

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

**Case No. 58 of 2022**

**In the matter of :-**

**M.M. Rahmani B.Ed. College, Plot No. 4, Village Damodarpur,  
Pasopur P.O., Tehsil / Taluk Teghra, District Begusarai,  
Bihar-851112**

**..... Petitioner**

**V/s**

**Director, Secondary & Senior Secondary Education, Ground  
Floor, Vikas Bhawan, New Secretariat, Bailey Road, Patna,  
Bihar-800015**

**..... Respondent**

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

**ORDER**

**DATED 07.05.2024**

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

1. This petition has been received on 05.05.2022 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to M.M. Rahmani B.Ed. College, Plot No. 4, Village Damodarpur, Pasopur P.O., Tehsil / Taluk Teghra, District Begusarai, Bihar-851112.
2. Learned counsel for the petitioner filed an affidavit of Mr. Haji Md. Anwar Rahmani, Chairman, M.A.Y.A. Charitable Trust in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Muslim minority community.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : BR/2022/0304752 of the petitioner's Trusty as given by the Niti Aayog Portal NGO Darpan, photocopy of NOC application dated 14.07.2021 sent to the State Competent Authority i.e. Director, Secondary & Senior Secondary Education, Patna, Bihar alongwith postal receipt and its tracking report, notarized copy of the Trust Deed dated 26.10.2009 of M.A.Y.A. Charitable Trust, notarized

copy of the recognition order dated 13.05.2015 issued by the Regional Director, National Council for Teacher Education to the unaided petitioner institution from the academic session 2014-15 for conducting of B.Ed. Course of one year, notarized copy of the permanent affiliation order issued by the Registrar, Lalit Narayan Mithila University, Darbhanga to the unaided petitioner institution for imparting two year B.Ed. Course and resolution of the General Body of the Trust in favour of Mr. Haji Md. Anwar Rahmani, Chairman, M.A.Y.A. Charitable Trust for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength as on 2019-22, it is mentioned that out of total 156 students, 28 students are from the Muslim minority community and 128 students are Hindus. It is relevant to mention here that as on 2019-22, out of 24 teachers, 3 teachers are from the Muslim Minority community.
5. It is stated in the petition that on dated 14.07.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 20.07.2021 and the said application is still pending before the State Competent Authority. The State Competent Authority has not granted NOC in favour of the petitioner institution till now and also not rejected the said application and not communicated the same to the petitioner. After 90 days from the receipt of the application for grant of NOC, the petitioner has filed this petition for grant of MSC to this Commission straightway as per the provisions of Section 10 and 11(f) of National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004.
6. Despite service of registered notice / email dated 03.06.2022, no reply / response has been received from the respondent. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained from the Committee constituted by this Commission for issuance of MSC to the

petitioner institution vide order dated 31.08.2022. After service of letter/email to the physical inspection committee dated 27.09.2022, 24.02.2023, 16.05.2023, 14.08.2023, 10.10.2023, 07.12.2023 and 17.01.2024 Physical Inspection Committee, Begusarai has sent physical inspection report dated 07.03.2024 which was received in the Commission's Office on dated 18.03.2024 wherein they have recommended to grant MSC to the petitioner institution.

7. Heard Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mr. Haji Md. Anwar Rahmani, Chairman, M.A.Y.A. Charitable Trust.
8. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Muslim minority community and is being administered by M.A.Y.A. Charitable Trust which is managed and run by the members of the Muslim minority community. The aforesaid averments made in the petition find ample corroboration from the documentary evidence produced on behalf of the petitioner institution and the affidavit of Mr. Haji Md. Anwar Rahmani, Chairman, M.A.Y.A. Charitable Trust.
9. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution. This Commission has also decided that there must be reasonable strength of students of particular minority community in a minority educational institution. The percentage could be determined based on the actual proportion of specific minority community in the State population as per prevailing census. Population of

Muslim minority community in the State of Bihar as per the census of 2011 is 16.87%.

10. I have perused the Trust Deed of the petitioner institution which was registered before the Registering Officer, Teghra, Bihar, Patna on dated 26.10.2009 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 14.07.2021 and petition for grant of MSC on dated 05.05.2022. So it is clear that the amendment has been done before the application filed before the State Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.
11. The Trust Deed dated 26.10.2009 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Muslim minority community. In addition, the said facts also stands proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that M.M. Rahmani B.Ed. College, Plot No. 4, Village Damodarpur, Pasopur P.O., Tehsil / Taluk Teghra, District Begusarai, Bihar-851112 run by M.A.Y.A. Charitable Trust is eligible for grant of minority status on religious basis. The evidence also proves that the said educational institution was established with the main objective of sub-serving the interests of the Muslim minority community.
13. Consequently, M.M. Rahmani B.Ed. College, Plot No. 4, Village Damodarpur, Pasopur P.O., Tehsil / Taluk Teghra, District Begusarai, Bihar-851112 is declared as an unaided minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004 subject to the condition that the petitioner would file an affidavit or undertaking to the fact that the petitioner institution shall not deny

admission of eligible candidate of the Muslim minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution. If the petitioner institution failed to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.

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

Signed, pronounced and published on **Tuesday, 7<sup>th</sup> Day of May, 2024.**

**DR. SHAHID AKHTER  
MEMBER**

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