

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

Case No. 291 of 2024

In the matter of :-

**AIM English Medium High School, Rumdamol, Davorlim, Salcete,
Goa - 403707**

..... **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 28.01.2025

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 AIM English Medium High School, Rumdamol, Davorlim, Salcete, Goa – 403707.
2. Learned counsel for the petitioner filed affidavit of Mr. Ashraf M. Pandial, President of Anjuman Islahul Muslameen and the authorized representative of the applicant institution i.e. AIM English Medium High School, Rumdamol, Davorlim, Salcete, Goa – 403707 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/2019/0228983 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of NOC application dated 15.04.2024 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 14.11.2024 of Anjuman Islahul Muslameen, certified copy of Memorandum of Association, certified copy of Rules and Regulations 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 03.05.2016 issued by the Dy. Director of Education(Acad.), Directorate of Education, Government of Goa granting recognition to the petitioner institution for the academic year 2016-17 to the unaided for upto 10th STD, and resolution of the General Body of the Society in favour of Mr. Ashraf M. Pandial, President of Anjuman Islahul Muslameen 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 607, 577 students were from the Muslim community, and 30 students were Hindus and during the academic year 2023-24, out of total 623 students, 587 students were from the Muslim minority community, 01 student was from the Christian community and 35 students were Hindus and during the academic year 2024-25, out of total 641 students, 616 students were from the Muslim minority community and 25 students were Hindus. It is relevant to mention here that during the academic year 2022-23, out of the total 25 teachers, 11 teachers were from the Muslim minority community, 02 teachers were from the Christian minority community and 12 teachers were Hindus. In the academic year 2023-24, out of the total 25 teachers, 11 teachers were from the Muslim minority community, 02 teachers were from the Christian minority community and 12 teachers were Hindus and In the academic year 2024-25, out of the total 25 teachers, 11 teachers were from the Muslim minority community, 02 teachers were from the Christian minority community and 12 teachers were Hindus.
5. It is stated in the petition that on dated 15.04.2024, 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. 27/16/2020-HD(G)/3402 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 Mr. Ashraf M. Pandial, President of Anjuman Islahul Muslameen and the authorized representative of the applicant institution for obtaining MSC from this Commission. 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 Anjuman Islahul Muslameen 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. Ashraf M. Pandial, President of Anjuman Islahul Muslameen 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 Anjuman Islahul Muslameen which was registered before District Registrar, South Goa, Margao Dated 09.10.2023, which is before filing petition for grant of MSC on dated 03.12.2024, 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that AIM English Medium High School, Rumdamol, Davorlim, Salcete, Goa – 403707 run by Anjuman Islahul Muslameen 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, AIM English Medium High School, Rumdamol, Davorlim, Salcete, Goa – 403707, 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. AIM English Medium High School, Rumdamol, Davorlim, Salcete, Goa – 403707, 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 **Tuesday, 28th of January 2025.**

**DR. SHAHID AKHTER
MEMBER**

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