

**GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR MINORITY  
EDUCATIONAL INSTITUTIONS**

**CASE NO. 103 OF 2023**

**In the matter of:**

**Madarsa Sultania Ziaul Uloom, Village and Post Shrinagar  
Lakhimpur-Kheri, Uttar Pradesh.**

**... Petitioner**

**Versus**

**Additional Chief Secretary, Minority Welfare and Waqf Department,  
Government of Uttar Pradesh, Bahu Khandi, Secretariat, Lucknow,  
Uttar Pradesh.**

**... Respondent**

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

**ORDER**

**Date: 03.09.2024**

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

1. This petition has been received on 20.03.2023 by post through Mr. Mohd. Izraeel Khan, President of petitioner society for grant of Minority Status Certificate (in short 'MSC') to Madarsa Sultania Ziaul Uloom, Village and Post Shrinagar Lakhimpur-Kheri, Uttar Pradesh.

2. Mr. Mohd. Izraeel Khan, President of petitioner society and authorized representative of the petitioner institution filed his affidavit, 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 a notarized copy of Unique ID No.: UP/2021/0290887 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 29.09.2022 submitted before the State Competent authority for NOC alongwith postal receipt and tracking report, notarized copies of Certificate of Registration, Memorandum of Association, Rules and Regulations alongwith list of founding Members, amended Memorandum of Association alongwith list of present Members of the Madarsa Sultania Ziaul Uloom, Village and Post Shrinagar Lakhimpur-Kheri, Uttar Pradesh

and notarized copy of permanent recognition order dated 04.05.1998 of the petitioner institution issued by the Registrar, Arabic and Farsi Examinations, Allahabad, Uttar Pradesh. He has also filed resolution passed by the Governing Body to obtain minority status certificate from this Commission, which is not signed by all the members of the petitioner society.

4. As per the information supplied by the aided petitioner institution with regard to students' strength, it is mentioned that in the year 2019-20, out of the total 573 students, all student were from the Muslim minority community. In the year 2020-21, out of the total 602 students, all students were from Muslim minority community and in the year 2021-22, out of the total 723 students, all students were from the Muslim community. It is relevant to mention here that in the year 2019-20, out of the total 13 teachers, all teachers were from Muslim minority community. In the year 2020-21, out of total 13 teachers, all teachers were from Muslim minority community. In the year 2021-22, out of total 13 teachers, all teachers were from Muslim minority community.

5. It is stated in the petition that on dated 29.09.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 03.10.2022 and the same 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 application 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 31.03.2023 and 30.10.2023, 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 21.11.2023, after service of letter/ email to the physical inspection committee dated 05.01.2024, District Collector, Lakhimpur-Kheri, has sent physical inspection report dated 14.02.2024, which was received in the Commission's Office on dated 23.02.2024 wherein they have recommended to grant MSC to the petitioner institution.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Mr. Mohd. Izraeel Khan, President of petitioner society and authorized representative of the petitioner institution.

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 the Madarsa Sultania Ziaul Uloom, Village and Post Shrinagar Lakhimpur-Kheri, Uttar Pradesh, 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. Mohd. Izraeel Khan, President of petitioner society and authorized representative of the petitioner institution.

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 this Commission in Case No. 1320 of 2009 dated 06.07.2010) 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%.

10. I have perused the amended Memorandum of Association of the petitioner institution, which was registered before the Registrar of Societies, Firms Societies and Chits, Lucknow, on dated 10.01.2022 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 29.09.2022 and petition for grant of MSC on dated 20.03.2023. So it is clear that the amendment has been done before the application filed before the State Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.

11. The amended Memorandum of Association dated 10.01.2022 of the said society and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily

the members of the Muslim minority community. In addition, the said fact 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 before this Commission.

12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that the Madarsa Sultania Ziaul Uloom, Village & Post Shrinagar, Lakhimpur-Kheri, U.P., run by the Madarsa Sultania Ziaul Uloom, Village and Post Shrinagar Lakhimpur-Kheri, Uttar Pradesh, 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, Madarsa Sultania Ziaul Uloom, Village & Post Shrinagar, Lakhimpur-Kheri, U.P., 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 for 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 and also file original General Body Resolution of the society in favour of Mr. Mohd. Izraeel Khan, President of the petitioner society for obtaining minority status certificate from the Commission, duly signed by all the members of the said society. 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, 03<sup>rd</sup> day of September, 2024.**

**DR. SHAHID AKHTER  
MEMBER**