

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

Case No. 201 of 2022

In the matter of :-

**Golden International School, Bagur Sonnenahalli, Lakkur
Hobil, Chikkathirupathi Post, Malur Taluk, District Kolar,
Karnataka-563160**

..... Petitioner

V/s

**Additional Chief Secretary, Education Department (Higher
Education), Govt. of Karnataka, 6th Floor, Multi-Storeyed
Building, Bengaluru-560001**

..... Respondent

**Present: Mr. Junais P, Advocate appeared on behalf of arguing
Counsel Mr. Jose Abraham for the petitioner
None for the respondent**

ORDER

DATED 20.02.2024

Dr. Shahid Akhter, Member NCMEI

1. This petition has been received on 18.10.2022 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Golden International School, Bagur Sonnenahalli, Lakkur Hobil, Chikkathirupathi Post, Malur Taluk, District Kolar, Karnataka-563160.
2. Learned counsel for the petitioner filed an affidavit of Mr. A. Iqbal Khan, Managing Trustee of Golden Educational and Social Charitable 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 and also stating 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.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : KA/2019/0242701 of the petitioner's Trust as given by the Niti

Aayog Portal NGO Darpan, photocopy of application dated 17.09.2019 sent to the State Competent Authority i.e. Additional Chief Secretary to Govt., Education Department, Govt. of Karnataka alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 20.02.2004 of Golden Educational and Social Charitable Trust, notarized copy of Amended Trust Deed dated 03.02.2016/18.02.2016 of the said Trust, notarized copy of the recognition order dated 14.02.2022 issued by the Deputy Director (Admn), Public Instruction Department, Kolar District to the unaided petitioner institution from 2021-22 to 2025-26 for 1st to 10th Std. in Kannad language alongwith its English translation and resolution of the General Body of the Trust in favour of Mr. A. Iqbal Khan, Managing Trustee of Golden Educational and Social Charitable 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 2020-21, it is mentioned that out of total 433 students, 234 students were from the Muslim minority community and 199 students were Hindus, in Academic Year 2021-22, it is mentioned that out of total 401 students, 225 students were from the Muslim minority community and 176 students were Hindus and in Academic year 2022-23, it is mentioned that out of total 307 students, 169 students are from the Muslim minority community and 138 students are Hindus. It is relevant to mention here that in Academic Year 2020-21, out of total 33 teachers, 16 teachers were from the Muslim Minority community, in Academic Year 2021-22, out of total 32 teachers, 17 teachers were from the Muslim Minority community and 2022-23, out of total 34 teachers, 18 teachers were from the Muslim Minority community.
5. It is stated in the petition that on dated 17.09.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 18.09.2019 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. Despite service of registered notice / email dated 22.12.2022, 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 14.02.2023. After service of letters/emails to the physical inspection committee dated 23.02.2023, 10.05.2023 and 09.08.2023, Physical Inspection Committee, Kolar District has sent physical inspection report dated 29.08.2023 which was received in the Commission's Office on dated 11.09.2023 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mr. A. Iqbal Khan, Managing Trustee of Golden Educational and Social Charitable Trust.
8. 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 Karnataka as per the census of 2011 is 12.92%.

9. 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 Golden Educational and Social Charitable 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. A. Iqbal Khan, Managing Trustee of Golden Educational and Social Charitable Trust.
10. I have perused the Amended Trust Deed of the petitioner institution which was registered before the Sub Registrar, Shivaji Nagar on dated 03.02.2016/18.02.2016 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 17.09.2019 and petition for grant of MSC on dated 18.10.2022. 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.
11. The Amended Trust Deed dated 03.02.2016/18.02.2016 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that Golden International School,

Bagur Sonnenahalli, Lakkur Hobil, Chikkathirupathi Post, Malur Taluk, District Kolar, Karnataka-563160 run by Golden Educational and Social Charitable 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, Golden International School, Bagur Sonnenahalli, Lakkur Hobil, Chikkathirupathi Post, Malur Taluk, District Kolar, Karnataka-563160 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.
14. 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 **Tuesday, 20th Day of February, 2024.**

**DR. SHAHID AKHTER
MEMBER**

VB