

CHAPTER 1 – INTRODUCTION

1.1 OVERVIEW

“Education is the single most important instrument for social and economic transformation. A well educated population, adequately equipped with knowledge and skill is not only essential to support economic growth, but is also a precondition for growth to be inclusive since it is the educated and skilled person who can stand to benefit most from the employment opportunities which growth will provide.” (Para 10.1 of ‘An approach to the Twelfth Five year Plan’). The Ministry of Education is focussing on an inclusive agenda, with a vision of realizing India’s human resource potential to its fullest with equity and excellence. Government is committed to address the backwardness in education of all minorities.

Constitution of India has provided protection to the rights of the minorities in the country considering the fact pluralistic character of our country can be benefitted by such protection. The idea of giving some special rights to the minorities is not to treat them as privileged section of the population but to give them a sense of security. These special rights for minorities were designed to bring about equality by ensuring the preservation of the minority institutions and by guaranteeing their autonomy in their day to day functioning. Article 30 provides for right of minorities to establish and administer educational institutions and it also provides for-

- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- (1A) In making any law providing for the compulsory acquisition of any property of any educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.]
- (2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

The National Commission for Minority Educational Institutions (NCMEI) Act, 2004 was enacted by the Parliament in order to safeguard the educational rights enshrined in Article 30 (1) of the Constitution of India. The “minority” for the purpose of this Act, means a community notified as such by the Central Government. The Central Government has notified six minority communities (MCs) viz. Muslim, Christian, Sikh, Buddhist, Jain and Parsi.

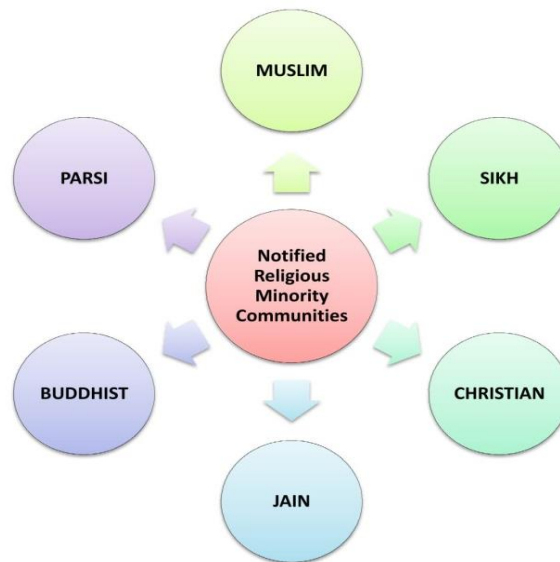


Fig. 1.1: Minority Communities notified by the GoI

As per 2011 Census, the percentage and number of people from different communities including minority communities are:

- ❖ Hindus : 79.8% (966.3 million),
- ❖ Muslims : 14.23% (172.2 million)
- ❖ Christians : 2.30% (28.7 million).
- ❖ Sikh : 1.72% (20.8 million)
- ❖ Buddhists : 0.7% (8.5 million)
- ❖ Jains : 0.37% (4.48 million)
- ❖ Parsis : 57,264
- ❖ Others : 0.9% (10.9 million)

1.2 HISTORICAL BACKGROUND

Demand to establish a Commission for the Minority Educational Institutions was raised in series of meetings held by Ministry of Education with educationists, eminent citizens and community leaders and other stakeholders associated with minority education. Similar demands were made by experts in a meeting of the National Monitoring Committee for Minority Education held in August, 2004.

In view of such demands, the National Commission for Minority Educational Institutions Ordinance was promulgated in November, 2004. To replace the said Ordinance by an Act of Parliament, the National Commission for Minority Educational Institutions Bill 2004, was introduced in the Parliament in December, 2004. The NCMEI Act was notified in January 2005. The Department of Secondary and Higher Education, Ministry of HRD, Government of India, notified the National Commission for Minority Educational Institutions on 11th November 2004 and constituted the Commission on 16th November 2004, with its Headquarters situated in New Delhi. Since 2005, the Commission is working from a rented accommodation at Jeevan Tara Building, Sansad Marg, Patel Chowk, New Delhi and facing hardships of space, including improper and insufficient parking area.

1.3 ABOUT THE COMMISSION:

This Commission is a quasi-judicial body and has been endowed with the powers of a Civil Court. The Commission consists of a Chairperson and three members who are nominated by the Central Government. The Chairperson is a member of a minority community and has been a Judge of a High Court and the Members are from a minority community and persons of eminence, ability and integrity. Major roles of the Commission are (i) to decide all questions relating to the status of any institution as a Minority Educational Institutions and declare its status as such; (ii) to advise the Central and State Governments on any question relating to the education of minorities that may be referred to it; (iii) to investigate into the complaints relating to deprivation of the educational rights of minorities; (iv) to do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission etc.

1.4 FUNCTIONS OF THE COMMISSION:

The functions of the Commission as per Section 11 of NCMEI Act, 2004 (2 of 2005) and as amended by The National Commission for Minority Educational Institutions (Amendment) Act, 2006 (18 of 2006) and The National Commission for Minority Educational Institutions (Amendment) Act, 2010 (20 of 2010) are given in the box below:

- (a) Advise the Central Government or any State Government on any question relating to the education of minorities that may be referred to it.
- (b) Enquire, *suo-motu*, or on a petition presented to it by any Minority Educational Institution, or any person on its behalf into complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice and any dispute relating to affiliation to a University and report its finding to the appropriate Government for its implementation.
- (c) Intervene in any proceeding involving any deprivation or violation of the educational rights of the minorities before a court with the leave of such court.
- (d) Review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation.
- (e) Specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities.
- (f) Decide all questions relating to the status of any institution as a MEI and declare its status as such.
- (g) Make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the MEI and
- (h) Do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission.

1.5 NCMEI (Amendment) Act, 2006:

For effective functioning of the Commission, recommendations were made to the Government to carry out amendments in the Act. The Government introduced the National Commission for Minority Educational Institutions (Amendment) Bill 2005 in the Parliament. However, in the wake of 93rd amendment of the Constitution which added

clause (5) in Article 15, it became expedient to carry out the amendments in the NCMEI Act through an Ordinance. Accordingly an Ordinance was notified by the Government on 23rd January, 2006 which was replaced by the National Commission for Minority Educational Institutions (Amendment) Act, 2006 and notified on 29th March, 2006.

1.6 NCMEI (Amendment) Act 2010:

Besides others, the major change in the NCMEI Amendment Act, 2010 was amendment in Section 10(1) of the Act, which states that “Subject to the provisions contained in any other law for the time being in force, any person, who desires to establish a Minority Educational Institution may apply to the competent authority for the grant of No Objection Certificate for the said purpose.” To broad base Commission’s representation, Section 3 (2) of the Act was amended by making provision for an additional Member in the Commission.

CHAPTER 2 – CONSTITUTION OF THE COMMISSION

2.1 COMPOSITION OF THE COMMISSION & OTHER STAFF

The Commission is headed by a Chairperson and there are three members who are nominated by the Central Government.

Justice Narendra Kumar Jain assumed charge as Chairperson of the Commission on 01/10/2018. Dr. Jaspal Singh joined on 15/06/2018, as Member of the Commission. Dr. Shahid Akhtar joined the Commission on 24/8/2021.

The Commission started functioning from Shastri Bhavan, New Delhi and shifted to Jeevan Tara Building, Patel Chowk, New Delhi in August 2005. In 2004, 22 posts were sanctioned initially for carrying out necessary administrative work and providing office support. In 2005 and 2006, additional one and 10 posts were sanctioned respectively. The Commission has a total strength of 33 including one post each of Secretary, Deputy Secretary, Sr. PPS, Under Secretary and Section Officer.

At present the post of Secretary, Deputy Secretary, Under Secretary and one MTS have been filled on deputation. Services of the supporting staff have been outsourced through EdCIL (an undertaking of Government of India, Ministry of Human Resource Department).

2.2. POWERS OF THE COMMISSION:

The powers of the Commission as enshrined in Section 12 are:

- 1) If any dispute arises between a MEI and a University relating to its affiliation to such University, the decision of the Commission thereon shall be final.
- (2) The Commission shall, for the purposes of discharging its functions under this Act, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath,
 - (b) requiring the discovery and production of any document,
 - (c) receiving evidence on affidavits,

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, (1 of 1872) requisitioning any public record or document or copy of such record or document from any office,

(e) issuing summons for the examination of witnesses or documents, and

(f) any other matter which may be prescribed.

(3) Every proceeding before the Commission is deemed to be a judicial proceeding within the meaning of Sections 193 and 228 and for the purpose of Section 196 of the Indian Penal Code (45 of 1860). The Commission is deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

2.2.1. APPEAL AGAINST THE ORDERS OF THE COMPETENT AUTHORITY:

As enshrined in Section 12-A of the Commission:

(1) Any person aggrieved by the order of refusal to grant NOC under sub-section (2) of section 10 by the Competent Authority for establishing a MEI, may prefer an appeal against such order to the Commission.

(2) An appeal under sub-section (1) shall be filed within thirty days from the date of the order referred to in sub-section (1) communicated to the applicant.

Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) The Commission, after hearing the parties, shall pass an order as soon as may be practicable, and give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

(5) An order made by the Commission under sub-section (4) shall be executable by the Commission as a decree of a civil court and the provisions of the Code of Civil Procedure, 1908 (5 of 1908), so far as may be, shall apply as they apply in respect of a decree of a civil court.

2.2.2. POWER OF COMMISSION TO DECIDE ON THE MINORITY STATUS OF AN EDUCATIONAL INSTITUTION.

The powers to decide on the Minority Status of a MEI have been enshrined in Section 12 B of the Act. The powers are given as under:

- (1) Without prejudice to the provisions contained in the National Commission for Minorities Act, 1992 (19 of 1992), where an authority established by the Central Government or any State Government, as the case may be, for grant of minority status to any educational institution rejects the application for the grant of such status, the aggrieved person may appeal against such order of the authority to the Commission.
- (2) An appeal under sub- section (1) shall be preferred within thirty days from the date of the order communicated to the applicant: Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.
- (3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.
- (4) On receipt of the appeal under sub-section (3), the Commission may, after giving the parties to the appeal an opportunity of being heard, decide on the minority status of the educational institution and shall proceed to give such direction as it may deem fit and, all such directions shall be binding on the parties.

2.2.3: POWER TO CANCEL MINORITY STATUS:

Section-12C of the NCMEI Act 2004 deals with the Power to Cancel. The Commission may, after giving a reasonable opportunity of being heard to an MEI to which minority status has been granted by an authority or Commission, as the case may be, cancel such status under the following circumstances, namely:

- (a) if the constitution, aims and objects of the educational institution, which has enabled it to obtain minority status has subsequently been amended in such a way that it no longer reflects the purpose or character of a MEI,
- (b) if, on verification of the records during the inspection or investigation, it is found that the MEI has failed to admit students belonging to the minority community in the

institution as per rules and prescribed percentage governing admissions during any academic year.

2.2.4: POWER OF COMMISSION TO INVESTIGATE MATTERS RELATING TO DEPRIVATION OF EDUCATIONAL RIGHTS OF MINORITIES:

The power to investigate matters relating to deprivation of educational rights of minorities is covered under Section 12-D of the Act.

- (1) The Commission shall have the power to investigate into the complaints relating to deprivation of the educational rights of minorities.
- (2) The Commission may, for the purpose of conducting any investigation pertaining to a complaint under this Act, utilize the services of any officer of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.
- (3) For the purpose of investigation under sub-section (1), the officer whose services are utilized may, subject to the direction and control of the Commission,
 - (a) summon and enforce the attendance of any person and examine him;
 - (b) require the discovery and production of any document; and
 - (c) requisition any public record or copy thereof from any office.
- (4) The officer whose services are utilized under sub-section (2) shall investigate into any matter entrusted to it by the Commission and submit a report thereon to it within such period as may be specified by the Commission in this behalf.
- (5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such further inquiry as it may think fit.

2.2.5. POWER OF COMMISSION TO CALL FOR INFORMATION:

The power is proviso in Section 12-E of the Act and stipulates that:

- (1) The Commission, while enquiring into the complaints of violation or deprivation of educational rights of minorities shall call for information or report from the Central Government or any State Government or any other authority or organization subordinate thereto, within such time as may be specified by it:

Provided that:

(a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint;

(b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required, or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

(2) Where the inquiry establishes violation or deprivation of the educational rights of the minorities by a public servant, the Commission may recommend to the concerned Government or authority, the initiation of disciplinary proceedings or such other action against the concerned person or persons as may be deemed fit.

(3) The Commission shall send a copy of the inquiry report, together with its recommendations to the concerned Government or authority and the concerned Government authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken, or proposed to be taken thereon, to the Commission.

(4) The Commission shall publish its inquiry report and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

2.2.6 BAR OF JURISDICTION:

As enshrined in Section 12F, of the NCMEI Act 2004, no court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) shall entertain any suit, application or other proceedings in respect of any order made under this Chapter.

2.3. FINANCE, ACCOUNTS AND AUDIT:

2.3.1. GRANTS BY CENTRAL GOVERNMENT:

(1) The Central Government shall, after due appropriation made by the Parliament by law, provide grants to the Commission such sum of money as the Government may think fit for being utilized for the purposes of this Act.

(2) The Commission may spend the grant for performing the functions under this Act and such sum shall be treated as an expenditure payable from the grant referred to in sub-section (1).

2.3.2. ACCOUNTS AND AUDIT:

(1) The Commission shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such a form as may be prescribed by the Central Government.

(2) The accounts of the Commission shall be audited by the CAG at such intervals as may be specified by them and any expenditure incurred in connection with such audit shall be payable by the Commission to the CAG.

(3) The CAG and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the CAG generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

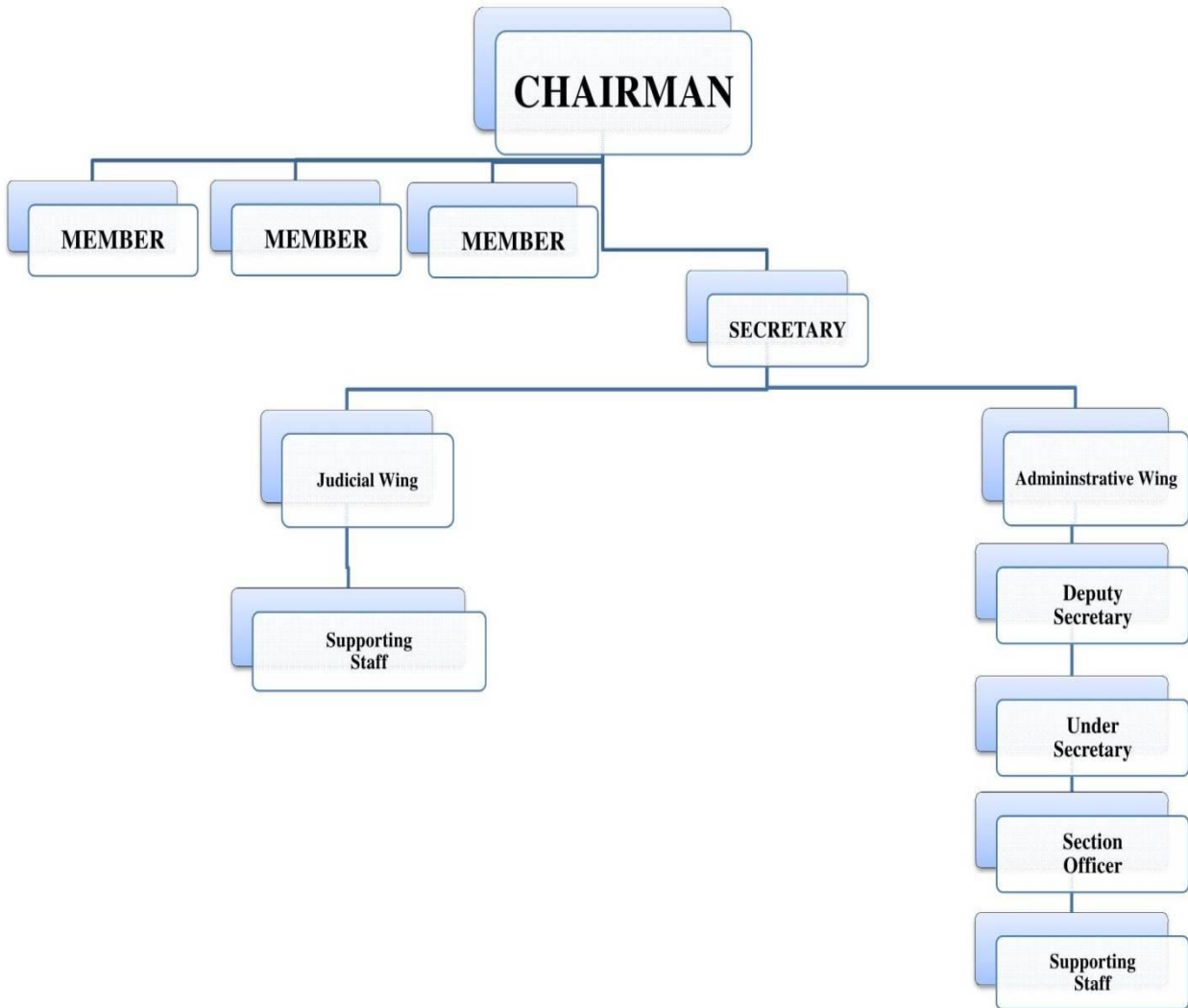
2.3.3. ANNUAL REPORT:

The Commission shall prepare annual report for each financial year with complete details of its activities undertaken during the previous financial year and forward a copy thereof to the Central Government.

2.3.4. ANNUAL REPORT AND AUDIT REPORT TO BE LAID BEFORE PARLIAMENT:

The audit report and the annual report together with the memorandum of action taken on the advice tendered by the Commission under section 11 and the reasons for non-acceptance, if any, of any such advice, to be laid before each House of Parliament by the Central Government. The Annual Report and Annual Accounts of the Commission for the year 2020-21 were laid before the Parliament on 28/3/2022 in Lok Sabha and 30/3/2022 in Rajya Sabha.

ORGANIZATION CHART



CHAPTER 3: MEETINGS OF THE COMMISSION

In terms of Section 12(3) of the NCMEI Act, every proceeding before the Commission is deemed to be a judicial proceeding within the meaning of section 193 and section 228 and for the purpose of section 196 of the Indian Penal Code. The Commission is deemed to be a civil court for the purpose of Section 195 Chapter XXVI of the Code of Criminal Procedure, 1973. Being a quasi-judicial body, the Commission conducts formal court sittings on a day to day basis. The Commission has a formal court room for the purpose.

3.1 WORKING OF THE COMMISSION

The Commission heard the legacy cases and registered fresh petitions as per the cause list and passed orders. In order to ensure expeditious disposal of the cases and to minimize backlog, the Commission lists requisite number of cases in each sitting. Notices to different parties including show cause notice to applicants are issued as per the direction of the Court. Adequate notice period is given to all parties. In the first hearing of fresh petitions, presence of the petitioner or respondent is not necessary. Notices requiring for their appearance, are issued on the second date of hearing.

In case where the petitioners plead for urgency, the Commission gives an early date, based on merits. The Commission also takes into consideration, the inconvenience shown by the petitioners/parties to appear on a particular date and accordingly adjournments are granted to enable the petitioners/ parties to plead their cases effectively in consonance with the principle of natural justice. Commission has never insisted on engagement of a counsel to represent the petitioner i.e. any petitioner who wants to argue his/her case personally is at liberty to do so.

With a view to expedite disposal of cases no quorum has been fixed by the Commission for the court sittings. Even if only Chairman or one of the Member is present, court proceedings can be conducted and cases taken up for appropriate decision.

The Commission endeavours to provide a cost-free forum to the members of the minority communities for redressal of their grievances pertaining to the educational rights enshrined in the Constitution. The Commission has not prescribed any court fee either

for processing and deciding on all questions relating to the status of any institution as a Minority Educational Institution (MEI) and declare its status as such or deciding on appeal made by the MEI against the order of the State Governments/UT Administrations on being denied the Minority Status Certificate(MSC) or NOC. Since a large number of petitioners are not conversant with the procedures of the court, the Commission has even accepted petitions which are not in conformity with the law of pleadings and gives appropriate directions to such petitioners.

3.2 THE SITTINGS AND HEARINGS OF THE COMMISSION:

The Court of the Commission decides the cases regarding grant of Minority Status Certificates and also appeals under Section 12A and 12B. The Court also decides cases relating to cancelation of MSC under Section 12C. For the purpose, the Court of Commission has sittings wherein cases are taken up as per the cause list. Year-wise numbers of sittings by the Court of the Commission are given in figure-3.1.

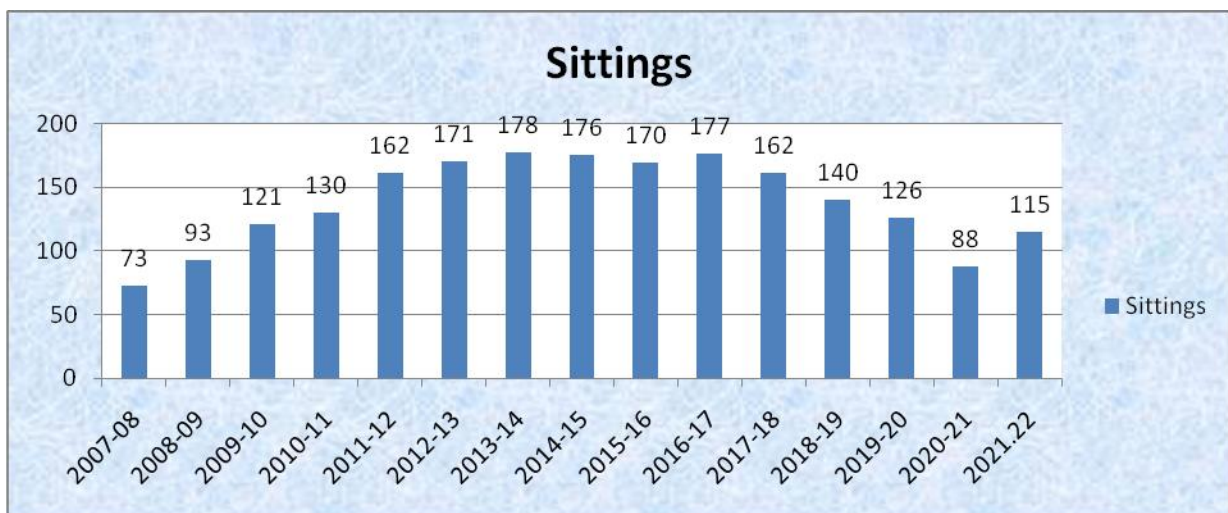


Fig. 3.1: Year-wise sittings of the Commission since 2007-08

The Commission held 115 sittings during 2021-22 as compared to 88 during 2020-21. Due to COVID-19 pandemic restrictions, the Court of the Commission did not have any sittings from 16/04/2021 to 30/06/2021.

3.3 THE NUMBER OF MSCs GRANTED BY THE COMMISSION SINCE ITS INCEPTION:

The Commission grants Minority Status Certificate (MSC) to the eligible Minority Educational Institutions (MEIs). 13666 MSCs have been granted since the inception of

the Commission. Year-wise, number of MSCs granted by the Court of the Commission is given in table 3.1.

S. No.	Year	Number of MSCs granted
1.	2005-06	48
2.	2006-07	622
3.	2007-08	674
4.	2008-09	397
5.	2009-10	1039
6.	2010-11	1342
7.	2011-12	1854
8.	2012-13	1791
9.	2013-14	1674
10.	2014-15	1372
11.	2015-16	1022
12.	2016-17	1094
13.	2017-18	466
14.	2018-19	158
15.	2019-20	12
16.	2020-21	15
17.	2021-22	86
Total		13666

Table 3.1: Number of MSCs granted since 2005-06

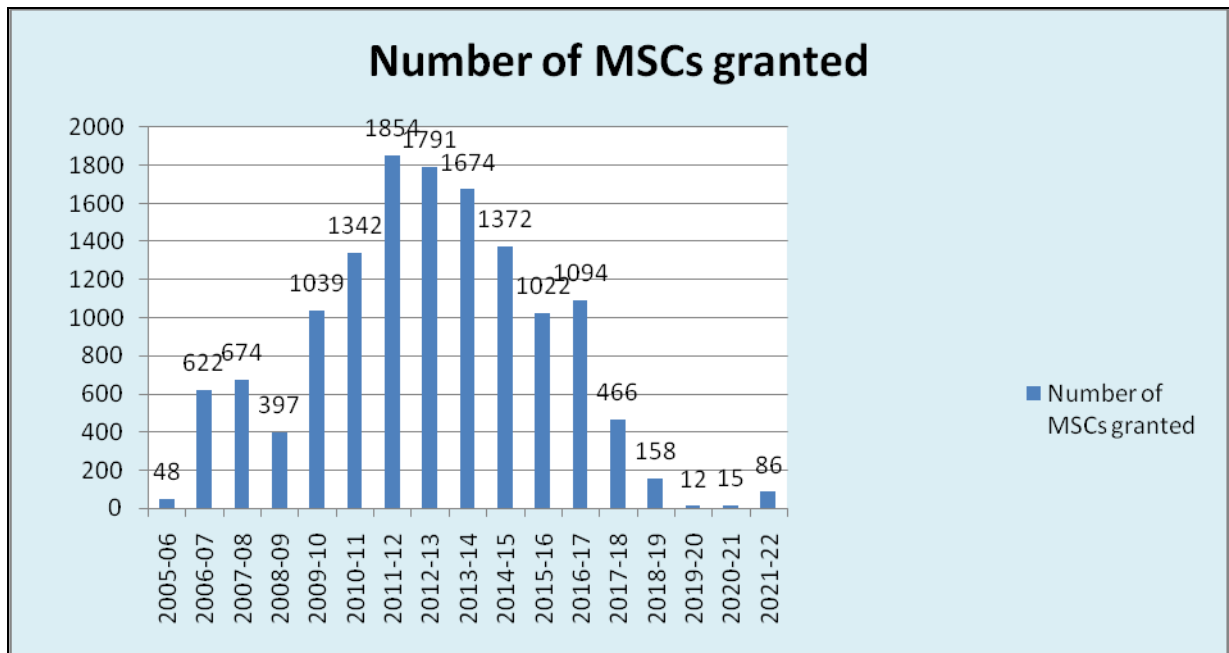


Fig. 3.2.: Year-wise Number of MSCs granted by the Commission

State/UT-wise, number of Minority Status Certificates granted from 2005-06 to 31.03.2022, are given in the table 3.2.

S. No.	State	Total MSCs granted till 31/03/2022
1.	Andaman & Nicobar Island	9
2.	Andhra Pradesh	236
3.	Arunachal Pradesh	24
4.	Assam	221
5.	Bihar	151
6.	Chandigarh	21
7.	Chhattisgarh	232
8.	Dadra & Nagar Haveli	4
9.	Daman & Diu	1
10.	Delhi	255
11.	Goa	165
12.	Gujarat	62
13.	Haryana	181
14.	Himachal Pradesh	27
15.	Jharkhand	106
16.	Karnataka	718
17.	Kerala	4693
18.	Madhya Pradesh	550
19.	Maharashtra	199
20.	Manipur	37
21.	Meghalaya	8
22.	Odisha	122
23.	Puduchery	29
24.	Punjab	123
25.	Rajasthan	104
26.	Sikkim	18
27.	Tamil Nadu	1008
28.	Telangana	342
29.	Tripura	13
30.	Uttar Pradesh	3187
31.	Uttarakhand	124
32.	West Bengal	696
Total		13666

Table 3.2 State-wise number of MSCs granted since 2005-06

The data reveals that maximum number of MSCs have been granted to MEIs from the States of Kerala, followed by Uttar Pradesh, Tamil Nadu, Karnataka, West Bengal and Madhya Pradesh. More than 80% of the total MSCs have been granted to MEIs from these States. No MSC has been issued to MEIs from Lakshadweep, Mizoram and Nagaland.

CHAPTER 4 – HIGHLIGHTS OF THE YEAR

The Commission completed 17 years in November, 2021. Every year the Commission functions as per the mandate and the same are reflected in its Annual Report. The highlights of the Commission's functioning during 2021-22 are given as under:

4.1 COURT SITTINGS:

Date-wise court sittings and number of cases heard in the financial year 2021-22 are in the table given below:

S. No.	Date	No. of Cases Heard	Remanded to State Competent Authority	Disposed of as withdrawn	Dismissed and rejected	MSC Granted	Cancelled/ Duplicate/ Surrendered MSC	Notices Issued	Letters for clarification
1.	01-4-2021	13		7				2	
2.	06-4-2021	20						5	1
3.	07-4-2021	19						3	2
4.	08-4-2021	20		2				7	2
5.	13-4-2021	16		3	2	1			
6.	15-4-2021	31	1	2	2			1	
	April: Total	119	1	14	4	1	-	18	5
7.	1-7-2021	15	1					14	
8.	6-7-2021	18						1	
9.	7-7-2021	24			1			6	
10.	8-7-2021	24						2	2
11.	13-7-2021	23		1	3	1			2
12.	14-7-2021	23			2	1		4	
13.	15-7-2021	23		3	2	1		2	
14.	20-7-2021	24				1	1 (Surrendered)	1	
15.	22-7-2021	26	3	1				5	
16.	27-7-2021	21	2	2	1			3	
17.	28-7-2021	18	1					4	1
18.	29-7-2021	20	1	3				1	
	July: Total	259	8	10	9	4	1	43	5
19.	3-8-2021	31	1			1		10	
20.	4-8-2020	32			11			3	2
21.	5-8-2021	29						7	
22.	10-8-2021	32		1	2	1		4	8
23.	11-8-2021	38	2	1	2			9	
24.	12-8-2021	23	1		4	1		4	2
25.	17-8-2021	39	6	1	1	1		4	
26.	18-8-2021	32	7	4	1				
27.	19-8-2021	20	5				1 (Surrendered)	10	2
28.	24-8-2021	30	2	3	4				1

29.	25-8-2021	26	7	3	3		1 (Duplicate)	1	
30.	26-8-2021	34	2	6	1			3	1
31.	31-8-2021	33	1	2	5	1		7	2
	August-Total	399	34	21	34	5	2	62	18
32.	1-9-2021	33	2	4	1			2	4
33.	2-9-2021	34	7		1			2	
34.	7-9-2021	33	1	5		3	1 (Cancelled)	2	6
35.	8-9-2021	31	4	3				1	4
36.	9-9-2021	35	5	8	2			4	1
37.	14-9-2021	35	2	4				4	4
38.	15-9-2021	33	2	3	1	3	1 (Duplicate)	4	3
39.	16-9-2021	40			2			22	2
40.	21-9-2021	18						3	1
41.	22-9-2021	20		1	3			1	
42.	23-9-2021	16		1				2	
43.	28-9-2021	24	4	5			1 (Cancelled)	1	1
44.	29-9-2021	24	3	2	3		1 (Cancelled)	7	1
45.	30-9-2021	27		3	3			10	
	September Total	403	30	39	16	6	4	65	27
46.	5-10-2021	24	2	4		4		1	
47.	6-10-2021	22	1	2	1	1	1 (Duplicate)	1	
48.	7-10-2021	21		3	1	3		1	
49.	8-10-2021	5	3	1					1
50.	12-10-2021	20		1				1	
51.	13-10-2021	17						3	
52.	14-10-2021	19						1	
53.	20-10-2021	21						2	
54.	21-10-2021	25		1				4	1
55.	26-10-2021	24						1	2
56.	27-10-2021	27	3	3				2	2
57.	28-10-2021	16	2	1				6	
	Total October	241	11	16	2	8	1	23	6
58.	2-11-2021	22		2				4	
59.	3-11-2021	13	1	3					1
60.	9-11-2021	30		6	3				2
61.	10-11-2021	33	1	13				3	2
62.	11-11-2021	32	1	5				4	2
63.	16-11-2021	38	2		1	2		4	
64.	17-11-2021	35				5		2	6
65.	18-11-2021	36		4	4	2		6	1
66.	23-11-2021	34		1	2	1		2	1
67.	24-11-2021	37		1	2	2		5	5
68.	25-11-2021	34		5	4	1		2	5
69.	30-11-2021	40	4	3	1			1	5
	November Total	384	9	43	17	13	-	33	30
70.	1-12-2021	32		8		2		1	5

71.	2-12-2021	38		6	5	4		2	6
72.	7-12-2021	35				4		6	3
73.	8-12-2021	36	1	1	1	2		8	3
74.	9-12-2020	35		1	2			2	3
75.	14-12-2021	34		3	1			4	4
76.	15-12-2021	31		4				2	6
77.	16-12-2021	37	2	3	8	2		7	
78.	17-12-2021	12				7		3	
	December Total	290	3	26	17	21	-	35	30
79.	4-1-2022	18			4				1
80.	5-1-2022	21		1	2			5	1
81.	6-1-2022	21		1				4	1
82.	11-1-2022	26	3	1	1	1			2
83.	12-1-2022	23	2	2	2			1	
84.	13-1-2022	24		5	1			5	3
85.	18-1-2022	26		1	2	3		1	
86.	19-1-2022	24	6	2	1			5	7
87.	20-1-2022	25		5	5			6	4
88.	25-1-2022	14		2	1	2		3	1
89.	27-1-2022	19		3	1			1	8
	January Total	241	11	23	20	6	-	31	28
90.	1-2-2022	23		3				2	1
91.	2-2-2022	21		6				2	3
92.	3-2-2022	23		9	1				3
93.	8-2-2022	22	2	3	2			3	
94.	9-2-2022	24		6	4			3	3
95.	10-2-2022	27	1	8	1	2		7	2
96.	15-2-2022	25		2				4	1
97.	16-2-2022	24		6				2	
98.	17-2-2022	23		7				3	2
99.	22-2-2022	25		2				4	2
100.	23-2-2022	25						6	1
101.	24-2-2022	24		3				7	6
	February Total	286	3	55	8	2	-	43	24
102.	2-3-2022	30		3	1			4	9
103.	3-3-2022	30		2	3			4	3
104.	8-3-2022	30		4		1		3	3
105.	9-3-2022	31		2	2	2		4	1
106.	10-3-2022	31		3	6	1		1	3
107.	15-3-2022	38		1	2	7		1	14
108.	16-3-2022	36		5	6	7			5
109.	17-3-2022	25							5
110.	22-3-2022	31						5	3
111.	23-3-2022	29						4	3
112.	24-3-2022	29						4	4
113.	29-3-2022	30			5			6	5

114.	30-3-3022	30		3	3			1	7
115.	31-3-2022	30		5	1	2		2	2
	March Total	430	-	28	29	20	-	39	67
	G. Total	3052	110	275	156	86	8	392	240

Table 4.1: Date-wise Court sittings and number of cases heard during 2021-22

During the year 2021-22, 86 MSCs were issued and in addition the Hon'ble Court of the Commission passed order for cancellation of 4 MSCs and surrender of one MSC. In another 3 cases, duplicate MSCs have been granted.

During 2021-22, the Commission held 115 sittings and heard 3052 cases as compared to 1731 cases in the previous year. Month-wise number of cases heard by the Commission is given in figure 4.1.

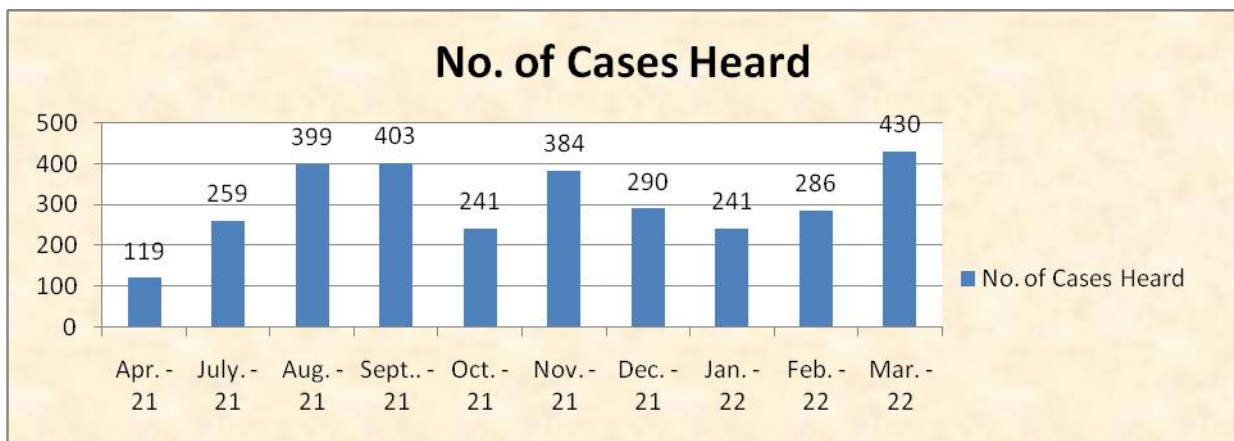


Figure 4.1: Month-wise Number of cases heard from April 2021 to March 2022

Of the 3052 cases heard during 2021-22, 156 were dismissed or rejected, 275 cases were dismissed as withdrawn and 110 cases were remanded to State Competent Authority for deciding MEI's application for grant of MSC or NOC. As per the order of the Court of Commission, notice to the respondent and show cause notice to the applicants were served in 392 cases. As ordered by the Commission, letters were sent to the State Government and members of the physical inspection committee of the concerned districts and also to the applicants, in 240 cases.

4.2 GRANT OF MINORITY STATUS CERTIFICATE:

The eligible Minority Educational Institution can apply to the NCMEI and also to the State Authority for grant of MSC. As per the requirement of the Commission, the Minority Status Certificate (MSC) application form (**Annexure-1**) is revised from time to time. This is available on NCMEI website (<https://ncmei.gov.in>). For the ease of the applicants/

petitioners, checklist of required mandatory documents which are to be attached with the application form, is available on the NCMEI website. As per the provisions of the NCMEI Act, 2004 (amendment, 2006), the applicant institution before applying for grant of MSC, is required to apply for 'No Objection Certificate' (NOC) to the State Competent Authority (the list of Competent Authority is at **Annexure-3**). If, the applicant institution whose NOC under Section 10 of the NCMEI Act, 2004 has been rejected by the State Competent Authority, then the applicant can appeal against the order under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal), Rules, 2006. The format of application is annexed at **Annexure-2**.

In case the MSC application is rejected by the State/UT Authority then the applicant institution can appeal under Section 12B of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal), Rules, 2006. The format of application is annexed at **Annexure-2**. The application for appeal under Section 12A and 12B are also available on NCMEI website (<https://ncmei.gov.in>).

The highlights of the MSCs granted by the Commission are given as under:

- ❖ 86 MSCs granted during 2021-22 as compared to 15 MSCs during 2020-21. In addition duplicate MSCs have been issued to 3 MEIs and in 4 cases MSCs were cancelled and in one case the MSC was surrendered.
- ❖ State-wise number of MEIs which have been granted MSC during 2021-22 is detailed in table 4.2.

S. No.	Name of the State	Number of MSCs issued during 2021-22
1.	Andhra Pradesh	1
2.	Bihar	3
3.	Delhi	2
4.	Karnataka	5
5.	Kerala	6
6.	Madhya Pradesh	23
7.	Tamil Nadu	37
8.	Uttar Pradesh	8
9.	Uttarakhand	1
Total		86

Table 4.2: State-wise number of MEIs granted during 2021-22

- ❖ Community wise, MSCs granted during the year 2021-22 are given in the table 4.3.

Christians	Muslims	Jains	Sikhs	Buddhishts	Parsis
35	29	17	3	2	0

Table 4.3: Community-wise MSCs granted during 2021-22

4.3. VERIFICATION OF SOCIETIES/TRUSTS:

In order to bring transparency in the process of granting MSC, the Commission conducts random verification of the Society/Trust running a MEI. The issue relating to verification is taken up with the Chief Secretary/Administrator of the concerned State/UT who verifies the functioning of the Society/Trust and existence/working of the educational institution.

Further, pursuant to NITI Aayog's instructions in 2016, all petitioners are required to furnish the unique-ID allocated by NITI Aayog through its NGO Darpan Portal. In the unique-ID document the name and address of the society/trust which run the MEI is provided and also the name of the office bearers of the society/trust. These details are cross verified from the details provided in the MSC application.

In order to streamline and bring transparency in the process of MSC application, the Commission notified that the declaration, affidavit and valaktanama should be signed by the same person.

On 5th August 2021, it was also notified that the institute established and administered by the trust/society is also required to submit a copy of the resolution passed by the governing body of the society/trust authorising the signatory of declaration, affidavit and valaktanama for filing application for MSC.

4.4. NEW POLICY INITIATIVES TOWARDS e-GOVERNANCE

e-Governance is easy, effective and economical governance. Initiatives taken during 2017-18 for proper implementation of the concept of e-Governance has been carried forward during 2021-22 also, with the objective of enhancing transparency, accuracy and efficiency in the functioning of the Commission. Some of the initiatives are:

- (i) **Dynamic NCMEI Website:** NCMEI has its own website which is user friendly and updated with current content. Procedure for filing MSC application, checklist of mandatory documents, details of the nodal officers and State Competent Authority etc. are all available.
- ❖ Online search of cases according to State, Year and Community
 - ❖ Daily Cause List /[Court Orders / Judgments](#) are uploaded on the NCMEI Website <http://ncmei.gov.in>
 - ❖ Details of [MSCs issued to the MEIs](#) along with Community are uploaded on the website
 - ❖ Annual reports of the Commission and important notices and circulars are also available on website.
- (ii) **Implementation of e-Office:** In order to digitize the administrative work and track record, all new receipts are scanned and uploaded on e-office. Further, online RTI disposal and online public grievance redressal of CPGRAMS is also followed in the Commission.
- (iii) **Public Finance Management System (PFMS):** Commission is on PFMS since 2017. This is a financial management platform which establishes an efficient fund flow system as well as a payment cum accounting network. This has brought in transparency in expenditure and provides real-time information on the availability of funds and funds utilization. This system is an important tool for improving governance.
- (iv) **Digitization of Records:** Keeping in view the Hon'ble Prime Minister's vision on Digital India, it was decided to digitize all the files, wherein MSCs have been granted. To ensure transparency all such records have been uploaded on the website for the general public.
- (v) **One Nation One Data Initiative:** The data of MEIs which have been granted MSC by the commission has been shared with the respective State/UT governments for their record.

4.5. SWACHH BHARAT MISSION

With the aim to make India clean, Hon'ble Prime Minister desired that the Central Government Ministries and its attached offices should observe in a calendar year Swachhta Pakhwada. Swachchata Pakhwada was



celebrated in the Commission from 1/9/2021 to 15/9/2021. Various activities were undertaken in the Commission's premises which include removal of waste material from and around the office, arrangement of files in proper racks, weeding of old records etc. The swachchata pledge was administered by the Hon'ble Chairman & Members to the official and staff members. A number of other initiatives have been taken for the cleanliness of the premises from time to time.

4.6. VIGILANCE OBSERVANCE WEEK:

Vigilance observance week from 26th October to 1st November, 2021 was observed in the Commission and the Integrity Pledge was taken on 26th October, 2021. The theme was "Independent India @ 75, Self Reliance with Integrity".

4.7. RASHTRIYA EKTA DIWAS PLEDGE:

The spirit of unification of the country was made possible by the vision and actions of late Sardar Vallabhbhai Patel. A pledge of Unity that every one of us will preserve the unity, integrity and security of the nation and contribute towards ensuring internal security of the country was administered by the Hon'ble Chairman and Hon'ble Members of the Commission to the staff.

4.7. PARLIAMENTARY COMMITTEE'S INSPECTION FOR USE OF OFFICIAL LANGUAGE:

The first Sub-Committee of the Committee of Parliament on Official Languages has done inspection of the Commission for use of the Official Language in office of the Commission on 7/3/2022. The Sub-Committee reviewed all the works done in the office of the Commission as per requirement of Official Language Act, 1963



and in its report the Sub-Committee has directed the Commission for doing more work in Hindi and also intended for re-inspection within 6 months.

CHAPTER 5 – TOURS AND VISITS

Tours were undertaken by the Hon'ble Chairman and the Members, for the purpose of interacting with the stakeholders and members of the minority community and to understand the problems/ difficulties faced by them. It also gives an opportunity to the Commission to apprise the members of the minority community about their Constitutional rights as well as the role and responsibilities of NCMEI. The tours and visits also provides an opportunity to interact with the political and the State Government functionaries and also ascertain the progress made by the State Governments in ensuring the education of Minorities. The tours and visits have helped in sensitizing the officials of the State Governments about the rights of minorities enshrined in Article 30(1) of the Constitution of India.

5.1 Details of the Tours Undertaken and Meetings Attended during 2021-22, by Justice Narendra Kumar Jain, Hon'ble Chairman of the Commission

S. No.	Date	Place of Visit	Purpose of visit and relevant outcomes
1.	06.04.2021 to 10.04.2021	Rajasthan and Sidhwarkut (Omkareshwar), Madhya Pradesh	During the tour, Hon'ble Chairman appraised the owners, trustees and managers of these Minority Institutions about their educational rights enshrined in Article 30 (1) of the Constitutions of India and how NCMEI is protecting their rights. He also addressed them on the provisions of NCMEI Act, 2004 management of education. Management education is one of the most sought after career options and mushrooming institutions stand testimony to its popularity. Infrastructure and qualified faculty are prerequisite of sound Management. Hon'ble Chairman also informed managers of these minority institutions about various beneficial schemes launched by the Central Government for the minorities.
2.	27.06.2021 to 30.06.2021	Balotra (Barmer), Rajasthan	
3.	19.08.2021 to 23.08.2021	Jaipur, Udaipur, Ranakpur, Rajasthan	
4.	05.08.2021 to 09.08.2021	Varanasi, Uttar Pradesh	
5.	03.09.2021 to 06.09.2021	Rama Mandi, Punjab and Kalawali, District Sirsa, Haryana	
6.	23.09.2021 to 27.09.2021	Jharkhand	
7.	12.10.2021 to 21.10.2021	Bhilwara, Swai Madhopur, Rajasthan and Jabalpur, MP	
8.	03.11.2021 to 05.11.2021	Rajasthan	
9.	04.12.2021	Rampur, Uttar Pradesh	
10.	18.12.2021 to 22.12.2021	Lucknow etc Uttar Pradesh	
11.	26.12.2021 to 30.12.2021	Thiruvananthapuram, Kerala, Kanyakumari and Madurai, Tamil Nadu	During the tour the Initiatives of Government of India like 'Beti Bachao Beti Pado', Nai Roshni was also highlighted by Hon'ble Chairman. Further, he emphasized on importance of leadership building in MEIs.
12.	12.02.2022 to 17.02.2022, 21.02.2022 to 25.02.2022	Jaipur, Bhilwara etc. Rajasthan	
13.	21.03.2022 to 27.03.2022	Swai Madhopur etc. Rajasthan	



Addressing the Minority Educational Institutions Stakeholders at Bhilwara, Rajasthan

जीवन में सफलता प्राप्त करने और कुछ अलग करने के लिए शिक्षा सभी के लिए एक बहुत महत्वपूर्ण साधन है- नरेंद्र कुमार जैन

रामपुर : नेशनल उदभव/ (सलीम अजीज) आज एक कार्यक्रम में शाह बेगम मैरिज हॉल में महिलाओं को ट्रेनिंग प्रमाण पत्र वितरित किए गए । मुख्य अतिथि न्यायमूर्ति नरेंद्र कुमार जैन, चेयरमैन राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्थान अयोग भारत सरकार द्वारा एक सोसाइटी संचालित ट्रेनिंग सेंटरों पर ट्रेनिंग प्राप्त करने वाली 150 महिलाओं को भारत सरकार द्वारा जारी ट्रेनिंग प्रमाण पत्रों का वितरित किए।

इस मौके पर मुख्य अतिथि ने कहा कि जीवन में सफलता प्राप्त करने और कुछ अलग करने के लिए शिक्षा सभी के लिए एक बहुत महत्वपूर्ण साधन है। यह हमें जीवन के कठिन समय में चुनौतियों से सामना करने में



सहायता करता है। शिक्षा स्त्री और पुरुषों दोनों के लिए समान रूप से आवश्यक है, क्योंकि स्वास्थ्य और शिक्षित समाज का निर्माण यह दोनों मिलकर ही कर सकते हैं। उन्होंने कहा कि 'व्यक्ति राष्ट्र के लिए है राष्ट्र व्यक्ति के लिए नहीं' " इस दृष्टि से प्रत्येक व्यक्ति अपने राष्ट्र का अभिन्न अंग होता है। राष्ट्र से अलग होकर उसका कोई अस्तित्व नहीं होता है। अतः प्रत्येक व्यक्ति का कर्तव्य है कि वह राष्ट्र की दृढ़ता तथा अखंडता को बनाये रखने में पूर्ण सहयोग प्रदान करे

एवं राष्ट्र को शक्तिशाली बनाने के लिए राष्ट्रीयता की भावना परम आवश्यक है। संगठन ही सभी शक्तियों की जड़ है, एकता के बल पर ही अनेक राष्ट्रों का निर्माण हुआ है, प्रत्येक वर्ग में एकता के बिना देश कदापि उन्नति नहीं कर सकता। एकता में महान शक्ति है। एकता के बल पर बलवान शत्रु को भी पराजित किया जा सकता है। इस अवसर पर सोसायटी कार्यक्रम में शिरकत करने वालों में, एसडीएम देवेन्द्र प्रताप सिंह, सीओ सिटी अनुज कुमार चौधरी, मेरठ प्रांत संयोजक मुस्लिम राष्ट्रीय मंच कय्युम खान, आरिफ खान, सिराज मेवाती, इदरीश खान, इमारन पाशा, आदि मौजूद रहे।

न्यायमूर्ति द्वारा महिलाओं को वितरित किए गए ट्रेनिंग प्रमाण पत्र

(उत्तर केसरी ब्यूरो)

रामपुर। गुलशन वेलफेयर सोसाइटी द्वारा शाह बेगम मैरिज हॉल में महिलाओं को ट्रेनिंग प्रमाण पत्र वितरित किए गए। मुख्य अतिथि मा. न्यायमूर्ति नरेंद्र कुमार जैन चेयरमैन राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्थान अयोग भारत सरकार द्वारा गुलशन वेलफेयर सोसाइटी द्वारा संचालित ट्रेनिंग सेंटरों पर ट्रेनिंग प्राप्त करने वाली 150 महिलाओं को भारत सरकार द्वारा जारी ट्रेनिंग प्रमाण पत्रों का वितरित किया गया। गुलशन वेलफेयर सोसायटी के सचिव वसीम खान ने मुख्य अतिथि को रामपुरी चाकू भेंट किए। कार्यक्रम की अध्यक्षता विमला जैन और संचालन फसल मुमताज ने किया। इस मौके पर मुख्य अतिथि ने कहा कि जीवन में सफलता प्राप्त करने और कुछ अलग करने के लिए शिक्षा सभी के लिए एक बहुत महत्वपूर्ण साधन है। यह हमें जीवन के कठिन समय में चुनौतियों से सामना करने में

सहायता करता है। शिक्षा स्त्री और पुरुषों दोनों के लिए समान रूप से आवश्यक है, क्योंकि स्वास्थ्य और शिक्षित समाज का निर्माण यह दोनों मिलकर ही कर सकते हैं।

उन्होंने कहा कि व्यक्ति राष्ट्र के लिए है राष्ट्र व्यक्ति के लिए नहीं इस दृष्टि से प्रत्येक व्यक्ति अपने राष्ट्र का अभिन्न अंग होता है। राष्ट्र से अलग

होकर उसका कोई अस्तित्व नहीं होता है। इस अवसर पर गुलशन वेलफेयर सोसायटी के सचिव वसीम खान, एसडीएम देवेन्द्र प्रताप सिंह, सीओ सिटी अनुज कुमार चौधरी, मेरठ प्रांत संयोजक मुस्लिम राष्ट्रीय मंच कय्युम खान, आरिफ खान, सिराज मेवाती, इदरीश खान, इमारन पाशा आदि मौजूद रहे।



Meeting with Minority Educational Institutions Stakeholders at Lucknow, UP



Meeting with Minority Welfare Minister at Ranchi, Jharkhand



Attending Meeting with District Minority Welfare Officer regarding Nai Roshni Scheme for Women of Minority Community

Meeting with minority educational institutions stakeholders at Jain Girls College, Raman, Punjab



Addressing Jain minority community meeting at Bhilwara, Rajasthan

अल्पसंख्यकों के कल्याण के लिए है नयी शिक्षा नीति 2020 : जस्टिस जैन

लखनऊ (एसएनबी)। राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्था आयोग के चेयरमैन जस्टिस नरेन्द्र कुमार जैन ने कहा है कि 'नयी शिक्षा नीति- 2020' देश के सभी अल्पसंख्यकों के कल्याण के लिए है। उन्होंने कहा कि यह शिक्षा नीति रोजगारपरक हैनी चाहिए, साथ ही बच्चों को शिक्षा के लिए प्रेरित करने को भी इसमें शामिल किया जाना चाहिए। जस्टिस जैन सोमवार को यहां कलेक्ट्रेट सभागार में अल्पसंख्यकों के लिए नई शिक्षा नीति- 2020 व उसकी कठिनाइयों पर आयोजित सेमिनार में बोल रहे थे। उन्होंने कहा कि नयी शिक्षा नीति में कम्प्यूटर शिक्षा को आवश्यक रूप से शामिल किया जाना चाहिए। आने वाला समय कम्प्यूटर का ही है।



नई शिक्षा नीति- 2020 व उसकी कठिनाइयों पर सेमिनार आयोजित

वैठक में राजधानी व आसपास के जिलों के शिक्षण संस्थानों के संचालकों व प्रबंधकों ने कई सुझाव दिये और समस्याओं का जिक्र किया। कई शिक्षण संस्थानों ने भारत सरकार से अल्पसंख्यक शिक्षण संस्था का दर्जा प्राप्त होने के बाद भी राज्य स्तर से प्रक्रिया में विलम्ब होने, अल्पसंख्यक शिक्षण संस्थाओं के इन्फ्रास्ट्रक्चर के लिए सरकार द्वारा अर्थिक मदद दिये जाने, धार्मिक शिक्षण संस्थानों में आधुनिक विषय पढ़ाये जाने के लिए आर्थिक सहयोग एवं प्रोत्साहित किये जाने, अल्पसंख्यक शिक्षण संस्थान घोषित किये जाने के लिए राज्य स्तर पर नोडल अधिकारी नियुक्त किये जाने के मुद्दे को प्रमुखता से उठाया।

जस्टिस जैन ने सेमिनार में आये सुझावों एवं समस्याओं का संज्ञान लेते हुए नियमानुसार त्वरित निस्तारण का आश्वासन दिया। सेमिनार में उग्र मदरसा शिक्षा परिषद के सदस्य कमर अली, तनवीर रिजवी, असद हुसैन और डा. इमरान अहमद, अश्विनी कुमार पाण्डेय मुख्य विकास अधिकारी सहित उच्च शिक्षा व अल्पसंख्यक कल्याण विभाग के शासन, मण्डल, जनपद स्तर के अधिकारी तथा जनपद की ख्याति प्राप्त अल्पसंख्यक शैक्षणिक संस्थाओं के संचालकों व प्रबंधकों ने भाग लिया।

News Clipping regarding meeting at Lucknow, UP

**5.2 Details of the Tours undertaken and Meetings attended during the period
24.08.2021 to 31.03.2022 by Prof. (Dr.) Shahid Akhter, Hon'ble Member, NCMEI**

S. No.	Date	Place of Visit	Purpose of visit and relevant outcomes
1	16.09.2021 to 20.09.2021	Ranchi & Bihar Shariff	<ol style="list-style-type: none"> 1. The tours were meant to create awareness about the educational rights enshrined in Article 30 (1) of the Constitution of India. 2. Hon'ble Member(SA) spoke about the rights of minority educational institutions and efforts of the government for uplifting of educational status of minorities. He also explained the role of minority institutions in nation building. 3. During his visit he explained about the powers and functions of National Commission for Minority Educational Institutions and also gave various suggestions to strengthen the minorities in the State. 4. During his visit he met with Hon'ble Minister for Minority Welfare, Government of Jharkhand, Hon'ble Governor of Jharkhand regarding existing condition of minority educational institutions in the state. 5. Hon'ble Member (SA) alongwith Secretary of the Commission attended a meeting with District Magistrate, District Education Officer and District Minority Welfare Officer, Katihar, Government of Bihar at Katihar to discuss problems being faced by minorities. 6. Hon'ble Member(SA) alongwith Hon'ble Chairman, Secretary and Under Secretary of the Commission met with various officers of Government of Jharkhand and minority educational institutions. 7. During his visit he met with Hon'ble Governor, Government of Karnataka and attended different programme organized by minorities' community. 8. Hon'ble Member(SA) attended function as "Guest of Honour" to deliver a talk in the seminar on the "The Role of Languages in the Unity of Bharat" at CPDUMT Auditorium at Maulana Azad National Urdu University's Gachibowli Campus, Hyderabad and also attended different programme organized by Muslim minority community.
2	23.09.2021 to 27.09.2021	Ranchi, Jharkhand	
3	07.10.2021 to 11.10.2021	Ranchi, Jharkhand	
4	23.10.2021 to 25.10.2021	Bangalore, Karnataka	
5	19.11.2021 to 21.11.2021	Hyderabad, A.P.	
6	24.11.2021 to 02.12.2021	Katihar, Bihar & Bihar Shariff	
7	17.12.2021 to 03.01.2022	Ranchi, Jharkhand & Jhalda, Purulia, W.B.	
8	25.02.2022 to 06.03.2022	Ranchi, Jharkhand	



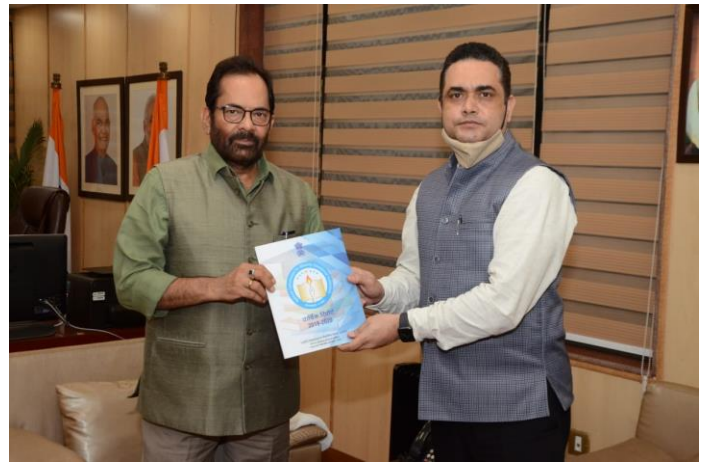
Meeting with Minorities community at Jharkhand



Meeting with Hon'ble Minister of Education



Meeting with Hon'ble Governor of Kerala



Meeting with Hon'ble Minister of Minority Affairs



Meeting with Hon'ble Governor of Karnataka



Meeting with Hon'ble Minister of Tribal Affairs



Meeting with Hon'ble Governor of Jharkhand



Meeting with District Officials of Katihar, Govt of Bihar on 26.11.2021



Intellectual Meet at Aligarh on 25.3.2022



Seminar on Role of Languages in Unity of Bharat at Maulana Azad National Urdu University

CHAPTER 6 – ANALYSIS OF THE PETITIONS AND COMPLAINTS RECEIVED DURING THE YEAR

The Commission registers cases as and when petitions/complaints are received under the following functions:-

- review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation
- specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities
- decide all questions relating to the status of any institution as a Minority Educational Institution and declare its status as such.

From 1st April, 2021 to 31st March, 2022, the Commission registered 190 petitions, out of which 177 petitions were for Minority Status Certificate, 1 was appeal petition and 12 were miscellaneous petitions. The Hon'ble Court of Commission disposed 627 petitions.

The Commission registers cases on following issues :-

- non-issuance of /delay in issue of No Objection Certificate (NOC) by the State Government
- non-grant or delay in the issue of minority status certificate by the State Authority
- denial of permission to open new institutions by minority
- refusal to permit additional course in a minority educational institution
- application for grant of Minority Status Certificate

The Commission also considers cases in respect of the following issues affecting the interests of the MEIs:

- denying permission to the minority educational institution for creating additional post of teacher even with increase in the intake of students
- not giving approval for appointment of teachers
- inequality in pay scales of minority school teachers vis-à-vis government school teachers
- denial of teaching aids/other facilities like computer, library, laboratory, etc. to minority educational institutions at par with government institutions

- non-availability of subjects books in Urdu for the students studying in Urdu school
- non-appointment of Urdu knowing teachers and pay parity of madarsah teachers with other minority school teachers; adequate pay to madarsah employees; and non-release of grant to madarsah
- non-payment of retirement benefits to the teachers and non-teaching staff of the minority schools
- refusal by the University to affiliate a MEI
- providing facilities under Sarva Shiksha Abhiyan to minority educational institutions especially in far flung and remote rural areas etc.

During the year, office of the Commission also received petitions/applications on matters which were outside the purview of the Commission. These petitions/applications were forwarded to the concerned authorities for appropriate action under intimation to the concerned petitioners.

During the year, a total of 86 cases with regard to grant of MSC to the MEIs have been decided by the Hon'ble Commission. Details of some selected cases are given as under:

6.1 CASE NO. 151 of 2019

Subject: Application for Seeking Minority Status Certificate for Shine College of Education, Plot No. 1810/02, 1811/1, Village Kulaith, Tehsil Gwalior, Madhya Pradesh

Petitioner: Shine College of Education, Plot No. 1810/02, 1811/1, Village Kulaith, Tehsil Gwalior, Madhya Pradesh.

Respondent: The Secretary, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh.

The case was decided on 20th July, 2021. An application along with affidavit of Ms. Minal Kaur, President, Sacred Heart Minority Society, 301, Arneja Complex, Naugaja Road, Shinde Ki Chhavani, Lashkar, Gwalior, Madhya Pradesh, was received on 18.3.2019 from the petitioner for grant of minority status certificate to Shine College of Education.

Hon'ble Commission heard the learned counsel appearing on behalf of the petitioner institution and perused the record, documentary evidence and affidavit of Ms. Minal Kaur,

Secretary, Sacred Heart Minority Society, 301, Arneja Complex, Naugaja Road, Shinde Ki Chhavani, Lashkar, Gwalior, Madhya Pradesh.

-----XX-----

The petitioner institution 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 Sikh community and is being administered by Sacred Heart Minority Society, which is managed and run by the members of the Sikh 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 Ms. Minal Kaur.

The Amended Memorandum of Association of the said society clearly reflected that the beneficiaries of the petitioner institution are members of the Sikh minority community. The said facts are also stands proved from the affidavit of Ms. Minal Kaur. There was no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.

-----XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX-----

Relying on the un rebutted evidence produced on behalf of the petitioner, Shine College of Education, Plot No. 1810/02, 1811/1, Village Kulaith, Tehsil Gwalior, Madhya Pradesh run by Sacred Heart Minority Society was considered eligible for grant of minority status on religious basis. The evidence also proved that the said educational institution was established with the main objective of sub-serving the interests of the Sikh Community.

Consequently, Shine College of Education, Plot No. 1810/02, 1811/1, Village Kulaith, Tehsil Gwalior, Madhya Pradesh was declared as a 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 Sikh minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution.

In view of the above, the present petition was disposed of in accordance with this order.

CASE NO. 101 of 2019

Subject: Application for Seeking Minority Status Certificate for Nobel College, Chhatarpur, District Chhatarpur, Madhya Pradesh-471001

Petitioner: Nobel College, Chhatarpur, District Chhatarpur, Madhya Pradesh-471001

Respondent: The Secretary, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh.

The Order was pronounced on 7.12.2021. This application was received on 18.03.2019 by post for grant of Minority Status Certificate (in short MSC) to Nobel College, Chhatarpur, District Chhatarpur, Madhya Pradesh-471001.

-----XXXXXXXXXXXXXXXXXXXXXXXXXXXX-----

As per the information supplied by the petitioner institution with regard to student strength, it was mentioned that out of the total 200 students, only 08 students were from the Muslim minority community, 02 students were from the Christian minority community, 03 students were from the Sikh Minority Community, 21 students were from Jain Minority Community and 165 students were Hindus. It was relevant to mention that out of total 18 teachers, 1 was from Muslim Minority community. 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) had categorically held that the percentage of admission of students from notified minority community in a minority educational institution was not an indicia for determining the minority status of such institution.

-----XXXXXXXXXXXXXXXXXXXXXXXXXXXX-----

The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily members of the Muslim minority community. In addition, the said facts are 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. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Nobel College, Chhatarpur, District Chhatarpur, Madhya Pradesh-471001 run by Aasrariya Alpasankhyak Education Chikitsa Avam 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 subserving the interests of the Muslim minority community.

Consequently, Nobel College, Chhatarpur, District Chhatarpur, Madhya Pradesh-471001 was declared as a 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.

6.2 CASE NO. 227 of 2021

Subject: Application for Seeking Minority Status Certificate for Surjan Devi Anusuiya Devi Degree College, Gangaganj, Lucknow, Uttar Pradesh

Petitioner: Surjan Devi Anusuiya Devi Degree College, Gangaganj, Lucknow, Uttar Pradesh

Respondent: Principal Secretary, Higher Education, Department of Education, Govt. of Uttar Pradesh

The order was pronounced on 10.3.2022. This petition was received on 12.10.2021 by hand through Mr. Rajesh Singh for grant of Minority Status Certificate (in short 'MSC') to Surjan Devi Anusuiya Devi Degree College, Gangaganj, Lucknow, Uttar Pradesh.

Hon'ble Commission heard the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Shri Ganesh Prasad Verma, Secretary of Lala Ganesh Prasad Verma Balika Vidyalaya Samiti.

-----XXXXXXXXXXXXXXXXXXXXXXXXXXXX-----

The petitioner institution 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 Lala Ganesh Prasad Verma Balika Vidyalaya 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 Shri Ganesh Prasad Verma, Secretary of Lala Ganesh Prasad Verma Balika Vidyalaya Samiti.

-----XXXXXXXXXXXXXXXXXXXXXXXXXXXX-----

The Amended Memorandum of Association and all the documents produced by the petitioner institution clearly reflected that the beneficiaries of the petitioner institution were primarily members of the Buddhist minority community. In addition, the said facts are also stands proved from the documents and affidavit filed by the petitioner. There was no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.

Hon'ble Commission also perused the letter dated 07.10.2021 issued by the Dy. Registrar (Aff.), Vice Chancellor Office, Lucknow University, Lucknow, UP for grant of NOC to the petitioner institution. Relying on the said unrebutted evidence produced on behalf of the petitioner, the Commission found and held that Surjan Devi Anusuiya Devi Degree College, Gangaganj, Lucknow, Uttar Pradesh run by Lala Ganesh Prasad Verma Balika Vidyalaya Samiti is eligible for grant of minority status on religious basis. The evidence also proved that the said educational institution was established with the main objective of sub-serving the interests of the Buddhist minority community.

Consequently, Surjan Devi Anusuiya Devi Degree College, Gangaganj, Lucknow, Uttar Pradesh is declared as a 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.

In view of the above, the present petition was disposed of in accordance with this order.

6.3 APPEAL NO. 17 of 2019

Subject: Appeal by Royale Secondary School, Aradi Band, Sailem Bhat, Taleigao, Goa against the orders passed by Secretary (Home) Secretariat, Goa

Petitioner: Royale Secondary School, Aradi Band, Sailem Bhat, Taleigao, Goa

Respondent: Secretary (Home), Secretariat, Porvorim, Goa

The order was pronounced on 15.04.2021. In this appeal filed by the appellant on dated 07.05.2019 U/s 12A of the National Commission for Minority Educational Institutions Act, 2004 (in short 'NCMEI'). The appellant has challenged the impugned order dated 11.01.2019 passed by the Competent Authority of the State of Goa. The impugned order read as follows :-

Subject : Application U/s 10 of the NCMEI Act for grant of No Objection Certificate (NOC) in favor of Xavier Afonso Memorial Institute

Sir,

I am directed to refer to your letter no. 460/18 dated 28.11.2018 on the subject cited above and to inform you that this Department issues NOC only for establishment of minority educational institutions in Goa under Section 2(a) of the National Commission for Minority Educational Institutions Act, 2004. However, your institution has already been established and is in operation.

The background facts of this case that the appellant filed an application under Section 10 of the NCMEI Act, 2004 to the respondent on dated 28.11.2018 for grant of No Objection Certificate (in short 'NOC') which was disposed of vide impugned order dated 11.01.2019. In these circumstances, this appeal has been filed by the appellant against the above impugned order.

Notice of this appeal was issued to respondent. Despite notice, none appeared on behalf of the respondent. It was argued by the learned counsel for the appellant on merits of the appeal that the concerned authority of the State of Goa had failed to appreciate the

provisions of NCMEI Act, 2004 and wrongly disposed of the application with the said observations given in the impugned order. Learned counsel for the appellant submitted that the appellant institution i.e. Royale Secondary School, Aradi Band, Sailem Bhat, Taleigao, Goa is established and administered by the Xavier Afonso Memorial Institute a Registered Society vide registration no. 237/GOA/2004). All the founding and present members of the said society are belonging to Christian minority community. It is worthwhile that the said society was formed by the members of the Christian minority community in the year 2004 in the name of "Little Lambs Primary School" and subsequently in the year 2013 the members of the said society has changed the name of the society from "Little Lambs Primary School" to "Xavier Afonso Memorial Institute". The said change of name of the society was duly approved by the competent authority i.e. Inspector General of Societies, Govt. of Goa.

-----XXXXXXXXXXXXXXXXXXXXXXXXX-----

Learned counsel for the appellant further submitted that the stand taken by respondent to deny NOC to the appellant institution on the ground that since the appellant institution has already been established and is in operation, is nothing but it is clearly against the verdict of Hon'ble Apex Court in the matter of Sisters of St. Joseph of Cluny V/s The State of West Bengal & Others (Civil Appeal No. 3945/2018) judgement dated 18.04.2018. Establishment of an institution and establishment of such institution as a minority institution are entirely different and, therefore, only the appellant institution approached the respondent to grant NOC to the appellant institution to establish the appellant institution as a minority educational institution as per Section 10 of NCMEI Act, 2004. But the respondent without considering the facts and law settled by the Hon'ble Apex Court dismissed / rejected the said application of the appellant by simply stating that the appellant institution is already been established and is in operation.

Impugned order was passed by the respondent on 11.01.2019 but the appellant received copy of the said order on 18.01.2019 only. Delay in filing appeal had been occurred and separate application for condoning of delay was filed. After preparing the appeal sent the same to the appellant for necessary signature and attestation but the signing authority of the appellant institution was out of station, the appellant institution was unable to file the appeal before this Commission within the stipulated time. There was no malefide intention on the part of the appellant for not preferring an appeal before this Commission

within the limitation. The delay caused in filing appeal was not deliberate and intentional but because of the facts and above reasons. So learned counsel for the appellant prayed to condone the delay of 80 days in filing the appeal.

-----XXXXXXXXXXXXXXXXXXXXXX-----

Hon'ble Commission had gone through the cause stated in the application Under Section 5 of Limitation Act and was of considered opinion that it constituted a sufficient cause for the purpose of condoning of delay. The condoning of delay advanced cause of justice rather than to defeat. According to the appellant, the delay was of 80 days in filing that appeal. There was no deliberate delay on the part of the appellant in filing the present appeal. Looking in to the facts and circumstances of the case and the impugned order passed by the respondent, the delay caused in filing appeal by the appellant deserved to be condoned on the ground stated in the application. Accordingly and in view of the aforesaid discussion, the application for condoning of delay was allowed. The delay in filing the present appeal, in the interest of justice, was condoned.

By the impugned order respondent had disposed of the application under section 10 of the NCMEI Act, 2004 and stated that this department issues NOC only for establishment of minority educational institutions in Goa under section 2(a) of the NCMEI Act, 2004. However your institution already been established and is in operation.

The NCMEI Act, 2004 was amended twice in order to further broad based and expand the functions as well as the quasi judicial powers of the NCMEI. The sections relevant for just decision of this case are set out here below:

Looking to the provisions of NCMEI Act, 2004 and the judgement of Hon'ble Apex Court in the matter of Sisters of St. Joseph of Cluny (Supra), this Commission has both original as well as appellate jurisdiction, any educational institution who desires to establish minority educational institution has two options. Firstly, he can apply before an authority established by the Central Government or any State Government, Union Territory as the case may be for grant of MSC to any educational institution and if above authority rejected the application for grant of MSC, the aggrieved person may appeal against such order of the authority to this Commission under section 12B of NCMEI Act, 2004. Secondly, under section 10 of NCMEI Act, 2004 whosoever desires to establish a minority educational institution has to apply the Competent Authority of the State

Government for grant of NOC within a period of 90 days from the receipt of the application, if competent authority does not grant NOC or application has been rejected but not communicated to the appellant it shall be deemed that NOC has granted and the appellant can file application for grant of NOC straightaway to this Commission. Any person aggrieved by the order of refusal to grant NOC by the competent authority may prefer an appeal to this Commission under section 12A of NCMEI Act, 2004.

In considered opinion of the Hon'ble Commission, an educational institution can opt one course either to file application for grant of MSC before the State Competent Authority or to file grant of NOC. In the present case appellant had applied for grant of NOC to the State Competent Authority but instead of deciding the NOC application competent authority of the State had passed impugned order which is under challenged in this appeal.

In view of the above facts and observations, it was an admitted fact that the appellant institution had applied to competent authority of the State of Goa for grant of NOC under section 10 of NCMEI Act, 2004 and the said application was not decided in accordance with the provisions of NCMEI Act, 2004 and verdict of the Hon'ble Apex Court by the State competent authority and passed the impugned order dated 11.01.2019. So in the interest of justice, the Hon'ble Commission was of the considered opinion, without going on the merits of the case, the appeal was allowed, set aside the impugned order dated 11.01.2019 and it was just, proper and fit case to send the matter back to the state competent authority with the request to decide the application of the appellant institution for grant of NOC under Section 10 of the NCMEI Act, 2004 on merits after considering all the documents produced by the appellant institution at the earliest, expeditiously.

In addition to the rules and in the interest of justice, appellant was also directed to produce certified copy of the order of this Commission before the State Competent Authority immediately for compliance of this order.

In view of the above, the present appeal was disposed of in accordance with this order.

CHAPTER 7: CASES REGARDING DEPRIVATION OF RIGHTS OF MINORITY EDUCATIONAL INSTITUTIONS AND AFFILIATION TO UNIVERSITIES

Under Article 30 (1) of the Constitution, religious or linguistic minority has a right to establish and administer educational institutions of its choice. The right however is subject to the regulatory powers of the State to maintain and facilitate excellence in educational standards. In T.M.A. Pai Foundation vs. State of Karnataka (2002) 8 SCC 481 case, the 11-judge bench of the Supreme Court, explained the rights of minorities to establish and administer an educational institution of their choice unhampered by rules and regulations that unnecessarily impinge upon their autonomy. The right to establish and administer broadly comprise of the following rights:-

- ❖ to admit students
- ❖ to fix a reasonable fee structure
- ❖ to constitute a governing body
- ❖ to appoint staff (teaching and non teaching)
- ❖ to take action if there is dereliction of duty on the part of any of the employees.

It was held that the minority institutions could not be allowed to fall below the standards of excellence expected of an educational institution. The Court stated that while the management must be left to be administered by minority community it ought to take steps to maintain quality at par with others. The right to administer, not being absolute, there could be regulatory measures for ensuring educational standards and maintaining excellence thereof and it is more so in the matter of admissions to professional institutions.

The Hon'ble Court of the Commission takes cases of deprivation of rights of MEIs including their affiliation to Universities of their choice. During the year, following cases considered/decided by the Commission with regard to affiliation of a college to a University:

7.1 CASE NO. Appeal 20 of 2019

Subject: Appeal under Section 12A of NCMEI Act by AI–Karim University, Katihar-Purnea Road, Sirsa, Karim Bagh, Katihar – 854 106

Petitioner: AI–Karim University, Katihar-Purnea Road, Sirsa, Karim Bagh, Katihar – 854 106

Respondent: Human Resource Development, Govt. of Bihar, Secretariat, Patna, Bihar – 800 015

The Order was pronounced on 16.3.2022. In this appeal filed by the appellant on dated 14.05.2019 U/s 12A of the National Commission for Minority Educational Institutions Act, 2004 (in short 'NCMEI' Act 2004), the appellant has challenged the impugned order dated 18.04.2019 passed by the Competent Authority of the State of Bihar. The impugned order reads as follows:-

lk=kad 15@,e&1&07@2019&926

fcgkj ljdkj

f'k{kk foHkkx

izs"kd]

lrh'k pUnz >k

ljdkj ds fo'ks" k lfpo

lsok esa]

dqylfpo

vy&djhe fo'ofokj;] dfVgkj

iVuk] fnukad 18-04-2019

fo" k; % futh {ks= esa LFkkiuk ,oa lapkyu dh vuqefr izklr vy&djhe

fo'ofokj;] dfVgkj dks vYila[;d ntkZ iznku djus gsrq vukifÙk izek.k i= ds laca/k

esaA

egksn;]

mi;qZDr fo" k;d vkids i=kad 41@2019 fnukad 21-01-2019 ,oa iqu%

foHkkxh; i=kad 901 fnukad 15-04-2019 ds vkyksd esa vkids i=kad 64@2019

fnukad 17-04-2019 }kjk lefiZr izfrosnu ds IE;d~ leh{kksijkar funs'kkuqlkj dguk

gS fd fcgkj futh fo'ofokj; vf/kfu;e] 2013 esa futh {ks= esa LFkkfir fdlh

fo'ofokj; dks vYila[;d ntkZ iznku djus gsrq vukifÙk izek.k i= fuxZr fd, tkus

laca/kh dksbZ izko/kku of.kZr ugha gSA ,slh fLFkfr esa vkidk izLrko fof/klEer~

ugha gSA

*vr% vy&djhe fo'ofoky;] dfVgkj dks vYila[;d ntkZ ds fufer vukifÙk izek.k
i= fuxZr fd, tkus gsrq vkids izLrko esa vLohÑfr lalwfpr dh tkrh gSA*

fo'okIHkktu]

*¼lrh'k pUnz >k½
Lkjdkj ds fo'ks" k lfpo*

The background facts of this case is that the appellant institution filed an application under Section 10 of the NCMEI Act, 2004 to the respondent on dated 21.01.2019 for grant of No Objection Certificate (in short 'NOC') which was disposed of vide impugned order dated 18.04.2019. In these circumstances, this appeal has been filed by the appellant institution against the above impugned order.

-----XXXXXXXXXXXXXXXXXXXXX-----

Establishment of an institution and establishment of such institution as a minority institution are entirely different and, therefore, only the appellant institution approached the respondent to grant NOC to the appellant institution to establish the appellant institution as a minority educational institution as per Section 10 of NCMEI Act, 2004. But the respondent without considering the facts and law settled by the Hon'ble Apex Court dismissed / rejected the said application of the appellant by simply stating that the appellant institution had already been established as per Bihar Private University Act, 2013 and there was no provision to give NOC to the private university.

Learned counsel for the appellant also submitted that the appellant institution was fulfilling all the criteria for grant of MSC as per NCMEI Act, 2004. The appellant institution was established and is being administered by the members of the Muslim minority community and the Memorandum of Association of said society clearly reflected that the appellant institution had been established primarily for the benefits of Muslim minority community. The said society constituted under Article 30(1) of the Constitution of India. Hence, the appellant institution was established by sponsoring body Al-Karim Educational Trust established under Bihar Private Universities Act, 2013 would also be minority institution and properly recognized by the State of Bihar. In support of their appeal appellant filed a total of 17 documents.

-----XXXXXXXXXXXXXXXXXXXXXXXXXXXX-----

By the said impugned order respondent had disposed of the application under section 10 of the NCMEI Act, 2004 and stated that there was no provision to issue NOC to the private universities because appellant university had already been established and is in operation.

The NCMEI Act, 2004 was amended twice in order to further broad based and expand the functions as well as the quasi judicial powers of the NCMEI.

Looking into the provisions of NCMEI Act, 2004 and the judgement of Hon'ble Apex Court in the matter of Sisters of St. Joseph of Cluny (Supra), this Commission has both jurisdiction original as well as appellate, any educational institution who desires to establish minority educational institution has two options. Firstly, he can apply before an authority established by the Central Government or any State Government, Union Territory as the case may be for grant of MSC to any educational institution and if above authority rejected the application for grant of MSC, the aggrieved person may appeal against such order of the authority to this Commission under section 12B of NCMEI Act, 2004. Secondly, under section 10 of NCMEI Act, 2004 whosoever desires to establish an minority educational institution has to apply the Competent Authority of the State Government for grant of NOC within a period of 90 days from the receipt of the application, if competent authority does not grant NOC or application has been rejected but not communicated to the appellant it shall be deemed that NOC has granted and the appellant can file application for grant of MSC straightaway to this Commission. Any person aggrieved by the order of refusal to grant NOC by the competent authority may prefer an appeal to this Commission under section 12A of NCMEI Act, 2004.

The Hon'ble Commission was of the considered opinion that the educational institution can opt one course either to file application for grant of MSC before the State Competent Authority or to file application for grant of NOC. In the present case appellant has applied for grant of NOC to the State Competent Authority, but instead of deciding the NOC application on merits, the competent authority of the State has passed impugned order without going on merits of this case, which is under challenged in this appeal.

In view of the above facts and observations, it was an admitted fact that the appellant institution had applied to competent authority of the State of Bihar for grant of NOC under

section 10 of NCMEI Act, 2004 and the said application was not decided in accordance with the provisions of NCMEI Act, 2004 and also verdict of the Hon'ble Apex Court by the State competent authority and passed the impugned order dated 18.04.2019.

So in the interest of justice, the Commission found no impediment in the petitioner being granted the NOC by the State competent authority. The impugned order did not reveal any rationale for rejecting the appellant's NOC application. Therefore, the impugned order passed by the competent authority of State of Bihar was set aside. Without going on the merit of the case the matter was remanded to the State competent authority for deliberating on the application for grant of NOC to the appellant Al-Karim University, Katihar.

The competent authority of the State of Bihar was requested to deliberate on application for grant of NOC to the petitioner institution at the earliest but not later than 90 days from the receipt of the copy of this order. In addition to the rules and in the interest of justice, appellant was also directed to produce certified copy of the order of this Commission before the State Competent Authority immediately for compliance of this order.

In view of the above, the present appeal was disposed of in accordance with this order.

7.2 CASE NO. Case No. 319 of 2018

Subject: Application Under Section 12(C) of the National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004 for cancellation of Minority Status Certificate (in short 'MSC') issued to S.M. Zaheer Alam Teachers Training College, At & PO Bahera, District Darbhanga (Bihar)-847201 vide Case No. 1029 of 2016 on dated 16.08.2016

Petitioners: Shri S.M. Naiyer Imam, S/o Late S.M. Zareef, Founder Secretary, Rauf Muslim Jamia (RMJ) & its Institutions, Bahera, District Darbhanga-847201 (Bihar)---

-----1

Shri Rohit Kumar, S/o Shri Santosh Kumar, Village & PO Dhabahi, S-Laukahi, District Madhubani-847108 (Bihar)-----2

Respondents: Shri S.M. Zafar Imam, S/o Late S.M. Zareef, President, Rauf Muslim Jamia Society, C/o S.M. Zaheer Alam Teachers Training College, PO Bahera, District Darbhanga, Bihar-----1

Secretary, Human Resource Development Department, Government of Bihar----2

DATED 19.08.2021

Justice Narendra Kumar Jain, Chairman, NCMEI

The order was pronounced on 18.8.2021. Two complaints / petitions have been received on dated 08.01.2018 and 18.10.2017 from Shri S.M. Naiyer Imam, Founder Secretary, Rauf Muslim Jamia (in short 'RMJ') & its Institutions and Shri Rohit Kumar, RTI Activist, Village & PO Dhabahi, S-Laukahi, District Madhubani-847108 (Bihar) for inquiry and cancellation of MSC issued to S.M. Zaheer Alam Teachers Training College, At & PO Bahera, District Darbhanga (Bihar)-847201 vide Case No. 1029 of 2016 on dated 16.08.2016. Above petitions was registered by this Commission on 02.04.2018 and notice was issued to respondent no. 1 and then on dated 30.08.2018 to the respondent no. 2 also.

The brief facts of the case are that on dated 08.01.2018 this Commission has received complaint by post from Shri S.M. Naiyer Imam, Founder Secretary, RMJ & its Institutions, 101-B, Hytech Castle Apartment, Road No. 3, New Patliputra Colony, Patna-800013 (Bihar) and stated that he would like to throw light on some of the key points on the proforma application, information / documents and affidavits submitted by Mr. S.M. Zafar Imam (self proclaimed Chairman), Mr. Anwar Halim Anwar (self proclaimed Principal), Mr. S.M. Ali Imam (self proclaimed Secretary) of the S.M. Zaheer Alam Teachers Training College, Bahera and others to NCMEI for grant of MSC to S.M. Zaheer Alam Teachers Training College, Bahera, District Darbhanga-847201 (Bihar) run and sponsored by RMJ Society, Bahera and the documents provided by the NCMEI under Right to Information (RTI) Act, 2005.

The petitioner has further submitted that Hon'ble Sub-Judge –III of Civil Court, Darbhanga (Bihar) appointed Mr. Md. Naiyar Azam as Court Receiver, Vide order dated 07.06.2016 for looking after the management and affairs including admissions and examinations of RMJ Society, Bahera and its allied institutions situated at Bahera which has also been notified by Lalit Narayan Mithila University (in short 'LNMU'), Darbhanga through its notification dated 11.07.2016 in compliance of Civil Court order. So the application dated 11.07.2016 filed by the respondent no. 1 before this Commission for grant of MSC without the approval of the Court Receiver, is a clear case of contempt of Hon'ble Civil Court Order dated 07.06.2016. Mr. Anwar Halim Anwar, Principal stated in his affidavit dated 08.07.2016 filed before this Commission that "due to non availability of muslim students rest vacant seats were diverted and filled from general category students for the survival of the institution", but the students who came on merits are removed from selection list, because they are unable to pay the desired amount of donation to the respondent no. 1 and others for admission in B.Ed. and D.Ed. courses and allowed the students who are capable of paying donation to the respondent and others. Less than 5% muslim students are selected under merits randomly since 2012-13, this can be verified from LNMU, Darbhanga (Bihar). He has also stated in the said affidavit that "admission of current session (2016-18) is under process" but he has given affidavit to LNMU, Darbhanga (Bihar) that admission process has been completed between 21.06.2016 to 26.06.2016 / 29.06.2016 as per counselling and admission schedule published in Dainik Bhaskar Newspaper on dated 26.06.2016. So it is sufficient for the fraud of Mr. S.M. Zafar Imam, Mr. S.M. Ali Imam, Mr. Anwar Halim Anwar and others. He is also stated in the said affidavit that "the admission in the current academic session 2016-18 and breakup of minority population communitywise are Muslim -16% + Buddhist – 24% & Jainsim – 5%, total 45%" but this fact is totally false and baseless as Buddhist and Jain students are in the concerned region are less than 01%.

The petitioner no. 1 further stated in the petition that respondent no. 1 has stated in the application for grant of MSC that applicant institution has never applied to this Commission for grant of MSC but this fact is wrong because institution has applied for MSC for the said college T.T. college in the year 2012 and this can be checked with the Commission's record. Respondent no. 1, Mr. S.M. Ali Imam, Secretary and Mr. Anwar Halim Anwar, Principal of the said college are master of forgery and farudism and the matter of governing body of RMJ, Bahera and other institutions are sub judge before the

Hon'ble Sub Judge-III, Civil Court, Darbhanga (Bihar) and they have done a huge scam of several crores of college funds for their personal use and request the Commission to set up an inquiry on grant of MSC to S.M. Zaheer Alam Teachers Training College, PO Bahera, District Darbhanga (Bihar) by deliberately hiding the facts and violating the Hon'ble Civil Court's order and also direct to Superintendent of Police (SP), Darbhanga to lodge FIR against the above persons. In support of his contentions, he has filed the 41 documents before this Commission.

Petitioner No. 2, Mr. Rohit Kumar also filed petition and the substance of the allegations contained in the complaint dated 18.10.2017 are virtually, identical to those contained in the complaint filed by the petitioner no. 1, Shri S.M. Naiyer Imam. He has also stated that Mr. S.M. Zafar Imam was in complicity with the NCMEI, New Delhi and their authorities. MSC issued by this Commission is based on totally false and fake information and with collusion of the officers and staff members of the NCMEI, New Delhi in very hurry manner. Therefore, prayed that the order granting MSC to the S.M. Zaheer Alam Teachers Training College, PO Bahera, District Darbhanga (Bihar) may be cancelled. In support of his contention petitioner no. 2 filed 17 documents before this Commission. The petitioner no. 1 and petitioner no. 2 further filed 7 documents for support of their prayers before the Commission.

Thereafter, both the petitioners have filed and sent by post many applications and complaints, written submissions alongwith some documents, judgements and orders passed by various courts which are available on record. On dated 28.07.2021, Commission has received a letter from Mr. S.M. Naiyer Imam, petitioner no. 1 and in the said letter he has stated that he is not able to attend the upcoming scheduled hearing dated 28.07.2021 in this case and requested to consider the representation as written arguments and immediately withdraw the MSC granted in favour of respondent no. 1 institution.

-----XXXXXXXXXXXXXXXXXXXXX-----

Regional Education Deputy Director, Darbhanga official of respondent no. 2 has also submitted their report and stated that looking in the facts and circumstances of the case this Commission can reconsider the minority status given to respondent no. 1 institution.

On dated 13.01.2020 Director of Education Department, Research and Training has also sent a letter to this Commission and stated that they have constituted joint inspection party and joint inspection party has submitted that respondent no. 1 minority educational institution has failed to admit 50% students belonging to the minority community in the institution as per the rules and regulations and the contention of the respondent institution that 24% Buddhist, 4% Jain and 21% Muslim students admission seems to be wrong. The work of respondent no. 1 institution is not upto the mark for the development and welfare of the minority community and in these circumstances the said MSC can be reconsidered by this Commission. He filed the following 58 documents before this Commission.

The Commission heard Shri S.M. Naiyer Imam, petitioner no. 1 as well as Mr. Saifi Ahmad, Advocate for respondent no. 1 and perused the written arguments, pleadings of the parties, documents filed by parties, order and judgements of courts and also considered the file of case no. 1029 of 2016 by which this Commission has granted MSC to the S.M. Zaheer Alam Teachers Training College, At & PO Bahera, District Darbhanga (Bihar)-847201 and also previous files of this Commission and taking the totality of circumstances into consideration our decision was as follows :-

It was an admitted fact that respondent no. 1 filed an application for grant of MSC before this Commission on dated 11.07.2016 to the S.M. Zaheer Alam Teachers Training College, At & PO Bahera, District Darbhanga (Bihar)-847201 and on first hearing on dated 14.07.2016 following order was passed by this Commission :-

“A petition for grant of minority status certificate has been received from S.M. Zaheera Alam Teachers Training College, At & PO Bahera, District Darbhanga, Bihar. It be registered.

It is stated in the petition that the petitioner institution had applied to the State Government for grant of minority status certificate on 01.12.2015 and the said application is still pending.

Issue notice to the respondent with a direction to apprise the Commission about the status of the said application.

Direct the petitioner to produce original documents on the next date.

Also direct the petitioner to file an affidavit of the Manager /

Headmaster / Principal of the petitioner institution in support of the averments made in the petition.”

Thereafter on dated 16.08.2016 this Commission has passed the following ex-parte order for grant of MSC :-

“It is stated in the petition that on 01.12.2015 the petitioner institution had applied to the State Government for grant of minority status certificate and the same is still pending.

X X X X X X

Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that S.M. Zaheer Alam Teachers Training College, At & PO Bahera, District Darbhanga, Bihar-847201 run by the Rauf Muslim Jamia 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 community. Consequently, S.M. Zaheera Alam Teachers Training College, At & PO Bahera, District Darbhanga, Bihar is declared as a minority educational institution within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act. A minority status certificate be issued accordingly. The minority status certificate be given Dasti.”

It is pertinent to mention here that respondent no. 1 filed the petition for grant of MSC before this Commission on dated 11.07.2016 and this petition was registered on 14.07.2016 by the Commission. On next date of hearing i.e. 16.08.2016 above petition was accepted and MSC was granted in favour of the respondent institution without taking any report from the office of the Commission that whether earlier any petition was filed by the institution or not, in the said respect, as per the general practice of the Commission, but we restraint ourselves making any adverse comments in this respect.

Petitioners challenged the above order dated 16.08.2016 under section 12(c) of the NCMEI Act, 2004 by this petition. It is also an admitted fact that respondent no. 1 has given declaration in the application on dated 11.07.2016 for grant of MSC that the particulars furnished above are true to the best of his knowledge and belief and that if any detail is found on verification / inspection to be false, the Commission shall cancel

the MSC awarded to the institution. The decision of the Commission in this regard shall be final.

It is an admitted fact that in civil suit no. 189 of 2014 / 326 of 2015, learned sub judge on dated 07.06.2016 has passed the following order :-

“Accordingly, Mr. Naiyer Azam S/o Late M.S. Usmani, who was nominated as member by the then President S.M. Zafar Imam / Defendant No. 2 in the admitted Governing Body of the parties issued vide Notification No. 07/RMJ-S/10 dated 16.03.2010, is hereby appointed as Receiver of the “Rauf Muslim Jamia” society who shall look after the affairs related to admission and examination of the society till further orders. He is further directed to submit quarterly report before this court regarding the activities of the society.”

Respondent no. 1 had not mentioned a single word about the said litigation and appointment of receiver in application for grant of MSC in case no. 1029 of 2016. In our considered opinion this amounts suppression of material fact from this Commission. It was for the Commission to take into consideration or not of above order, but it was the legal duty of the respondent no. 1 to bring into knowledge of the Commission about the said important fact of appointment of receiver. It was true that above order dated 07.06.2016 was set aside by the Hon'ble High Court of Patna (Bihar) vide Civil Misc. Case No. 781 of 2016 order dated 30.08.2016 but this was an admitted fact that at the time of filing the application for grant of MSC before this Commission and also at the time of passing the order for grant of MSC, appointment of receiver order was effective and in existence so the matter was subjudice before the Civil Court having the jurisdiction. In our considered opinion this also amount suppression of material fact from this Commission.

Section 12(C) of the NCMEI Act, 2004 enumerates circumstances under which a MSC granted to a minority educational institution can be cancelled by this Commission, and if a MSC has been obtained by practicing fraud or if there is any suppression of any material facts or any fundamental change of circumstances warranting cancellation of earlier order, the NCMEI would be within its power to cancel the MSC. It is also relevant

to mention that the MSC granted by this Commission can be cancelled under section 12(c) of the NCMEI Act, 2004 on violation of any of the conditions enumerated therein, and if on verification of the records it is found that the minority educational institution failed to admit students belonging to minority community in the institution as per rules and prescribed percentage governing admissions during any academic year, this Commission can cancel MSC under section 12(c) (b) of the NCMEI Act, 2004.

Mr. Anwar Halim Anwar, Principal vide his affidavit dated 08.07.2016 filed before this Commission in case no. 1029 of 2016 specifically says that “admission of current session (2016-18) is under process and that the admission in the current academic session 2016-18 and break up of minority population communitywise are : Muslim 16%, Buddhist 24% and Jain 5%, Total 45%”, but both the facts are not correct. Respondent No. 1 has given explanation that by the typing error into the process, since the dates for admission were between 29.06.2016 to 31.06.2016 and due to the typing error the statement of Principal is not false. He has also given explanation as per the resolution dated 02.08.2013 of the governing body of RMJ Society, reservation to be given for 24% Buddhist, 5% Jain and 21% Muslim students to complete the criteria of 50% reservation to minority students, but could not be included in the affidavit of Mr. Anwar Halim Anwar, Principal due to an inadvertent error. In our considered opinion above both the facts are against the respondent no. 1. Mr. Anwar Halim Anwar, Principal has not given any affidavit for the above error and only respondent no. 1 has given above explanation which is not acceptable. In the facts and circumstances of the present case, we are of the considered opinion that above false statement is given by respondent no. 1 before this Commission and also suppress the material fact from this Commission.

In the application dated 11.07.2016 for grant of MSC, respondent no. 1 has stated in Col. No. 2 that the applicant institution had earlier never applied to the NCMEI for grant of MSC, but as per the petitioner no. 1, institution has applied twice for grant of MSC to S.M. Zaheer Alam Teachers Training College, PO Bahera, District Darbhanga (Bihar) which was rejected twice by this Commission vide letter no. 10197 dated 02.08.2006, file no. 1272 of 2006 and letter no. 49338 dated 04.01.2011 vide file no. 2409 of 2010. For above facts respondent no. 1 has given explanation that he has no knowledge of the above facts, moreover there is no resolution or decision of society to apply for MSC before this Commission and therefore, if any application made, was of without authority

and of no consequence. Governing body of the society has taken resolution on dated 22.09.2015 to apply for MSC before this Commission. We have perused the record of this Commission, it is an admitted fact that in file no. 1272 of 2006 following order has been passed by this Commission :-

“An application has been received from the petitioner for injuncting the Vigilance Police or the State Government not to proceed further till the issue is decided by this Commission. The NCMEI Act does not empower the Commission to issue the interim relief as sought by the petitioner. Consequently, the application is dismissed. Petitioner be informed accordingly.”

Secretary of the S.M. Zaheer Alam Teachers Training College, PO Bahera, District Darbhanga, Bihar has sent a representation to the Hon'ble Minister of Human Resource Development, Govt. of India and a copy thereof has been sent to this Commission, so the case was registered as case no. 1059 of 2006. Then petitioner has sent the application for grant of MSC on dated 17.01.2007 following order has been passed in above case by this Commission :

“Learned counsel for the respondent states that identical relief has been sought by the petitioner in filing a writ petition before the Patna High Court. Since the matter is subjudice before the High Court of Patna, it would not be appropriate for this Commission to interfere in the matter at this stage. The petition is disposed of accordingly.”

In above case, petitioner has again sent an application for grant of MSC and this Commission has again passed the following order on dated 13.04.2009 :-

“By the Order dated 17.01.2007, the petition was dismissed on the ground that one of the issue raised in the matter is sub-judice before the Patna High Court. The petitioner has again sent an application for grant of minority status certificate. Since the matter is sub-judice before the Patna High Court, it would not be appropriate to intervene in the matter. The petition is dismissed.”

Petitioner Shri S.M. Naiyer Imam, Secretary of the RMJ again sent a petition for grant of MSC to S.M. Zaheer Alam Teachers Training College, PO Bahera, District Darbhanga, Bihar and this Commission has registered as Case No. 2409 of 2010 and following order has been passed by this Commission on 08.12.2010 :-

“A petition has been received from the S.M. Zaheer Alam Teachers Training College, PO Bahera, District Darbhanga, Bihar-847201 for grant of minority status certificate. It be registered.

It is stated in the petition that on 15.12.2006 the petitioner had applied to the competent authority of the State Government for grant of minority status certificate that is factually incorrect. In fact on 15.05.2006 the petitioner had applied to this Commission for grant of minority status certificate.

By the order dated 13.04.2009, the petition was dismissed on the ground that the matter is subjudice before the Patna High Court. However, it transpires from the record that the petitioner had not applied to the competent authority of the State Government for grant of minority status certificate. The petitioner is directed to do so. The petition is disposed of accordingly. Order be notified to the petitioner.

Petitioner again filed an application for grant of MSC and in above case no. 2409 of 2010 this Commission has again passed the following order on dated 27.04.2011 :-

“An application has been received from S.M. Zaheer Alam Teacher Training College for grant of minority status certificate. By the order dated 08.12.2010, the petitioner’s earlier petition was disposed of with the direction to apply to the State Government first for grant of minority status certificate. It appears that the petitioner had not applied to the State Government. Hence the application be filed.”

Petitioner has again filed petition for grant of MSC to S.M. Zaheer Alam Teachers Training College, PO Bahera, District Darbhanga, Bihar and this petition was registered as case no. 1321 of 2012 on dated 04.04.2013, this Commission has passed the following order :-

“Despite service of final notice, the petitioner has failed to produce original documents. There is no appearance on behalf of the petitioner. Consequently, the petition is dismissed for want of action on part of the petitioner. However, liberty is granted to the petitioner for filing a fresh petition for the same relief, if advised to do so. Order be notified to the petitioner.”

Thereafter, respondent no. 1, Shri S.M. Zafar Imam filed application for grant of MSC before this Commission which was registered as case no. 1029 of 2016 and accepted as discussed above.

The Commission had considered the above facts and in our considered opinion, respondent no. 1 has suppressed the above material facts from the Commission. Respondent has not filed any copy of resolution dated 22.09.2015 in the previous file no. 1029 of 2016, so the theory of resolution also doubtful and not acceptable. As per the application dated 11.07.2016 filed by the respondent no. 1 institution for grant of MSC, order sheet dated 14.07.2016 and order dated 16.08.2016 of this Commission, it is an admitted fact that the application for grant of MSC was pending before the State Competent Authority.

The NCMEI Act, 2004 was amended twice in order to further broad based and expand the functions as well as the quasi judicial powers of the NCMEI. The sections relevant for just decision of this case are set out here below :

-----XXXXXXXXXXXXXXXXXX-----

Looking to the above provisions of NCMEI Act, 2004 and the judgement of Hon’ble Apex Court in the matter of Sisters of St. Joseph of Cluny (Supra), this Commission has both jurisdiction original as well as appellate, any educational institution who desires to establish minority educational institution has two options. Firstly, he can apply before an authority established by the Central Government or any State Government, Union Territory as the case may be for grant of MSC to any educational institution and if above authority rejected the application for grant of MSC, the aggrieved person may appeal against such order of the authority to this Commission under section 12B of NCMEI Act, 2004. Secondly, under Section 10 of NCMEI Act, 2004 whosoever desires to establish an minority educational institution has to apply the Competent Authority of the State

Government for grant of NOC within a period of 90 days from the receipt of the application, if competent authority does not grant NOC or application has been rejected but not communicated to the appellant it shall be deemed that NOC has granted and the appellant can file application for grant of NOC straightaway to this Commission. Any person aggrieved by the order of refused to grant NOC by the competent authority may prefer an appeal to this Commission under Section 12A of NCMEI Act, 2004.

In our considered opinion Educational Institution can opt one course, either to file application for grant of MSC before the State Competent Authority or to file application for grant of NOC. In the present case petitioner has applied for grant of MSC before the competent authority of the State.

In view of the above facts and observations, it is an admitted fact that the petitioner institution has applied to the State competent authority for grant of MSC on dated 01.12.2015 and the said application was still pending before the State competent authority at the time of filing application for grant of MSC. It is specifically mentioned in the order sheet dated 14.07.2016 and also in the final order of this Commission dated 16.08.2016 by which MSC was granted in favour of S.M. Zaheer Alam Teachers Training College, At & PO Bahera, District Darbhanga (Bihar)-847201. So in our considered opinion when the application for grant of MSC was pending before the State competent authority at the time of filing application and also at the time of passing the final order to grant MSC to the institution, then the petitioner has no right to file application to grant MSC before this Commission without final decision of the competent authority.

It was an admitted fact that petitioner has not applied for grant of NOC before the State competent authority under section 10 of the NCMEI Act, 2004. In this way petitioner has no right to file application for grant of MSC straightaway to this Commission till final decision of the competent authority of the State and the MSC granted to the institution vide case no. 1029 of 2016, order dated 16.08.2016 is not valid in the eye of law and deserve to be cancelled.

In the premise, the petition filed by the petitioners Shri S.M. Naiyer Imam and Shri Rohit Kumar succeeds and allowed. The impugned order dated 16.08.2016 passed by this Commission in favour of S.M. Zaheer Alam Teachers Training College, At & PO Bahera,

District Darbhanga (Bihar)-847201 vide case no. 1029 of 2016 is hereby cancelled. Respondent No. 1 is directed to surrender their original MSC of this Commission within one month from the date of this order. However, it is made clear that S.M. Zaheer Alam Teachers Training College, At & PO Bahera, District Darbhanga (Bihar)-847201 is free to move fresh application for grant of MSC as per the prevailing law.

In view of the above, the present petition was disposed of accordingly.

CHAPTER 8 – REFERENCES FROM CENTRAL GOVERNMENT AND STATE GOVERNMENTS AND COMMISSION'S RECOMMENDATIONS

As per Section 11 (a) of the Act, the Commission shall advise the Central Government or any State Government on any question relating to the education of minorities that may be referred to it.

8.1. Meeting with Competent Authorities/Authorities of the States/UTs:

The Commission used to organize meetings of State/UT Competent Authorities and Authorities appointed under section 10 of NCMEI Act and as per the provisions contained in the National Commission for Minorities Act 1992 (19 of 1992) and provide suitable guidance with regard to handling the cases of Minority Educational Institutions. In the year 2021-22, the NCMEI interacted with these authorities online.

31 States/UTs have appointed Competent Authority to grant No Objection Certificate. Assam, Manipur, Dadra & Nagar Haveli, Delhi, J&K and Ladakh have not yet appointed the same. In 31 States/UTs, the petitioner institutions can apply directly to the State/UT for grant of MSC. Chhattisgarh, Sikkim, Dadra & Nagar Haveli, J&K, Ladakh & Puducherry are not having Authorities for grant of MSC. The State Governments/UT Administrations which have not appointed Competent authority as per the Act, have been requested to appoint Competent authority. A list of the State Competent Authority is given in **Annexure-3**.

8.2. Advisory to the Competent Authorities/Authorities of the States/UTs:

The Court of the Commission has passed the orders in several cases directing the Secretary of the Commission to refer its judgment to the State Competent Authorities for prescribing percentage governing admissions of the students in the minority educational institutions in accordance with the principles of law and taking into account the population and educational needs of the area in which the institution is located. Accordingly, office of the Commission has requested the State Competent Authority referring to the judgment in case no. 217 of 2019 dated 23.11.2021 and several other cases.

CHAPTER- 9: RECOMMENDATIONS FOR THE INTEGRATED DEVELOPMENT OF EDUCATION OF THE MINORITIES

Following functions under Section 11 deal with recommendations of NCMEI for integrated development of the minorities:

- make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the Minority Educational Institutions; and
- take measures as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission

9.1 Issues regarding violation of educational rights of the Minority Educational Institutions and constitutional safeguards as enshrined in the Constitution of India are taken up with the MEIs and also they are regularly sensitized on the following:

- Article 30(1) of the Constitution, which provides religious / linguistic minorities to establish and administer educational institutions of their choice.
- Right to Education (RTE) Act- Hon'ble Supreme Court's judgement in the matter of Pramati Educational & Cultural Trust (R) & Others Versus Union of India & Ors., in which it was held that proposition of law establishes that RTE Act 2009 is not applicable to Minority Schools, aided or unaided.
- MEIs rights and immunities like reservation not being applicable in admission, autonomy in choosing its governing body, appointment of teaching & non teaching

staff, admitting students of their own choice including students from non-minority community and also students from their own community etc.

- Judgments of the Hon'ble Supreme Court on the applicability of minorities' rights.
- State's role in maintaining discipline and academic excellence and to regulate the affairs
- Functions and Powers of Commission.

9.2. The Commission also takes the cases of various educational institutions and pass appropriate orders in which the State Competent Authority and State Authority are directed to review the cases of NOC / MSC. Some of the cases which were decided by the Commission and sent back to the State Competent Authority and State Authority are given as under:

9.3 Case No. 217 of 2019:

Subject: Application for MSC by St. Marys Convent School, Agwanpur, Moradabad, Uttar Pradesh-244502

Petitioner: St. Marys Convent School, Agwanpur, Moradabad, Uttar Pradesh-244502

Respondent: Deputy Director, Minorities Welfare Department, Govt. of Uttar Pradesh

The order was pronounced on 23.11.2021. This application was received on 12.04.2019 by hand from the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Marys Convent School, Agwanpur, Moradabad, Uttar Pradesh-244502.

Learned counsel for the petitioner filed an affidavit of Rev. Sr. Alice Peter, President of Seva Charitable Society, St. Marys Convent School, Delhi By-Pass, Serua Chaurah, Aghwanpur, Uttar Pradesh in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are primarily members of the Christian minority community.

-----XXXXXXXXXXXXXXXXXXXXXXXXX-----

Court Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution, the documents filed by the petitioner and affidavit of Rev. Sr. Alice Peter, President of Seva Charitable Society.

Taking into consideration, the documents, information supplied by the petitioner institution, affidavit of Rev. Sr. Alice Peter, President of Seva Charitable Society, in the facts and circumstances of this case, the main issue was whether the petitioner institution is entitled to get MSC from this Commission?

It was an admitted fact by the petitioner institution that out of the total 1005 students only 5 students are from the Christian minority community in the petitioner institution situated at Agwanpur, Moradabad, Uttar Pradesh-244502. As per the 2011 Census, in the State of Uttar Pradesh, population of Christian minority community is 0.18%. It is also pertinent to mention here that out of total teachers strength of 32 in the petitioner institution, 9 teachers are from the Christian minority community. So in our considered opinion the strength of students in the petitioner institution is negligible and also surprisingly the strength of minority students are less than the teachers from minority community in the petitioner institution. Petitioner institution's students strength is only five. In our considered opinion and in the interest of justice, it should be atleast 1%.

As per the judgement of Hon'ble Apex Court in T.M.A. Pai Foundation Vs The State of Karnataka (2002) 8 SCC 481, a minority whether linguistic or religious is determinable only by reference to demography of the State and not by taking into consideration the population of the country as a whole. We are aware of the Buckley Judgement passed by this Commission but there must be reasonable strength of students of minority community in a minority institution and in our considered opinion the percentage could be determined based on the actual proportion of specific minority community in the State's population. In the present case, Christian minority community in the State of Uttar Pradesh represents less than 1% of the State population, the minimum percentage governing admissions could be fixed near about 1%. Petitioner institution has less than the above strength of the students in their institution and is also less than the number of teachers from minority community.

It has been held in P.A. Inamdar V/s State of Maharashtra (2005) 6 SCC 537, "the minority institutions are free to admit students of their own choice including students of non minority community and also members of their own community from other States, both to a limited extent only and not in a manner and to such an extent that their minority educational status is lost. If they do so, they lose the protection of Article 30(1) of the Constitution." And further it has been held in Kerala Education Bill AIR 1958 SC 956 that "Articles 29(2) and 30(1), read together, clearly contemplate a minority institution with a 'sprinkling' of outsiders" admitted in it. By admitting a member of non minority into the minority institution it does not shed its character and cease to be a minority institution".

It was pertinent to mention here that an educational institution is established to sub-serve or advance the purpose for its establishment. Whereas the minorities have the right to establish and administer educational institutions of their own choice with the desire that

their children should be brought up properly and be eligible for higher education and go all over the world fully equipped with such intellectual attainments as it will make them fit for entering into the public services, surely then there must be an implicit in such a fundamental right the corresponding duty to cater to the needs of children of their own community. The beneficiaries of such a fundamental right should be allowed to enjoy it in the fullest measure. Therefore, the educational institutions of their choice will necessarily cater to the needs of the minority community which had established the institution. Mere receipt of state aid does not annihilate the right guaranteed under Article 30(1). It has been held in the case of P.A. Inamdar (Supra) that “a minority institution does not cease to be so, the moment grant-in-aid is received by the institution. An aided minority educational institution, therefore, would be entitled to have the right of admission of students belonging to the minority group and at the same time, would be required to admit a reasonable extent of non-minority students, so that the rights under Article 30(1) are not substantially impaired and further the citizens’ rights under Article 29(2) are not infringed. What would be a reasonable extent, would vary from the types of institution, the courses of education for which admission is being sought and other factors like educational needs. The State Government concerned has to notify the percentage of the minority students to be admitted in the light of the above observations.”

That from bare reading of Article 30(1) of the Constitution of India read with several authoritative pronouncement of the Hon’ble Supreme Court and the definitions of minority educational institution in Section 2(g) of the NCMEI Act, 2004 and Section 2(f) of the Central Educational Institutions (Reservation in Admission) Act, 2006, the following facts should be proved for grant of MSC to an educational institution on religious basis :-

- (i) That the educational institution was established by a member / members of the religious minority community;
- (ii) That the educational institution was established primarily for the benefit of the minority community; and
- (iii) That the educational institution is being administered by the minority community.

The proportion of law enunciated in T.M.A. Pai Foundation case is reiterated in the clarificatory judgement rendered by another constitution bench of Hon’ble Supreme Court in P.A. Inamdar V/s State of Maharashtra (2005) 6 SCC 537 and general principles relating to establishment and administration of educational institutions by minorities are clarified.

The State Government can prescribe percentage of the minority community to be admitted in a minority educational institution taking into account the population and educational needs of the area in which the institution is located. There cannot be a common rule or regulation or order in respect of types of educational institutions from primary to college level and for the entire State fixing the uniform ceiling in the matter of admission of students in minority educational institutions. Thus a balance has to be kept between two objectives – preserving the right of the minorities to admit students of their

own community and that of admitting “sprinkling of outsiders” in their institutions subject to the condition that the manner and number of such admissions should not be violative of the minority character of the institution. It is significant to mention here that Section 12C (b) of the Act also empowers the State Government to prescribe percentage governing admissions in a minority educational institution. Thus the State Government has to prescribe percentage governing admissions of students in the minority educational institutions in accordance with the aforesaid principles of law enunciated by their lordships of the Supreme Court in the cases of T.M.A. Pai Foundation and P.A. Inamdar (supra).

The emphatic point in the P.A. Inamdar (Supra) reasoning is that the minority educational institution is primarily for the benefit of minority community. Sprinkling of the non-minority students in the student population of minority educational institution is expected to be only peripheral either for generating additional financial source or for cultural courtesy. Thus, a substantive section of student population in minority educational institution should belong to the minority. In the context of commercialisation of education, an enquiry about composition of student population of minority educational institution will reveal whether the substantive peripheral formula that can be gathered from P.A. Inamdar case (Supra) is adequately complied with or whether minority educational institution is only a façade for money making.

The court also had considered that, when the Constitution of India enshrines rights on minority educational institutions, it is obvious that there should be some duties required from them as well. But some of the institutions are not adhering to their duties and not giving admissions to students of their own community. The words “that the educational institution was established for the benefit of the minority community” clearly imposes the duty on the minority educational institutions to work for the benefit of their own community rather than mostly for private profit or other purposes. Section 12C of the NCMEI Act, 2004 empowers the NCMEI to cancel the minority status of an educational institution if, on verification of records during an inspection or investigation it is found that the minority educational institution has failed to admit students belonging to the minority community as per rules and a prescribed minimum percentage governing admissions of minority students during any academic year. So the reasonable strength of students of minority community should be there in the minority educational institution for serving their own community for which they are provided constitutional privileges and benefits. Minority educational institutions have the permanent obligation to benefit their own minority community students.

We have also considered another aspect that in order to provide Free and Compulsory Education of all Children in the age group of six to fourteen years as a fundamental right, the Government of India inserted Article 21A in the Constitution of India and also enacted the Right of children to Free and Compulsory Education Act, 2009 (in short RTE Act, 2009) which provides that every child in the age group of six to fourteen years has a right to full time elementary education of satisfactory and equitable quality in a formal

school, which satisfies certain essential norms and standards. But in order to protect minority educational institutions from implementation of the RTE Act, 2009 the Hon'ble Constitutional Bench of Supreme Court in its judgement dated 06.05.2014 in Pramati Educational and Cultural Trust and others V/s Union of India and others (2014) 8 SCC Page 1 held, that the RTE Act, 2009 in so far as it applies to minority schools aided or unaided covered under Clause 1 of Article 30 of the Constitution of India is ultra virus of the Constitution. This proposition of law establishes that said Act 2009 is not applicable to minority educational institutions, aided or unaided at all. In these circumstances, minority educational institutions have moral obligation and duty to benefit their own community students by giving admissions to the reasonable extent.

We have considered the Buckley Primary School (Supra) judgement of this Commission which is probably unintended and created an absolute right for minorities to establish minority educational institutions irrespective of the number of beneficiaries which appears to be in contravention of the provisions of Section 12C of the NCMEI Act, 2004, which empowers the NCMEI to cancel the minority status of an educational institution, if on verification of records during inspection or investigation, it is found, inter-alia that the minority educational institution has failed to admit a prescribed minimum percentage of minority students during any academic year. We are also of the opinion that States should comply with their obligation to determine eligibility of minority educational institutions as mandated in the NCMEI Act, 2004 and should prescribe the minimum percentage governing admissions of minority students during any academic year together with rules and regulations for its determination and to verify its implementation by a minority educational institution, taking into account of population, education needs of the area in which the institution is located and also principles of law enunciated by their lordships of the Hon'ble Supreme Court in the case of T.M.A. Pai Foundation and P.A. Inamdar Case (Supra).

In the interest of justice, Secretary of this Commission was directed to direct all the Competent Authority of State / UTs to comply with this obligation as mandated in NCMEI Act, 2004 and above said judgements passed by Hon'ble Supreme Court and should prescribe a minimum percentage governing admissions of minority students during any academic year based on the proportion of minority students in the State or other reasonable formula and prescribed rules and regulations for such determination and verification of its implementation.

As discussed above, the petitioner institution had failed to fulfill the criteria for grant of MSC. Consequently, the petition filed by the petitioner institution namely St. Marys Convent School, Agwanpur, Moradabad, Uttar Pradesh-244502 was thereby dismissed. However, petitioner institution was free to move fresh application for grant of MSC as per the law, following the procedure after having minimum percentage of students in their institution. In the interest of justice, office was directed to send copy of this judgement to State Competent Authority as well as Secretary of this Commission for compliance of this judgement.

In view of the above, the present petition was disposed of in accordance with this order.

CHAPTER 10- INSTANCES OF VIOLATION AND DEPRIVATION OF EDUCATIONAL RIGHTS OF THE MINORITIES

10.1 Article 30 (1) of the Constitution gives religious or linguistic minorities right to establish and administer educational institutions of their choice. National Commission for Minority Educational Institutions has jurisdiction over the issues concerning religious minority communities which have been notified by the Central Government. At present, six minority communities have been notified by the Central Government viz. Muslim, Christian, Sikh, Budhisht, Jains and Parsis.

10.2. Applicability of Right to Education Act in Minority Schools

The Constitutional bench of Supreme Court in Pramati Educational & Cultural Trust® & Others versus Union of India & Ors (in Writ Petition (C) No. 416 of 2012 reported in “2014 AIR SCW 2859” and “(2014) 8 SCC 1”, held that the 2009 Act i.e. (the Right of Children to Free and Compulsory Education Act, 2009) in so far as it applies to minority schools, aided or unaided, covered under clause (1) of Article 30 of the Constitution is ultra vires the Constitution.

The aforesaid propositions of law established that RTE Act, 2009 is not applicable to Minority Schools, aided or unaided.

The Ministry of Education formerly Ministry of Human Resource Development in August, 2014 clarified after obtaining the opinion of Department of Legal Affairs that “The regulatory provisions like prohibition of holding back and corporal punishment which do not affect the substance of the guaranteed rights to administer educational

institutions as provided under Article 30 (1) are applicable to the minority institutions also. In view of the above, the regulatory provisions as provided in the RTE Act appear to be applicable to minority institutions in terms of Articles 29 and 30 of the Constitution of India.”

10.3 The commission takes the appropriate action on the cases of this type as and when received in the Commission. A case of this nature was decided by the Court of the Commission is given as under is taken as an example:

10.4 CASE NO. 544 of 2015.

Subject: Application for MSC by Syndesmos Public School, Gregorian Nagar, Thikapuzha, Parumala P.O., District Pathanamthitta, Kerala-689626

Petitioner: Syndesmos Public School, Gregorian Nagar, Thikapuzha, Parumala P.O., District Pathanamthitta, Kerala-689626

Respondent: Secretary, General Education Department, Government of Kerala

The order was pronounced on 27.7.2021. Prof. V.I. Joseph, s/o Late Mr. P.K. Iype, Chairman of Mar Gregorios Educational and Charitable Society, Gregorian Nagar, Thikapuzha, Parumala P.O., District Pathanamthitta, Kerala-689626 filed an application on dated 12.03.2015 for grant of Minority Status Certificate (in short ‘MSC’) to Syndesmos Public School, Gregorian Nagar, Thikapuzha, Parumala P.O., District Pathanamthitta, Kerala-689626

-----XXXXXXXXXXXXXXXXXXXX-----

The petitioner institution was established and administered by the members of the Christian minority community. The memorandum of association of the petitioner’s society clearly reflected that the petitioner institution had been established primarily for the benefit of Christian minority community.

After hearing the learned counsel for the petitioner, The Commission had perused the entire records of the petitioner institution i.e. affidavit of Prof. V.I. Joseph and Mr. John Kuruvilla, order no. 14729/F3/13/G. Edn dated 16.03.2013 of State of Kerala, Certificate of Registration of Society, Memorandum of Association, List of founding members, Articles of Association, Affiliation order dated 28.09.2012 and dated 06.01.2015 issued

by CBSE and Unique ID of the petitioner's society as given by the Niti Aayog Portal NGO Darpan.

By the impugned order dated 16.03.2013, the respondent had returned the application for grant of MSC to the petitioner for retransmission through proper channel (Educational Officers). So, it was clear that the State Govt. had not rejected and also not granted MSC to the petitioner and returned to the petitioner for filing through proper channel.

It was an admitted fact that the State Govt. could not deny without any legal ground for grant of minority status to any educational institution because this is a constitutional right of a minority institution. As per Article 30(1) of the Indian Constitution "all minorities whether based on religion or language shall have the right to establish and administer educational institutions of their choice." These rights are protected by a prohibition against their violation. The prohibition is contained in Article 13 of the Constitution which declares that any law in breach of the fundamental rights would be void to the extent of such violation. It is well settled that Article 30(1) cannot be read in a narrow and pedantic sense and being a fundamental rights, it should be given its widest amplitude. The width of Article 30 (1) cannot be cut down by introducing in it considerations which are destructive to the substance of the right enshrined therein. As per the Constitution of India and the provisions of NCMEI Act, 2004 eligibility criteria for grant of Minority Status Certificate is that the educational institution is established by a member/ members of the religious community, and is being administered by the minority community and is established primarily for the benefit of the minority community. It was also reflected by the order of the competent authority dated 16.03.2013 that State has not decided application of the petitioner for grant of MSC on merits.

-----XXXXXXXXXXXXXXXXXXXXXXXXX-----

Looking to the provisions of the NCMEI Act, 2004 and verdict of the Hon'ble Supreme Court, this Commission has both jurisdiction original as well as appellate. Any educational institution who desires to establish minority educational institution has two options. Firstly, he can apply before an authority established by the Central Government or any State Government, Union Territory as the case may be for grant of MSC to any educational institution and if above authorities rejected the application for grant of MSC, the aggrieved person may appeal against such order of the authority to this Commission under section 12B of NCMEI Act, 2004. Secondly, under section 10 of NCMEI Act, 2004 whosoever

desires to establish an minority educational institution has to apply the Competent Authority of the State Government for grant of NOC within a period of 90 days from the receipt of the application, if competent authority does not grant NOC or application has been rejected but not communicated to the petitioner it shall be deemed that NOC has granted and the petitioner can file application for grant of NOC straightaway to this Commission. Any person aggrieved by the order of refusal to grant NOC by the competent authority may prefer an appeal before this Commission under section 12A of NCMEI Act, 2004.

The Commission was of considered opinion that educational institution can opt one course either to file application for grant of MSC before the State Competent Authority or to file grant of NOC. In the present case petitioner has applied for grant of MSC to the State Competent Authority but instead of deciding the application on merits State authority had returned the application to the applicant for retransmission through proper channel.

In view of above facts and observations, it was an admitted fact that the petitioner institution had applied to the Kerala State Authority for grant of MSC and said application was returned for retransmission through proper channel and not decided on merits with the provisions of NCMEI Act, 2004. So in the interest of justice, the Commission was of the considered opinion without going on merits of the case, it was just, proper and fit case to send the matter back to the State competent authority of Kerala State to decide the application of the petitioner for grant of MSC on merits after considering the documents produced by the petitioner institution before the authority at the earliest expeditiously.

Office was directed to send copy of this order to Kerala State Competent Authority and in the interest of justice, in addition the petitioner institution is also directed to produce all the relevant documents and application for grant of MSC alongwith certified copy of this order before the State competent authority immediately for compliance of this order.

In view of the above, the present case was disposed of in accordance with this order.

CHAPTER 11 – RIGHT TO INFORMATION

The right to know is the “sine qua non” of a democracy. The Constitution of India has enshrined the- principles of democracy, especially by guaranteeing to its citizens Fundamental Rights which inter-alia include the people’s right to know everything done by the public functionaries. This right is implicit in Article 19(1)(a) and Article 21 of the Constitution of India.

To promote transparency and accountability in the functioning of the Commission, all the obligatory information under Section 4(i) of the – Right to Information (RTI) Act, 2005 is made available in the Commission’s website www.ncmei.gov.in. Details such as statistics of the cases/ court judgments/ cause list/daily orders are uploaded and updated regularly.

The Commission also has a dedicated helpline to provide information and reply to the query of the petitioners/ applicants.

The Commission being a quasi judicial organisation interacts with a number of petitioners, advocates and other stakeholders. The number of RTI applications received in the Commission is increasing every year.

Shri Jayprakash, Under Secretary is the Public Information Officer and Shri Manoj Kumar Kejrewal, Secretary is the First Appellate Authority.

During 2021-22, the Commission received a total number of 97 RTI applications including appeals (50 online and 47 offline). Also 3 appeals received in the Commission. All the RTI applications and appeals were disposed of as per provisions of RTI Act, 2005.

CHAPTER 12 – CONCLUSION

12.1 Article 30 - Right of minorities to establish and administer educational institutions

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice Section 2(f) of the NCMEI Act, for the purpose of the Act, means a community notified by the Central Government.

The Central Government has notified 6 religious communities, namely Muslims, Christians, Sikhs, Buddhists, Jains and Zorastrians (Parsees). Linguistic minorities do not fall within the ambit of the NCMEI Act.

12.2 As per Section 2 (ca) of National Commission for Minority Educational Institutions (NCMEI) Act 2004,

“Competent authority” means the authority appointed by the appropriate government to grant ‘No objection certificate’ for the establishment of any educational institution of their choice by the minorities.”

For the purpose of Section 10 of the NCMEI Act:

- ❖ all State Governments are required to appoint a “competent authority” to grant “No objection certificate” for those minority educational intuitions which comes to Commission for Minority Status Certificate

and for the purpose of Section 12 (B),of the NCMEI Act, 2004

- ❖ State Governments are required to appoint an “authority” for the grant of “Minority status certificate” to any minority education institution.

12.3 Primarily the responsibility for giving recognition to educational institutions and grant of minority status certificate lies with the State Government. However, many State Governments have no mechanism to consider the request for grant of minority status certificate and as a result the petitioner institutions are approaching the Commission for grant of minority status certificate.

The Commission is incessantly impressing upon the State Authorities to appoint Competent Authority and decide on the application for grant of minority status certificate or furnishing No Objection Certificate to those educational institutions which approach the Commission for grant of MSC. The petitioner institutions from Madhya Pradesh and Kerala who had applied to the State Authorities as well as to the Commission for grant of MSC, in such cases the Commission has passed order to approach the State Authority.

12.4 Some State Government authorities grant minority status certificate for a limited duration. It has been held by the Madras High Court in T.K.V.T.S.S. Medical Educational & Charitable Trust vs. State of Tamil Nadu, AIR 2002 Madras 42 that minority status cannot be conferred on a minority educational institution for a particular period to be renewed periodically like a driving license. It is not open for the State Government to review its earlier order conferring minority status on a minority educational institution unless it is shown that the institution concerned has suppressed any material fact while seeking minority status or there is fundamental change of circumstances warranting cancellation of the earlier order.

12.5 It has come to the knowledge of the Commission that the rules and regulations framed by many regulatory authorities do not conform to the provisions of Article 30 (1). The law made by the State Governments for regulation of educational institution, applies to the minority educational institutions also. If any such law or regulation interferes with the overall administrative control by the management over the staff or dilute in any other manner, the right to establish and administer educational institution, such law or regulations to that extent, will not be applicable to the minority educational institutions. The Commission takes up cases of MEIs in this regard also.

12.6. From the deliberations and interactions with the functionaries of the State Government and Minority Educational Institutions, the Commission feels that the State Government functionaries need to familiarize with the NCMEI Act and sensitized about Article 30 (1).

12.7. In order to streamline and bring transparency in grant of Minority Status Certificate, the Commission has revised the MSC application form w.e.f. November 2019, wherein detailed information about the Institution and functionaries is sought. Further, in certain cases, the Commission also calls for physical inspection report from the Committee of the concerned District Magistrate/Collector.

NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS
Ministry of Human Resource Development
(Govt. of India)

APPLICATION FORM FOR MINORITY STATUS CERTIFICATE
APPLICABLE (w.e.f. 01st NOV 2019)

1. (a) Institution run by:- (Tick the appropriate)

- Individual
- Trust
- Society

Institutions administered by a Trust/Society are required to furnish the unique ID provided by NGO Darpan (portal [Url: http://ngo.india.gov.in](http://ngo.india.gov.in)). The details given in the form should match with the corresponding details of NGO Darpan. (Not applicable for the institution run by an individual).

(b) Name and address of the institution.

(c) The year of its establishment.

(d) Name along with the complete postal address of the Trust/Society (The address should match with the corresponding details provided by the Trust / Society on the NGO Darpan).

(e) Details of the Individual/President or Secretary of the Trust/ Society

- Name
- Postal address (with PIN Code)
- Contact Number
- e-mail ID

(f) Name and addresses of the founding Members/ Mutwallis/ Trustees and their religion.

(g) Names and Addresses of the present Trustees/ Mutwallis/ Members of the Governing Body and their religion.

2. Whether the applicant institution has been established and administered by Religious minority. Proof of religion to be attached (Tick the appropriate)

Muslim	Christian	Sikh	Jain	Buddhist	Parsee
--------	-----------	------	------	----------	--------

3. Whether the applicant institution has applied to authority established by the Central Govt. Or State Govt. as per the provision contained in the National Commission for Minorities Act, 1992 (19 of 1992) for grant of Minority Status Certificate? If so, furnish the status of the application. (Tick the appropriate)

- Whether Minority Status Certificate application is pending before the State Authority.
- Minority Status Certificate application has been rejected (If yes, then the applicant has to apply under Section 12B of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006).
- Minority Status Certificate already granted

4. Whether applied to the State Competent Authority for grant of No Objection Certificate under Section-10 of National Commission for Minority Educational Institutions Act, 2004 . If yes, provide the following information: (Copy of the NOC application is also required to be attached)

- a. Date of application
- b. Acknowledgement / Proof of Service
- c. Status of the application: (Tick the appropriate)
 - (i) Application pending
 - Whether reminder(s) have been sent to the competent authority, if yes, provide the dates. (Copy of the reminder(s) and replies received, if any, in this regard is also required to be attached)
 - (ii) NOC granted by State Government
 - (iii) Application rejected (If yes, then the applicant has to apply under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006).

5. Whether the applicant institution has ever applied to the NCMEI for grant of Minority Status Certificate? If so, furnish reference number. (Copy of the final order of the Commission is required to be attached)

5 (i) Whether the minority status of the applicant institution has been withdrawn/ cancelled by legal authority at any time? If yes, provide the details.

5 (ii) Whether the name of the institution or its ownership has changed since its inception and if so the details thereof.

5 (iii) Whether any judicial forum including Hon'ble Supreme Court or Hon'ble High Court has been approached for grant of minority status? If so, furnish details and give present status.

6. Details pertaining to the Institution

Level of Education: - (Tick the appropriate)

- Madarsa
- Primary
- Secondary
- Higher Secondary
- Higher Education
 - General Degree
 - Technical includes professional/any other (Specify the stream)

(a) Numbers of existing teachers/ faculties and students from minority communities for last three academic years, where applicable

	Number of teachers/faculties and students in academic year -							TOTAL
	Muslim	Christian	Sikh	Jain	Buddhist	Parsee	Hindu	A+B+C+
	(A)	(B)	(C)	(D)	(E)	(F)	+ Other (G)	D+E+ F+G
Teachers/ Faculties								
Students								

7. (i) Whether the Trust/ Society of the applicant institution is registered under the Indian Registration Act/Societies Registration Act.

7 (ii) Trust/ Society are required to attach:

- Copy of registration certificate
- Copy of MOA / Trust Deed
- Copy of amended MOA / Trust Deed (if any)

7 (iii) Individual is required to attach

- Identity proof
- Residence proof
- ITR for last three years(if applicable)
- Documentary evidence (title or possession) of the institution

8 Details of affiliation either to the Central/ State Board or any Govt. Recognized Board or University or UGC (Copy of affiliation to be attached)

- Date of affiliation
- Valid Upto

9. Details of Recognition by the Regularity Body (Applicable for technical & professional Institute)

- Name of the Regularity Body
- Recognition Valid Upto

10. Whether the institution has ever been de-recognised by the respective affiliating / regulatory body?

11. Whether the institution is aided / un-aided.

DECLARATION

I _____ Chairman/President/Secretary on behalf of the _____ Trust/Society, hereby declare that particulars furnished above are true to the best of my knowledge and belief, and that, if any detail is found on verification/ inspection to be false, the Commission shall cancel the minority status certificate awarded to the institution. The decision of the Commission in this regard shall be final.

Place
Date

Chairman/ President / Secretary
(for and on behalf of the Institution)

Please note 1

Five Sets of duly filed application form alongwith the requisite document are required to be submitted.

2. The Commission does not entertain application for linguistic minority.
3. Applicant institution whose No Objection Certificate application under section 10 of the NCMEI Act 2004 has been rejected by the State Competent Authority, then the applicant has to apply under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006
4. Applicant institution whose Minority Status Certificate application under section 12 B of the NCMEI Act 2004 has been rejected by an Authority, is required to apply as per appeal procedure as mentioned in rule 4 of procedure for filing the appeal, 2006.
5. On filing the petition, the petitioner is required to attach duly stamped envelope for sending communication by registered A.D, to the respondents and petitioner.

FORM NO.1

[See rule 4 of procedure for filing the appeal, 2006]

MEMORANDUM OF APPEAL UNDER SECTION 12A(1) AND 12B(1) OF THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS ACT, 2004

For use of Commission's office

Date of filing

Date of receipt by post

Registration No.....

Signature Secretary

IN THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

..... Appellant

..... Respondent (s)

Details of appeals:

- 1 (a) Name and address of the Institution
- 1 (b) Name and address of the President/Secretary of the Trust/Society
2. Whether the appellant institution's claim is based on religious or linguistic minority?
3. Whether the appellant institution has been established or administered by :-
 - (a) Religious minority, or
 - (b) Linguistic minority
4. Particulars of the respondent(s) including address for service of notice
5. Particulars of the order under appeal:-
 - (i) Order Number
 - (ii) Date of the order
 - (iii) Name of the authority, whose order has been challenged in the appeal.
6. *Limitation.* – The appellant further declares that the appeal is within the limitation prescribed under the Act.
7. *Facts of the case and orders passed by the competent authority* - The facts of the case are given below: (Give herein a concise statement of facts and grounds of appeal against the order passed by the competent authority.)
8. *Matter not pending with any other Commission, etc.* - The appellant further declares that the matter regarding which this appeal has been made is not pending before any commission of law or any other authority or any other Tribunal.
9. *Relief sought.* - In view of the facts mentioned in paragraph eight above, the appellant prays for the following reliefs; (specify below the reliefs sought by the appellant).
10. *Details of indeed.* – An index in duplicate containing the details of the documents to be relied upon is enclosed.
11. List of enclosures:

VERIFICATION

I, (name in full in block letters) son / daughter / wife of Shri Do hereby verify that the contents of paras 1 to 11 are true to personal knowledge and belief and that I have not suppressed any material facts.

Signature of the Appellant

Date
Place

DETAILS OF COMPETENT AUTHORITY

S. No.	State	Competent Authority under Section 10	Authority under Section 12(B)
1	Andhra Pradesh	Secretary Department of Minorities Welfare, Government of Andhra Pradesh 3 rd Floor, A.P. Secretariat, Velagapudi, Amaravati, AP	Secretary Department of Minorities, Government of Andhra Pradesh 3rd Floor, A.P. Secretariat, Velagapudi, Amaravati, AP
2	Arunachal Pradesh	Secretary Department of Education Civil Secretariat, Itanagar, Arunachal Pradesh-791111	Deputy Secretary (Education) Civil Secretariat, Education Branch, Block No. 1, 3 rd Floor, PO Itanagar-791 111
3	Assam		Joint Secretary Department of Higher Education, Assam Secretariat, Block C, Secretariat Complex, Dispur, Guwahati-6, Assam
4.	Bihar	<u>For Classes (9th to 12th)</u> Director, Secondary & Senior Secondary Education Ground Floor, Vikas Bhawan New Secretariat, Daily Road, Patna, Bihar-800015 <u>For Classes (1st to 8th)</u> Director, Primary Education Ground Floor, Vikas Bhawan New Secretariat, Daily Road, Patna, Bihar-800015	Secretary Department of HRD, Government of Bihar, Secretariat, Patna, Bihar
5	Chhattisgarh	Commissioner Department of Development of Tribal and Scheduled Caste, Nava Raipur, Ground Floor, Indrawati Bhawan, Chhattisgarh-492015	
6	Goa	Principal Secretary (Home) Department of Home (General), Secretariat, Porvorim – Goa-403521	Secretary (Home) Secretariat, Porvorim – Goa
7	Gujarat	Director Primary Education Dr. Jivraj Mehta Bhawan, 2nd Floor 12/1, Gandhinagar, Gujarat Deputy Director Directors of Schools Old Sachivalaya Block 9/1 Gandhinagar, Gujarat Director of Higher Education Office of the Commissionerate of Higher Education, 2nd floor, block no. 12, Dr. Jivraj Mehta Bhawan, Gandhinagar-382010, Gujarat Commissioner of Technical Education Office of the Commissioner of Technical Education Block No. 2, 6th Floor Karmyogi Bhavan, Sector-10A, Gandhinagar-382 010	Director Primary Education Dr. Jivraj Mehta Bhawan, Floor 12/1, Gandhinagar, Gujarat Commissioner of Schools, Block No. 9-1, Dr. Jivraj Mehta Bhawan, Gandhinagar, Gujarat-382010 Commissioner of Technical Education 2 nd Floor, Block No. 2, Dr. Jivraj Mehta Bhawan, Gandhinagar-382 010

8	Haryana	<p>Additional Chief Secretary Department for Medical Institutions Room no. 529, 5th Floor Haryana New Secretariat , Sector-17, Chandigarh</p> <p>Additional Chief Secretary Higher Education Department for General Colleges Room no. 403, 4th Floor Haryana New Secretariat, Sector-17, Chandigarh</p> <p>Principal Secretary School Education Department for Schools/Primary Schools Room no. 37, 7th Floor Haryana Civil Secretariat, Sector-1, Chandigarh-160001</p> <p>Principal Secretary Technical Education Department Room No. 530, 5th Floor Haryana Mini Secretariat, Sector-17, Chandigarh</p>	<p>Finance Commissioner & Principal Secretary Education Department, Government of Haryana, Civil Secretariat, Chandigarh, Haryana – 160 001</p>
9	Himachal Pradesh	<p>Director Directorate of Higher Education Shimla – 1, Himachal Pradesh</p>	<p>Director Directorate of Higher Education Shimla – 1, Himachal Pradesh</p>
10	Jharkhand	<p>Director, Primary Education Department of School Education & Literacy S.E & L. Department, MDI Building, Post-Dhurwa, Dist-Ranchi-834004</p>	<p>Director, Higher Education Department of Higher, Technical Education & Skill Development, Government of Jharkhand 3rd Floor, Yojana Bhawan, Nepal House, Doranda Ranchi Jharkhand-834002</p> <p>Director, Technical Education Department of Higher, Technical Education & Skill Development, Government of Jharkhand 3rd Floor, Yojana Bhawan, Nepal House, Doranda Ranchi Jharkhand-834002</p> <p>Director, Secondary Education Directorate of Secondary Education School Education & Literacy Department, Jharkhand, Ranchi</p>
11	Karnataka	<p>Additional Chief Secretary Education Department (Higher Education) Govt. of Karnataka Sixth Floor, Multi-storeyed Building, Bengaluru- 560001</p>	<p>Principal Secretary. Education Department (Higher Education) Govt. of Karnataka Sixth Floor, Multi Storeyed Building, Bengaluru, Karnataka-560001</p>
12	Kerala	<p>Director Directorate of Minority welfare Government of Kerala, 4th floor, Vikas Bhavan, Thiruvananthapuram, 695033</p>	<p>Secretary General Education Department, Government of Kerala, Room no. 302, 3rd floor, Annex II Government Secretariat</p>
13	Madhya Pradesh	<p>Secretary, Backward Classes and Minority Welfare Department Govt. of MP, Room No. 339, Mantralaya, Bhopal, MP</p>	<p>Secretary, Backward Classes and Minority Welfare Department, Govt. of MP, Room No. 339, Mantralaya, Bhopal, Madhya Pradesh</p>
14	Maharashtra	<p>Joint Secretary Minorities Development Department Room No. 715, Mantralaya (Annexe), Mumbai-32</p>	<p>Joint Secretary Minorities Development Department Room No. 715, Mantralaya (Annexe), Mumbai-32</p>
15	Manipur		<p>Additional Chief Secretary (Minority Affairs/OBC&SC) Government of Manipur. Room No. 198 Secretariat South Block, Imphal West, Manipur-795001</p>

16	Meghalaya	Secretary, Education Department Govt. of Meghalaya Additional Secretariat Meghalaya: Shillong-793001	Secretary, Education Department Govt. of Meghalaya Additional Secretariat Meghalaya: Shillong-793001
17	Mizoram	Commissioner & Secretary School Education Department Govt. of Mizoram Mission Veng, Aizawl, Mizoram-796001	Commissioner & Secretary School Education Department Govt. of Mizoram Mission Veng, Aizawl, Mizoram-796001
18	Nagaland	Addl. Director (HOD), School Education, Nagaland Directorate of School Education, Nagaland, Kohima – 797001	Addl. Director (HOD), School Education, Nagaland Directorate of School Education, Nagaland, Kohima – 797001
19	Orissa	Director, Elementary Education 5th Floor, HOD Building, Unit-V, Bhubaneswar-01, Khordha, Odisha Director, Secondary Education 6th Floor, HOD Building, Unit-V, Bhubaneswar, Khordha, Odisha	<i>Principal Secretary School & Mass Education Department, Government of Orissa, Secretariat, Bhubaneswar, Orissa – 751 001</i>
20	Punjab	<u>Department of Higher Education</u> Additional Chief Secretary Higher Education and Languages Punjab Punjab Civil Secretariat-II, Sector-9A, Chandigarh <u>Department of Secondary Education Branch</u> Director of Public Instruction (S.E) Punjab Block E, Vidya Bhawan, 4th Floor Complex Punjab School Education Board, Sector 62, S.A.S Nagar	<i>Secretary Higher Education Department, Room No. 510, 5th Floor, Mini Sectt., Sector 9, Chandigarh secy.se@punjab.gov.in</i> <u>Department of Medical Education and Research</u> Additional Chief Secretary Room no. 510, 5th Floor, Punjab Civil Secretariat-II, Sector-9, Chandigarh
21	Rajasthan	Principal Secretary Department of Minority Affairs & Waqf Room No. 1108, Main Buiding, Government Secretariat, Rajasthan, Jaipur-302005.	Principal Secretary Department of Minority Affairs & Waqf Room No. 8145, SSO Building, Secretariat, Jaipur-302005, Rajasthan
22	Sikkim	Additional Chief Secretary Human Resource Development Department Rashtriya Madhyamik Shiksha Abhiyan Tashiling Secretariat, Gangtok, East Sikkim, India - 737101	
23	Tamil Nadu	Principal Secretary School Education Department, Government of Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009 Principal Secretary Higher Education Department Government of Tamil Nadu, Rina Road Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009 Secretary Law Education Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009 Commissioner and Principal Secretary Agriculture Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009 Secretary Health & Welfare Department	Principal Secretary School Education Department, Government of Tamil Nadu, Rina Road, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009 Principal Secretary Higher Education Department, Government of Tamil Nadu, Rina Road Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009 Secretary Law Education Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009 Commissioner and Principal Secretary Agriculture Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009

		Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009	Secretary Health & Welfare Department Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu – 600009
24	Tripura	Secretary Minorities Welfare Department, Secretariat Building, New Capital Complex, Agartala	Secretary Minorities Welfare Department, Secretariat Building, New Capital Complex, Agartala
25	Telangana	Secretary Minorities Welfare Department, “D” Block , Ground Floor, Telangana Secretariat, Hyderabad-500022	Secretary Minorities Welfare Department D-Block, Ground Floor, Telangana Secretariat, Hyderabad-500 022
26	Uttar Pradesh	<u>For Higher Educational Institutions</u> Principal Secretary, New Building, Uttar Pradesh, Hazratganj, Lucknow-226001 <u>For Technical Educational Institutions</u> Principal Secretary, Vikas Nagar, Kanpur-208024 <u>For Vocational Educational Institutions</u> Principal Secretary, Room No. 11, Ground Floor, New Building, Uttar Pradesh Secretariat, Lucknow-226001 <u>For School Education</u> Principal Secretary, Secondary Education Department Bapu Bhawan, 7 th Floor, Lucknow-226001	<i>Deputy Director</i> <i>Minorities Welfare Department,</i> <i>6th Floor, Indira Bhavan, Lucknow</i> <i>Uttar Pradesh</i>
27	Uttarakhand	Incharge Secretary Higher Education, Uttarakhand Govt. Room no. 7, Ground Floor, Late Soban Singh Jeena Bhawan (SBI Bank Building), Uttarakhand Secretariat Uttarakhand Madarsa Education Board Director, Uttarakhand Madarsa Alpsankhyak Kalyan Bhawan, Shaeed Bhagat Singh Colony, Near A.T.S. Adhoiwala, Dehradun	Director, Uttarakhand Madarsa Education Board, Alpsankhyak Kalyan Bhawan, Sheed Bhagat Singh Colony, Near A.T.S. Adhoiwali, Dehradun. Principal Secretary Higher Education, Uttarakhand Govt. Devendra Shastri Bhawan, Uttarkhand Secretariat, Dehradun
28	West Bengal	Commissioner Minority Affairs & Madrasah Education Department, “NABANNA” 325, Sarat Chatterjee Road, Howrah-711102 (West Bengal) Special Secretary Department of Higher Education, Bikash Bhawan, 6 th floor, Kolkata: 700091	Commissioner Minority Affairs & Madrasah Education Department, “NABANNA” 325, Sarat Chatterjee Road, Howrah-711102 (West Bengal) Special Secretary Department of Higher Education, Bikash Bhawan, 6 th floor, Kolkata: 700091
29	Andman & Nikobar	Committee of Officers constituted vide Administration’s Order No. 3593 dt. 16.11.2015 Secretariat, Andaman and Nicobar Administration, Port Blair	Secretary (Edn.) A&N Administration, Secretariat, Port Blair

30	Chandigarh	Director School Education, Chandigarh Additional Deluxe Building, 1st Floor, Sector-9, Chandigarh-160009	Director School Education, Chandigarh Additional Deluxe Building, 1st Floor, Sector-9, Chandigarh-160009
31	Dadar & Nagar Haveli		
32	Daman & Diu	Director (Education) Secretariat, Moti Daman,	Asstt. Director (Education) Directorate of Education, Nani Daman
33	Delhi		Assistant Director of Education (ACT) Directorate of Education, Government of NCT of Delhi, R. No. 214-A, Old Secretariat, Delhi – 110 054 Director of Education Higher Education Department, Govt. of NCT of Delhi, 5, Shyamnath Marg, Delhi-110054
34	J&K		
35	Jadakh		
36	Lakshadweep	Director of Education Department of Education, Kavaratti, UT of Lakshadweep T: 04896262241 M:9188655501 askerupsc@gmail.com	
37	Puducherry	<u>For School Level Educational Institutions</u> Secretary (Education) Chief Secretariat No. 1, Goubert Avenue, Beach Road, Puducherry-605001 <u>For Higher Level Educational Institutions</u> Lieutenant Governor Raj Nivas, Puducherry – 605001	Order pending from Ministry of Home Affairs to appoint CA in MSC cases