

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

Case No. 265 of 2022

In the matter of :-

**Rampur National Junior High School, Khusro Bagh Road,
District Rampur, Uttar Pradesh-244901**

..... **Petitioner**

V/s

- 1. Additional Chief Secretary, Deptt. of School Education,
Govt. of Uttar Pradesh, Bahu Khandi, Secretariat,
Lucknow, Uttar Pradesh-226001**
- 2. Additional Chief Secretary, Department of Secondary
Education, Govt. of UP, Bahukhandi Secretariat,
Lucknow, UP**

..... **Respondents**

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

ORDER

DATED 22.05.2024

Dr. Shahid Akhter, Member, NCMEI

- 1. This petition has been received on 05.12.2022 by hand through Mr. Junais P, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Rampur National Junior High School, Khusro Bagh Road, District Rampur, Uttar Pradesh-244901.**
- 2. Learned counsel for the petitioner filed an affidavit of Mr. Maaz Nusrat, Secretary of the Rampur National Educational Society and the authorized representative of the applicant institution i.e. Rampur National Junior High School, Khusro Bagh Road, District Rampur, Uttar Pradesh-244901 in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Muslim minority community.**

3. Learned counsel for the petitioner has filed notarized copy of Unique ID No. : UP/2022/0326379 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 20.10.2021 sent to the State Competent Authority i.e. Additional Chief Secretary, Department of School Education, Govt. of Uttar Pradesh alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Rampur National Educational Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 06.11.2020 alongwith list of present members of the Society, notarized copy of the Permanent Recognition Order issued by the Uttar Pradesh Basic Education Council, Allahabad to the aided petitioner institution for the Higher Primary School (6th to 8th) and resolution of the General Body of the Society in favour of Mr. Maaz Nusrat, Secretary of the Rampur National Educational Society for obtaining MSC from this Commission.
4. As per the information supplied by the petitioner aided institution with regard to students strength in Academic Year 2020-21, it is mentioned that out of total 125 students, 119 students were from the Muslim minority community and 6 students were Hindus, in the year 2021-22, it is mentioned that out of total 141 students, 138 students were from the Muslim minority community and 3 students were Hindus and in the year 2022-23, it is mentioned that out of total 119 students, 114 students are from the Muslim minority community and 5 students are Hindus. It is relevant to mention here that in the year 2020-21 and 2021-22, out of the total 4 teachers, all teachers were from Muslim Minority community and in the year 2022-23, out of the total 2 teachers, all teachers are from Muslim Minority community.

5. It is stated in the petition that on dated 20.10.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 27.10.2021 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 03.01.2023, 13.12.2021, no reply /response has been received from the respondent. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained from the Committee constituted by this Commission for issuance of MSC to the petitioner institution vide order dated 12.04.2023. After service of letters/emails to the physical inspection committee dated 28.04.2023, 21.07.2023, 19.10.2023 and 19.01.2024, Physical Inspection Committee, Rampur has sent physical inspection report dated 07.03.2024 which was received in the Commission's Office on dated 07.03.2024 wherein they have recommended to grant MSC to the petitioner institution.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mr. Maaz Nusrat, Secretary of the Rampur National Educational Society.

8. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution. This Commission has also decided that there must be reasonable strength of students of particular minority community in a minority educational institution. The percentage could be determined based on the actual proportion of specific minority community in the State population as per prevailing census. Population of Muslim minority community in the State of Uttar Pradesh as per the census of 2011 is 19.26%.
9. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Muslim minority community and is being administered by Rampur National Educational Society which is managed and run by the members of the Muslim minority community. The aforesaid averments made in the petition find ample corroboration from the documentary evidence produced on behalf of the petitioner institution and the affidavit of Mr. Maaz Nusrat, Secretary of the Rampur National Educational Society.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar of Societies on dated 06.11.2020 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 20.10.2021 and petition for grant of MSC on dated 05.12.2022. So it is clear that the amendment has been

done before the application filed before the State Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.

11. The Amended Memorandum of Association dated 06.11.2020 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 Rampur National Junior High School, Khusro Bagh Road, District Rampur, Uttar Pradesh-244901 run by Rampur National Educational 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.
13. Consequently, Rampur National Junior High School, Khusro Bagh Road, District Rampur, Uttar Pradesh-244901 is declared as an aided minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004 subject to the condition that the petitioner would file an affidavit or undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of the Muslim minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution. If the petitioner institution failed to comply the above order of this Commission within a period of three months from the

date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.

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

Signed, pronounced and published on **Wednesday, 22nd Day of May, 2024.**

**DR. SHAHID AKHTER
MEMBER**

VB