

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

**Case No. 89 of 2021**

**In the matter of :-**

**AI-Qulam English School, 169, Naik Nagar, LB.S. Marg, Opp.  
Nature Park, Sion, Dharavi, Mumbai, Maharashtra-400022**

..... **Petitioner**

**V/s**

**Joint Secretary, Minorities Development Department, Room  
No. 715, Mantralaya (Annexe), Mumbai-400032**

..... **Respondent**

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

**ORDER**

**DATED 24.01.2024**

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

1. This petition has been received on 26.02.2021 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to AI-Qulam English School, 169, Naik Nagar, LB.S. Marg, Opp. Nature Park, Sion, Dharavi, Mumbai, Maharashtra-400022.
2. Learned counsel for the petitioner filed an affidavit of Mr. Manzar Ahsan Shaikh, Secretary of the AI-BIRR Educational & Welfare 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. : MH/2017/0119667 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 12.11.2020 sent to the State Competent Authority i.e. Joint Secretary, Minorities Development Department alongwith postal receipt and its acknowledgement receipt, notarized copy of Certificate of Registration of AI-BIRR Educational & Welfare Society, notarized copy of Memorandum of Association dated

01.02.2014 alongwith list of founding members and present members of the Society, , notarized copy of the recognition order dated 02.03.2020 issued by the Director (SSS), NIOS to the unaided petitioner institution upto 31.03.2025 for the Open Basic Education (OBE) Programme and resolution of the General Body of the Society in favour of Mr. Manzar Ahsan Shaikh, Secretary of the AI-BIRR Educational & Welfare Society for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength in Academic Year 2018-21, it is mentioned that out of the total 245 students, 234 students are from the Muslim minority community and 11 students are Hindus. It is relevant to mention here that in Academic Year 2018-21, it is mentioned that out of the total 7 teachers, all teachers are from Muslim Minority community.
5. It is stated in the petition that on dated 12.11.2020, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 13.11.2020 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 10.03.2021, 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 19.04.2022. After service

of letters/emails/reminders to the physical inspection committee dated 21.06.2022, 10.08.2022 and 06.10.2022, Physical Inspection Committee, Mumbai has sent physical inspection report dated 29.09.2022 which was received in the Commission's Office on dated 07.10.2022 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. Manzar Ahsan Shaikh, Secretary of the AI-BIRR Educational & Welfare 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 AI-BIRR Educational & Welfare 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 Mr. Manzar Ahsan Shaikh, Secretary of the AI-BIRR Educational & Welfare 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 Maharashtra as per the census of 2011 is 11.54%.

10. I have perused the Memorandum of Association of the petitioner institution which was registered before the office of the Superintendent, Public Trust Registration Office, Mumbai dated 01.02.2014 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 12.11.2020 and petition for grant of MSC on dated 26.02.2021. 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 Memorandum of Association dated 01.02.2014 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 Al-Qulam English School, 169, Naik Nagar, LB.S. Marg, Opp. Nature Park, Sion, Dharavi, Mumbai, Maharashtra-400022 run by Al-BIRR Educational & Welfare 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, Al-Qulam English School, 169, Naik Nagar, LB.S. Marg, Opp. Nature Park, Sion, Dharavi, Mumbai, Maharashtra-400022 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, 24<sup>th</sup> Day of January, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB