

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

Case No. 142 of 2022

In the matter of :-

**Mazharul Uloom Aided Primary School, Kuchikar Fakir Sahib
Street, Ambur, District Vellore, Tamil Nadu-635802**

..... **Petitioner**

V/s

**Principal Secretary, School Education Department, Govt. of
Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai,
Tamil Nadu**

..... **Respondent**

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

ORDER

DATED 07.02.2024

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 08.08.2022 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Mazharul Uloom Aided Primary School, Kuchikar Fakir Sahib Street, Ambur, District Vellore, Tamil Nadu-635802.
2. Learned counsel for the petitioner filed an affidavit of Dr. N. Mohamed Sayeed, General Secretary of The Ambur Muslim Educational Society 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. : TN/2020/0250548 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 31.12.2019 sent to the State Competent Authority i.e. Principal Secretary, Higher Education Department, Govt. of Tamil Nadu alongwith postal receipt and its acknowledgement receipt, notarized copy of Certificate of Registration of The Ambur Muslim

Educational Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 13.10.2008 alongwith list of present members of the Society, true notarized copy of the recognition order dated 17.03.2022 issued by the District Educational Officer, Vellore to the aided petitioner institution from 01.04.2022 to 31.03.2025 for 1st to 5th Std. in Tamil language alongwith its English translation and resolution of the General Body of the Society in favour of Dr. N. Mohamed Sayeed, General Secretary of The Ambur Muslim Educational Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner aided institution with regard to students strength in Academic Year 2019-20, it is mentioned that out of the total 286 students, 269 students were from the Muslim minority community and 17 students were from Hindus, in Academic Year 2020-21, it is mentioned that out of the total 298 students, 276 students were from the Muslim minority community and 22 students were from Hindus and in Academic Year 2021-22, it is mentioned that out of the total 314 students, 286 students are from the Muslim minority community and 28 students are from Hindus. It is relevant to mention here that in Academic Year 2019-20, it is mentioned that out of the total 17 teachers, 11 teachers were from Muslim Minority community, in Academic Year 2020-21, it is mentioned that out of the total 16 teachers, 10 teachers were from Muslim Minority community and in Academic Year 2021-22, it is mentioned that out of the total 16 teachers, 11 teachers are from Muslim Minority community.
5. It is stated in the petition that on dated 31.12.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 03.01.2020 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 to the respondent dated 26.08.2022, 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 19.01.2023. After service of letters/emails to the physical inspection committee dated 23.01.2023, 26.04.2023 and 09.08.2023, Physical Inspection Committee, Tirupathur District has sent physical inspection report dated Oct. 2023 which was received in the Commission's Office on dated 31.10.2023 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Dr. N. Mohamed Sayeed, General Secretary of The Ambur Muslim Educational Society.
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 The Ambur Muslim Educational 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 Dr. N. Mohamed Sayeed, General Secretary of The Ambur Muslim Educational Society.
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 Tamil Nadu as per the census of 2011 is 5.86%.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the office of the District Registrar of Societies, Vellore on dated 13.10.2008 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 31.12.2019 and petition for grant of MSC on dated 08.08.2020. 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 Amended Memorandum of Association dated 13.10.2008 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 Mazharul Uloom Aided Primary School, Kuchikar Fakir Sahib Street, Ambur, District Vellore, Tamil Nadu-635802 run by The Ambur Muslim Educational 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.

13. Consequently, Mazharul Uloom Aided Primary School, Kuchikar Fakir Sahib Street, Ambur, District Vellore, Tamil Nadu-635802 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. 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, 7th Day of February, 2024.**

**DR. SHAHID AKHTER
MEMBER**

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