

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

Case No. 290 of 2024

In the matter of :-

**Husn Sahara English Medium School, Gogal, Housing Board,
Margao, Salcete, District South Goa - 403601**

..... **Petitioner**

V/s

**Principal Secretary(Home), Department of Home(General),
Secretariat, Porvorim, Goa - 403521**

..... **Respondent**

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

ORDER

DATED 23.01.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 03.12.2024 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Husn Sahara English Medium School, Gogal, Housing Board, Margao, Salcete, District South Goa – 403601.
2. Learned counsel for the petitioner filed affidavit of Murad Mulla, President of Sahara Muslim Welfare Education Society and the authorized representative of the applicant institution i.e. Husn Sahara English Medium School, Gogal, Housing Board, Margao, Salcete, District South Goa – 403601 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. : GA/2017/0162203 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, notarized copy of NOC application dated 06.03.2024 by hand the State Competent Authority i.e. Principal Secretary(Home), Department of Home(General), Secretariat, Porvorim, Goa, certified copy of

Certificate of Registration dated 28.02.2024 of Sahara Muslim Welfare Education Society, certified copy of Memorandum of Association alongwith list of founding members of the Society, certified copy of Amended Memorandum of Association alongwith list of present members of the Society, he has also filed notarized copy of letter dated 03.12.2021 issued by the Dy. Director of Education(Acad.), Directorate of Education, Government of Goa granting recognition to the petitioner institution for the academic year 2021-22 to the unaided for upto 10th STD, and resolution of the General Body of the Society in favour of Murad Mulla, President of Sahara Muslim Welfare Education Society and the authorized representative of the applicant institution for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner institution with regard to students strength, it is mentioned that during the academic year 2022-23, out of 304, 288 students were from the Muslim community, 01 student was from the Christian community and 15 students were Hindus and during the academic year 2023-24, out of total 277 students, 253 students were from the Muslim minority community, 01 student was from the Christian community and 23 students were Hindus and during the academic year 2024-25, out of total 281 students, 266 students were from the Muslim minority community and 15 students were Hindus. It is relevant to mention here that during the academic year 2022-23, out of the total 17 teachers, 07 teachers were from the Muslim minority community and 10 teachers were Hindus. In the academic year 2023-24, out of the total 18 teachers, 08 teachers were from the Muslim minority community and 10 teachers were Hindus and In the academic year 2024-25, out of the total 18 teachers, 08 teachers were from the Muslim minority community and 10 teachers were Hindus.
5. It is stated in the petition that on dated 06.03.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC before the Competent Authority i.e. Principal Secretary (Home), Department of Home(General), Secretariat, Porvorim, Goa and the Competent authority vide

order No. 27/18/2020-HD(G) dated 20.09.2024 has granted No Objection Certificate to the petitioner institution.

6. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Murad Mulla, President of Sahara Muslim Welfare Education Society and authorized representative of petitioner institution. In fact and circumstances of the case, there appears no need to give notice of this petition as respondent has granted NOC in favour of the petitioner institution.
7. 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 Sahara Muslim Welfare Education 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 Murad Mulla, President of Sahara Muslim Welfare Education Society and authorized representative of petitioner institution.
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 this 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 Goa as per the census of 2011 is 8.33%.

9. I have perused the amended Memorandum of Association of Sahara Muslim Welfare Education Society which was registered before District Registrar, South Goa, Margao Dated 19.10.2023, which is before filing petition for grant of MSC on dated 06.03.2024, So it is clear that the amendment has been done before filing the petition for grant of MSC before this Commission.
10. The Amended Memorandum of Association 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.
11. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Husn Sahara English Medium School, Gogal, Housing Board, Margao, Salcete, District South Goa – 403601 run by Sahara Muslim Welfare Education 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 sub-serving the interests of the Muslim minority community.
12. Consequently, Husn Sahara English Medium School, Gogal, Housing Board, Margao, Salcete, District South Goa – 403601, is declared as 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.

13. After compliance of the above order, a minority status certificate be issued accordingly.
14. However, it is made clear that if state Government has any objection in granting MSC in favour of the petitioner institution i.e. Husn Sahara English Medium School, Gogal, Housing Board, Margao, Salcete, District South Goa – 403601, the State is free to file and an application for cancellation of MSC under Section 12(c) of the NCMEI Act, 2004.
15. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Thursday, 23rd of January 2025.**

**DR. SHAHID AKHTER
MEMBER**

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