koolimuttam, District Thrissur, Kerala-680691 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. Learned counsel for the petitioner has filed copy of application dated 14.10.2021 sent to the State Competent Authority i.e. Director, Directorate of Minority Welfare, Thiruvananthapuram, Kerala alongwith postal receipt and its tracking report, copy of proceedings of the Assistant Educational Office, Kodungallur dated 08.06.2010 in Kannad language alongwith its English translation, copy of proceedings of the Assistant Educational Office, Kodungallur dated 16.01.2020 in Kannad language alongwith its English translation, translated copy of Deed of Joint release dated 30.09.2014 in Kannad language alongwith its English translation, true copy of the ownership certificate dated 30.05.2023 issued by the Mathilakam Grama Panchayat, District Thrissur, Kerala, True copy of the Possession

Certificate dated 11.5.2023 issued by the Kulimuttam Village Office, District Thrissur, Kerala, true translated copy of Tax Receipt issued by the Department of Land Revenue, Kerala State, copy of relevant pages of Indian Succession Act, 1925.

4. As per the information supplied by the petitioner aided institution with regard to students strength, it is mentioned that out of total 156 students, 94 students are from the Muslim minority community, 1 student is from Christian minority community and 61 students are Hindus. It is relevant to mention here that out of the total 12 teachers, 4 teachers are from the Muslim Minority community.
5. It is stated in the petition that on dated 14.10.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 18.10.2021 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 dated 19.04.2022, no reply / response 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 13.07.2022. After service of letters / emails to the physical inspection committee dated 02.08.2022 and 14.10.2022, Physical Inspection Committee, Thrissur has sent physical inspection report dated 22.09.2022 which was received in the Commission's Office on dated 27.09.2022 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mr. P.M. Abdul Majeed, Manager of the applicant institution i.e. Aided Mappila Upper Primary (A.M.U.P.) School.

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 an individual management Mr. P.M. Abdul Majeed, Manager of the applicant institution i.e. Aided Mappila Upper Primary (A.M.U.P.) School. 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. P.M. Abdul Majeed, Manager of the applicant institution i.e. Aided Mappila Upper Primary (A.M.U.P.) School.
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 the 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 that there must be reasonable strength of students of particular minority community in a minority educational institution. 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 Kerala as per the census of 2011 is 26.56%.
10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Aided Mappila Upper Primary (A.M.U.P.) School, Koolimuttam, District Thrissur, Kerala-680691 run by an individual management Mr. P.M. Abdul Majeed, Manager of the applicant institution i.e. Aided Mappila Upper Primary (A.M.U.P.) School 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 subserving the interests of the Muslim minority community.
11. Consequently, Aided Mappila Upper Primary (A.M.U.P.) School, Koolimuttam, District Thrissur, Kerala-680691, is declared as an aided 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 and to file updated recognition / affiliation order issued by the State Board/CBSE. 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.

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

Signed, pronounced and published on **Thursday, 18th Day of January, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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