

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

**Case No. 167 of 2022**

**In the matter of :-**

**Samrat Chandragupt Maurya Madhyamik Vidyalaya,  
Bahadurnagar, Soron, Zila Kashganj, Uttar Pradesh**

**..... Petitioner**

**V/s**

**Additional Chief Secretary, Secondary Education  
Department, Government of Uttar Pradesh, Babu Bhawan,  
7<sup>th</sup> Floor, Lucknow, Uttar Pradesh-226001**

**..... Respondent**

**Present : Mr. Mahipal for the petitioner  
None for the respondent**

**ORDER**

**DATED 31.01.2024**

**Dr. Shahid Akhter, Member, NCMEI**

1. This petition has been received on 16.09.2022 by hand through Mr. Mahipal, Secretary of the Maurya Shiksha Samiti for grant of Minority Status Certificate (in short 'MSC') to Samrat Chandragupt Maurya Madhyamik Vidyalaya, Bahadurnagar, Soron, Zila Kashganj, Uttar Pradesh alongwith Affidavit of Mr. Mahipal, Secretary of the Maurya Shiksha Samiti in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Buddhist minority community.
2. Mr. Mahipal for the petitioner has filed notarized copy of Unique ID No. : UP/2021/0293728 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 26.08.2021 sent to the State Competent Authority i.e. Additional Chief Secretary, Department of Secondary Education, Govt. of Uttar Pradesh alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Maurya Shiksha Samiti, notarized copy of Memorandum of

Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 25.08.2021 alongwith list of present members of the Society, Buddhism Certificate of the members of the Society, notarized copy of permanent Recognition Order dated 15.06.1983 issued by the Divisional Deputy Education Director, Agra to the unaided petitioner institution for 6<sup>th</sup> to 8<sup>th</sup> Std. and resolution of the General Body of the Society in favour of Mr. Mahipal, Secretary of the Maurya Shiksha Samiti for obtaining MSC from this Commission.

3. 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 110 students, 28 students are from the Buddhist minority community, 2 students are from the Muslim minority community and 80 students are Hindus. It is relevant to mention here that in academic years 2021-22, out of the total 3 teachers, all teachers are from the Buddhist Minority community.
4. It is stated in the petition that on dated 26.08.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 31.08.2021 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.
5. Despite service of registered notice dated 27.10.2022, 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 16.05.2023. After service of letters/emails/reminders to the physical inspection committee dated 07.06.2023 and 22.08.2023, Physical Inspection Committee, Kashganj has sent physical inspection report dated 08.08.2023 which was received in the Commission's Office on dated 29.08.2023 wherein they have recommended to grant MSC to the petitioner institution.

6. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mr. Mahipal, Secretary of the Maurya Shiksha Samiti.
7. 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 Buddhist minority community in the State of Uttar Pradesh as per the census of 2011 is 0.10%.
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 Buddhist minority community and is being administered by Maurya Shiksha

Samiti which is managed and run by the members of the Buddhist 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. Mahipal, Secretary of the Maurya Shiksha Samiti.

9. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Senior Registrar of Societies, Agra on dated 25.08.2021 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 26.08.2021 and petition for grant of MSC on dated 16.09.2022. 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.
10. The Amended Memorandum of Association dated 25.08.2021 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Buddhist 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.
11. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Samrat Chandragupt Maurya Madhyamik Vidyalaya, Bahadurnagar, Soron, Zila Kashganj, Uttar Pradesh run by Maurya Shiksha Samiti 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 Buddhist minority community.
12. Consequently, Samrat Chandragupt Maurya Madhyamik Vidyalaya, Bahadurnagar, Soron, Zila Kashganj, Uttar Pradesh

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 Buddhist 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.

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

Signed, pronounced and published on **Wednesday, 31<sup>st</sup> Day of January, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

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