

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

CASE NO. 140 OF 2022

In the matter of:

**National Educational Institute Intermediate College, Village Rayapur
Majre Saraiyapure Visen Post Aliganj Bazar, PS Kudwar, Dist.
Sultanpur, Uttar Pradesh.**

... Petitioner

Versus

- 1. Additional Chief Secretary, Department of School Education,
Government of U.P., Bahu Khandi, Secretariat, Lucknow, U.P.**
- 2. Additional Chief Secretary, Department of Secondary
Education, Government of U.P., Bahu Khandi, Secretariat,
Lucknow, U.P.**

... Respondents

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

ORDER

Date: 05.10.2023

Dr. Shahid Akhter, Member

1. This petition has been received on 08.08.2022 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to National Educational Institute Intermediate College, Village Rayapur Majre Saraiyapure Visen, Post Aliganj Bazar, Dist. Sultanpur, Uttar Pradesh.

2. Learned counsel for the petitioner has filed an affidavit of Mohammed Arif Khan, Chairman, Arif Mahmood Ahmad Khan Group of Institutions (Trust) and authorized representative of the petitioner institution i.e. National Educational Institute Intermediate College, Village Rayapur Majre Saraiyapure Visen, Post Aliganj Bazar, Dist. Sultanpur, Uttar Pradesh, 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 copy of Unique ID No.: UP/2019/0234066 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 20.10.2021 submitted before the State Competent authority for NOC, Notarized copy

of the Trust Deed and list of members of the Arif Mahmood Ahmad Khan Group of Institutions (Trust). He has also filed a notarized copy of order of recognition of petitioner institution issued by the Additional Secretary, Secondary Education Board, Varanasi.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength, it is mentioned that in the year 2019-20, out of the total 1170 students, 1052 students belong to the Muslim minority community and 118 students were Hindu. In the year 2020-21, out of the total 1121 students, 1018 students belong to the Muslim minority community and 103 students were Hindu. In the year 2021-22, out of the total 1243 students, 1120 students belong to Muslim minority community, 123 students were Hindu. In the year 2019-20, out of the total 18 teachers, 10 teachers were from Muslim Minority community and 08 teachers were Hindu. In the year 2020-21, out of the total 17 teachers, 10 teachers belong to Muslim minority community and 07 teachers were Hindu. In the year 2021-22, out of the total 21 teachers, 12 teachers belong to Muslim minority community and 09 teachers were Hindu. It is relevant to mention here that the 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.

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 25.10.2021 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. After service of registered notice/email dated 14.10.2022, 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 14.02.2023, after service of letter/ email to the physical inspection committee dated 15.02.2023 and 25.04.2023, District Magistrate, Sultanpur, U.P., has sent physical inspection report dated 17.04.2023, which was received in the Commission's Office on dated 20.04.2023.

7. Heard learned counsel for the petitioner, perused the pleadings of the parties, the documents filed by the petitioner and affidavit of Mohammed Arif Khan, Chairman, Arif Mahmood Ahmad Khan Group of Institutions (Trust) and authorized representative of the petitioner institution i.e. National Educational Institute Intermediate College, Village Rayapur Majre Saraiyapure Visen, Post Aliganj Bazar, Dist. Sultanpur, Uttar Pradesh.

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 Arif Mahmood Ahmad Khan Group of Institutions (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 Mohammed Arif Khan, Chairman, Arif Mahmood Ahmad Khan Group of Institutions (Trust) and authorized representative of the petitioner institution i.e. National Educational Institute Intermediate College, Village Rayapur Majre Saraiyapure Visen, Post Aliganj Bazar, Dist. Sultanpur, Uttar Pradesh.

9. The Trust Deed of the said Trust 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.

10. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that the National Educational Institute Intermediate College, Village Rayapur Majre Saraiyapure Visen, Post Aliganj Bazar, Dist. Sultanpur, U.P., run by the Arif Mahmood Ahmad Khan Group of Institutions (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.

11. Consequently, National Educational Institute Intermediate College, Village Rayapur Majre Saraiyapure Visen, Post Aliganj Bazar, Dist. Sultanpur, U.P., 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.

12. After compliance of the above order, a minority status certificate be issued accordingly.

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

Signed, pronounced and published on **Thursday, 05th day of October, 2023.**

**DR. SHAHID AKHTER
MEMBER**