

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

Case No. 285 of 2020

In the matter of :-

**M.S. Creative School, Municipal No. 1-4-758/7 to 10, 10A, 10B,
Bakaram, Musheerabad, Hyderabad, Telangana-500020**

..... Petitioner

V/s

**Secretary, Minorities Welfare Department, Government of
Telangana, "D" Block, Ground Floor, Telangana Secretariat,
Hyderabad-500022**

..... Respondent

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

ORDER

DATED 14.02.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 03.03.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to M.S. Creative School, Municipal No. 1-4-758/7 to 10, 10A, 10B, Bakaram, Musheerabad, Hyderabad, Telangana-500020.
2. Learned counsel for the petitioner filed an affidavit of Mr. Anwar Ahmed, Secretary, M S Educational and Welfare Trust 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 Unique ID No. : TS/2019/0244888 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 16.10.2019 sent to the State Competent Authority i.e. Secretary, Minorities Welfare Department alongwith postal receipt and its tracking report, certified copy of First Trust Deed dated 06.11.2013 of MS Educational and Welfare Trust, certified copy of Supplementary / Amended Trust Deed dated 15.02.2016,

notarized copy of Recognition Order dated 04.09.2020 issued by the District Educational Officer, Hyderabad District to the unaided petitioner institution from the academic year 2016-17 to 2025-26 for Pre-Primary to 5th Std., notarized copy of Recognition Order dated 12.03.2018 issued by the Regional Joint Director of School Education, Hyderabad to the unaided petitioner institution from the academic year 2016-17 to 2025-26 for 6th to 10th Std., notarized copy of the recognition order dated May, 2022 issued by the District Educational Officer, Hyderabad District to the unaided petitioner institution from 2022-23 to 2031-32 from Nursery to 7th (E/M) and resolution of the General Body of the Trust in favour of Mr. Anwar Ahmed, Secretary, M S Educational and Welfare Trust for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 01.06.2019, it is mentioned that out of the total 207 students, all students are from the Muslim minority community. It is relevant to mention here that as on 01.06.2019, it is mentioned that out of the total 19 teachers, 16 teachers are from Muslim Minority community.
5. It is stated in the petition that on dated 16.10.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.10.2019 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. After service of registered notice dated 20.05.2022, Principal Secretary to Government on behalf of the respondent has sent letter dated 08.08.2022 which was received in the Commission's

Office on dated 17.08.2022 which is taken on record wherein they have stated that the NOC application dated 16.10.2019 filed by the petitioner institution is not received by the Department. 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 11.08.2022. After service of letters / emails / reminders to the physical inspection committee dated 09.09.2022, 10.11.2022, 19.12.2022, 18.04.2023, 05.07.2023, 19.09.2023 and 13.11.2023, Physical Inspection Committee, Hyderabad has sent physical inspection report dated 11.07.2023 which was received in the Commission's Office on dated 23.11.2023 wherein they have not mentioned any negative / adverse remarks 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. Anwar Ahmed, Secretary, M S Educational and Welfare 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 M S Educational and Welfare 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 Mr. Anwar Ahmed, Secretary, M S Educational and Welfare 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 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 Telangana as per the census of 2011 is 12.69%.

10. I have perused the Supplementary/Amended Trust Deed of the petitioner institution which was registered before the Joint Sub Registrar, Banjana Hills on dated 15.02.2016 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 16.10.2019 and petition for grant of MSC on dated 21.03.2020. 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 Supplementary/Amended Trust Deed dated 15.02.2016 and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily the members of the Muslim minority community. In addition, the said facts also stand 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that M.S. Creative School, Municipal No. 1-4-758/7 to 10, 10A, 10B, Bakaram, Musheerabad, Hyderabad, Telangana-500020 run by M S Educational and Welfare 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, M.S. Creative School, Municipal No. 1-4-758/7 to 10, 10A, 10B, Bakaram, Musheerabad, Hyderabad, Telangana-500020, 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 **Wednesday, 14th Day of February, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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