

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

**Case No. 28 of 2023**

**In the matter of :-**

**Mount Hira Academy Nursery & Primary School, 52/8H, 2<sup>nd</sup>  
Rajaji Street, Net Complex, Nellikuppam, District Cudakore,  
Tamil Nadu-607105**

**..... 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 03.04.2024**

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

1. This petition has been received on 10.01.2023 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Mount Hira Academy Nursery & Primary School, 52/8H, 2<sup>nd</sup> Rajaji Street, Net Complex, Nellikuppam, District Cudakore, Tamil Nadu-607105.
2. Learned counsel for the petitioner filed an affidavit of Mr. M. Mohamed Ferozkhan, Chairman of Nellikuppam Educational 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 notarized copy of Unique ID No. : TN/2019/0240322 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 18.07.2022 sent to the State Competent Authority i.e. Principal Secretary, School Education Department, Govt. of Tamil Nadu alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 13.11.2016 of Nellikuppam Educational Trust, notarized copy of Addendum / Amended Trust Deed dated

08.03.2019, notarized copy of recognition order dated 10.08.2021 issued by the Joint Director (SSS), National Institute of Open Schooling to the unaided petitioner institution upto 31<sup>st</sup> March, 2025 only for the Open Basic Education (OBE) Programme and resolution of the General Body of the Trust in favour of Mr. M. Mohamed Ferozkhan, Chairman of Nellikuppam Educational Trust for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength in academic year 2020-21, it is mentioned that out of the total 176 students, 175 students were from the Muslim minority community and 1 student was Hindu, in academic year 2021-22, it is mentioned that out of the total 196 students, all students were from the Muslim minority community and in academic year 2022-23, it is mentioned that out of the total 208 students, all students are from the Muslim minority community. It is relevant to mention here that in academic year 2020-21, out of the total 7 teachers, all teachers were from the Muslim Minority community, in academic year 2021-22, out of the total 9 teachers, all teachers were from the Muslim Minority community and in academic year 2022-23, out of the total 10 teachers, 9 teachers are from the Muslim Minority community
5. It is stated in the petition that on dated 18.07.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 20.07.2022 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 25.01.2023, no reply 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 27.04.2023. After service of letters/emails to the physical inspection committee dated 12.05.2023, 22.08.2023 and 04.12.2023, Physical Inspection Committee, Cuddalore District has sent physical inspection report dated 12.01.2024 which was received in the Commission's Office on dated 16.01.2024 wherein they have not mentioned any adverse / negative remarks to grant MSC to the petitioner institution.

7. Heard Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mr. M. Mohamed Ferozkhan, Chairman of Nellikuppam Educational 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 Nellikuppam Educational 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. M. Mohamed Ferozkhan, Chairman of Nellikuppam Educational 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 Tamil Nadu as per the census of 2011 is 5.86%.

10. I have perused the Addendum / Amended Trust Deed of the petitioner institution which was registered before the Sub Registrar, Nellikuppam on dated 08.03.2019 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 18.07.2022 and petition for grant of MSC on dated 10.01.2023. 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 Addendum / Amended Trust Deed dated 08.03.2019 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 Mount Hira Academy Nursery & Primary School, 52/8H, 2<sup>nd</sup> Rajaji Street, Net Complex, Nellikuppam, District Cudakore, Tamil Nadu-607105 run by Nellikuppam Educational 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, Mount Hira Academy Nursery & Primary School, 52/8H, 2<sup>nd</sup> Rajaji Street, Net Complex, Nellikuppam, District Cudakore, Tamil Nadu-607105 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, 3<sup>rd</sup> Day of April, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

VB