

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

**CASE NO. 73 OF 2023**

**In the matter of:**

**Metropolitan School, D - 26, Avas Vikas Colony, Surajkund,  
Gorakhpur, Uttar Pradesh 273013.**

**... Petitioner**

**Versus**

- 1. Principal Secretary, Department of Secondary Education,  
Government of Uttar Pradesh, Bahu Khandi, Secretariat,  
Lucknow, Uttar Pradesh.**
- 2. Additional Chief Secretary, Department of Secondary  
Education, Government of Uttar Pradesh**
- 3. Additional Chief Secretary, Department of Basic Education,  
Government of Uttar Pradesh.**

**... Respondents**

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

**ORDER**

**Date: 29.01.2025**

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

1. This petition has been received on 20.02.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Metropolitan School, D -26, Avas Vikas Colony, Surajkund, Gorakhpur, Uttar Pradesh 273013.

2. Learned counsel for the petitioner filed affidavit of Mr. Shravan Singh Gambhir, Trustee, Sardar Amarjeet Singh Memorial Educational Trust and authorized representative of petitioner institution in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Sikh minority community.

3. Learned counsel for the petitioner has filed a notarized copy of Unique ID No.: UP/2021/0290068 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 02.11.2022 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Trust Deed and Supplementary Trust Deed of Sardar Amarjeet Singh Memorial Educational

Trust. He has also filed notarized copy of The Certificate of Recognition issued by District Basic Education Officer, Gorakhpur to the petitioner institution. He has filed original Resolution of the General Body of the Trust in favour of Mr. Shravan Singh Gambhir, Trustee, "Sardar Amarjeet Singh Memorial Educational Trust" for obtaining MSC from this Commission.

4. Learned Counsel for the petitioner has filed Clarification Affidavit about the student's details which was received in the Commission's office on dated 03.10.2024. As per the information supplied by the unaided petitioner institution with regard to students' strength during the academic year 2020-21, it is mentioned that out of the total 206 students, 23 students were from the Muslim minority community, 23 students were from the Sikh minority community and 160 students were Hindu. In the year 2021-22, it is mentioned that out of the total 168 students, 20 students were from the Muslim minority community, 15 students were from the Sikh minority community and 133 students were Hindu. In the year 2022-23, it is mentioned that out of the total 179 students, 17 students were from the Muslim minority community, 16 students were from the Sikh minority community and 146 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of the total 07 teachers, 01 teachers was from Muslim minority community, 06 teachers were Hindu. In the year 2021-22, out of the total 09 teachers, 02 teachers were from Muslim minority community, 07 teachers were Hindu. In the year 2022-23, out of the total 10 teachers, 02 teachers were from the Muslim minority community, 08 teachers were Hindu.

5. It is stated in the petition that on dated 02.11.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 07.11.2022 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 09.03.2023 and 28.07.2023 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 01.11.2023, after service of letter/ email to the physical inspection committee dated 03.01.2024 and 19.03.2024, the District Collector, Gorakhpur, has sent physical inspection report dated 15.03.2024, which was received in the Commission's Office on dated 26.03.2024 wherein they have stated that the building of petitioner institution is neat and clean conducive to academic environment.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Mr. Shravan Singh Gambhir, Trustee, Sardar Amarjeet Singh Memorial Educational Trust and authorized representative of 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 Sikh minority community and is being administered by the Sardar Amarjeet Singh Memorial Educational Trust, which is managed and run by the members of the Sikh 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. Shravan Singh Gambhir, Trustee, Sardar Amarjeet Singh Memorial Educational Trust and authorized representative of 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 Sikh minority community in the State of Uttar Pradesh as per the census of 2011 is 0.32%.

10. I have perused the Supplementary Trust Deed of the petitioner institution, which was registered before the Assistant Registrar, Firms, Trust, Chits, Gorakhpur, Uttar Pradesh, on dated 15.10.2022 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 02.11.2022 and petition for grant of MSC on dated 20.02.2023.

11. The Supplementary Trust Deed dated 15.10.2022 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 Sikh 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that the Metropolitan School, D -26, Avas Vikas Colony, Surajkund, Gorakhpur, Uttar Pradesh 273013, run by the Sardar Amarjeet Singh Memorial Educational 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 subserving the interests of the Sikh minority community.

13. Consequently, Metropolitan School, D -26, Avas Vikas Colony, Surajkund, Gorakhpur, Uttar Pradesh 273013, is declared as 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 Sikh 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, 29<sup>th</sup> day of January, 2025.**

**DR. SHAHID AKHTER  
MEMBER**

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