

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

**CASE NO. 33 OF 2023**

**In the matter of:**

**Jamiatul Faisal Public Primary School, Vill & Post Raja Ka Taajpur,  
Block Noorpur, District Bijnor, Uttar Pradesh – 246 735.**

**... Petitioner**

**Versus**

**Additional Chief Secretary, Department of Basic Education,  
Government of Uttar Pradesh.**

**... Respondent**

**Present:** Mr. Faiyyaz Ahmad Ansari for the petitioner.  
None for the respondent.

**ORDER**

**Date: 04.09.2024**

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

1. This petition has been received on 16.01.2023 by hand Mr. Sirajuddin Nadwi of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Jamiatul Faisal Public Primary School, Vill & Post Raja Ka Taajpur, Block Noorpur, District Bijnor, Uttar Pradesh.

2. Mr. Sirajuddin Nadwi, Manager of the Jamiatul Faisal Samiti has 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. Mr. Sirajuddin Nadwi has filed a copy of Unique ID No.: UP/2022/0307273 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 21.09.2022 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration, Memorandum of Association, Rules and Regulations, founding members and present governing body members list of the Jamiatul Faisal Samiti. He has also filed notarized copy of recognition order dated 28.05.2009 of petitioner institution, issued by the District Basic Education Officer, Bijnor, U.P.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength during the academic year 2022-23, it is mentioned that out of the total 323 students, all students were from the Muslim minority community. It is relevant to mention here that during the academic year 2022-23, out of the total 12 teachers, all teachers belong to Muslim minority community.

5. It is stated in the petition that on dated 21.09.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 27.09.2022 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 31.01.2023, 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 02.05.2023, after service of letter/ email to the physical inspection committee dated 16.05.2023, 25.08.2023, 19.12.2023, 12.02.2024, District Magistrate, Bijnor, has sent physical inspection report dated 01.04.2024, which was received in the Commission's Office on dated 09.04.2024 wherein they have not mentioned any adverse/negative remarks 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. Sirajuddin Nadwi, Manager of the Jamiatul Faisal Samiti.

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 Jamiatul Faisal Samiti, 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. Sirajuddin Nadwi, Manager of the Jamiatul Faisal Samiti.

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 Memorandum of Association of the petitioner institution, which was registered before the Registrar of Societies, Chennai, on dated 10.09.1996 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 21.09.2022 and petition for grant of MSC on dated 16.01.2023.

11. The Memorandum of Association dated 10.09.1996 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 Jamiatul Faisal Public Primary School, Vill & Post Raja Ka Taajpur, Block Noorpur, District Bijnor, Uttar Pradesh, run by the Jamiatul Faisal Samiti, 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, Jamiatul Faisal Public Primary School, Vill & Post Raja Ka Taajpur, Block Noorpur, District Bijnor, Uttar Pradesh, 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 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. 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, **04<sup>th</sup> day of September, 2024.**

**DR. SHAHID AKHTER  
MEMBER**