



CHAPTER 1

Introduction

1.1 OVERVIEW

“Education is the single most important instrument for social and economic transformation. A well-educated population, adequately equipped with knowledge and skill is not only essential to support economic growth, but is also a precondition for growth to be inclusive, since it is the educated and skilled person who can stand to benefit most from the employment opportunities which growth will provide.” (Para 10.1 of ‘An approach to the Twelfth Five-year Plan’). The Ministry of Education is focussing on an inclusive agenda, with a vision of realizing India’s human resource potential to its fullest with equity and excellence. Government is committed to address the backwardness in education of all minorities.

Constitution of India has provided protection to the rights of the minorities in the country, considering the fact pluralistic character of our country can be benefitted by such protection. The idea of giving some special rights to the minorities is not to treat them as privileged section of the population but to give them a sense of security. These special rights for the minorities were designed to bring about equality by ensuring preservation of the minority institutions and by guaranteeing autonomy in it’s day to day functioning. Article 30 provides for the right of the minorities to establish and administer educational institutions and it also provides for-

- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- (1A) In making any law providing for the compulsory acquisition of any property of any educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.
- (2) The State shall not, in granting aid to educational institutions, discriminate against any educational institutions on the ground that it is under the management of a minority, whether based on religion or language.

The National Commission for Minority Educational Institutions (NCMEI) Act, 2004 was enacted by the Parliament, in order to safeguard the educational rights enshrined in Article 30 (1) of the Constitution of India. The “minority” for the purpose of this Act, means a community notified as such by the Central Government. The Central Government has notified six minority communities (MCs) viz. Muslim, Christian, Sikh, Buddhist, Jain and Parsi.

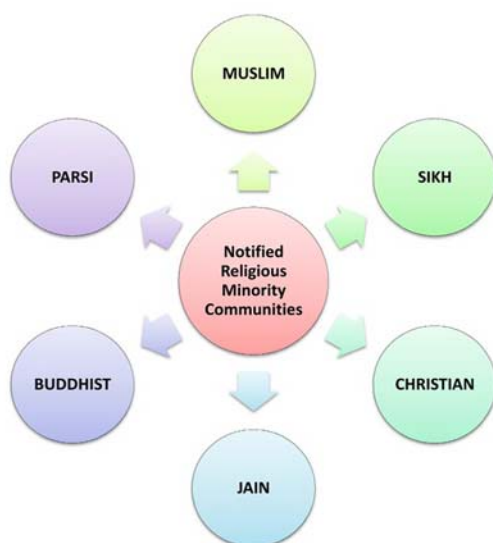


Fig. 1.1: Minority Communities notified by GoI

As per 2011 Census, the percentage and number of people from different communities including minority communities are:

- Hindus : 79.8% (966.3 million),
- Muslims : 14.23% (172.2 million)
- Christians : 2.30% (28.7 million).
- Sikh : 1.72% (20.8 million)
- Buddhists : 0.7% (8.5 million)
- Jains : 0.37% (4.48 million)
- Parsis : 57,264
- Others : 0.9% (10.9 million)

1.2 HISTORICAL BACKGROUND

Demand to establish a Commission for the Minority Educational Institutions was raised in series of meetings held by Ministry of Human Resource Development with educationists, eminent citizens and community leaders and other stakeholders associated with minority education. Similar demands were made by experts in a meeting of the National Monitoring Committee for Minority Education, held in August, 2004.

In view of such demands, the National Commission for Minority Educational Institutions Ordinance was promulgated in November, 2004. To replace the said Ordinance by an Act of Parliament, the National Commission for Minority Educational Institutions Bill 2004, was introduced in the Parliament in December, 2004. The NCMEI Act was notified in January 2005. The Department of Secondary and Higher Education, Ministry of HRD, Government of India, notified the National Commission for Minority Educational Institutions on 11th November 2004 and constituted the Commission on 16th November 2004, with its Headquarters situated in New Delhi. Since 2005, the Commission is working from a rented accommodation at Jeevan Tara Building, Sansad Marg, Patel Chowk, New Delhi.

1.3 ABOUT THE COMMISSION:

This Commission is a quasi-judicial body and has been endowed with the powers of a Civil Court. The Commission consists of a Chairman and three members who are nominated by the Central Government. The Chairman is a member of a minority community and has been a Judge of a High Court and the Members are from a minority community and persons of eminence, ability and integrity. Major roles of the Commission are (i) to decide all questions relating to the status of any institution as a Minority Educational Institutions and declare its status as such (ii) to advise the Central and State Governments on any question relating to the education of minorities that may be referred to it (iii) to investigate into the complaints relating to deprivation of the educational rights of minorities (iv) to do such other acts and things as may be necessary, incidental or conducive to the



attainment of all or any of the objects of the Commission etc.

1.4 NCMEI (Amendment) Act, 2006:

For effective functioning of the Commission, recommendations were made to the Government to carry out amendments in the Act. The Government introduced the National Commission for Minority Educational Institutions (Amendment) Bill 2005 in the Parliament. However, in the wake of 93rd amendment of the Constitution which added clause (5) in Article 15, it became expedient to carry out the amendments in the NCMEI Act through an Ordinance. Accordingly, an Ordinance was notified by the Government on 23rd January, 2006 which was replaced

by the National Commission for Minority Educational Institutions (Amendment) Act, 2006 and notified on 29th March, 2006.

1.5 NCMEI (Amendment) Act 2010:

Besides others, major change in the NCMEI Amendment Act, 2010 was amendment in Section 10(1) of the Act, which states that “Subject to the provisions contained in any other law for the time being in force, any person, who desires to establish a Minority Educational Institution may apply to the competent authority for grant of No Objection Certificate for the said purpose.” To broad base Commission’s representation, Section 3 (2) of the Act was amended by making provision for an additional Member in the Commission.



CHAPTER 2

Constitution of the Commission

2.1 COMPOSITION OF THE COMMISSION & OTHER STAFF

The Commission is headed by a Chairman and there are three members who are nominated by the Central Government.

The Chairman of the Commission, Justice (Retd.) Narender Kumar Jain completed his tenure of five years on 30.9.2023 and Hon'ble Member Dr. Jaspal Singh completed his tenure of five years on 14.06.2023. Presently, the Commission has one Member - Dr. Shahid Akhtar who joined the Commission on 24.08.2021.

The Commission started functioning from Shastri Bhavan, New Delhi and shifted to Jeevan Tara Building, Patel Chowk, New Delhi in August 2005. In 2004, 22 posts were sanctioned initially for carrying out necessary administrative work and providing office support. In 2005 and 2006, additional one and 10 posts were sanctioned respectively. The Commission has a total strength of 33 including one post each of Secretary, Deputy Secretary, Sr. PPS, Under Secretary and Section Officer.

At present, the post of Secretary, Under Secretary and Section Officer have been filled on deputation. The post of Deputy Secretary is vacant since 08.03.2024. The services of the supporting staff have been outsourced through EdCIL (an undertaking of Government of India, Ministry of Education).

2.2 FUNCTIONS OF THE COMMISSION:

As per Section 11 of the NCMEI Act, 2004 (2 of 2005) and as amended by the National Commission for Minority Educational Institutions (Amendment) Act, 2006 (18 of 2006) and the National Commission for Minority Educational Institutions (Amendment) Act, 2010 (20 of 2010), the functions of the Commission are:

- (a) Advise the Central Government or any State Government on any question relating to the education of minorities that may be referred to it.
- (b) Enquire, *suo-motu*, or on a petition presented to it by any Minority Educational Institution, or any person on its behalf, into complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice and any dispute relating to affiliation to a University and report its finding to the appropriate Government for its implementation.
- (c) Intervene in any proceeding involving any deprivation or violation of the educational rights of the minorities before a court with the leave of such court.



- (d) Review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation.
- (e) Specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities.
- (f) Decide all questions relating to the status of any institution as a MEI and declare its status as such.
- (g) Make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the MEI and
- (h) Do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission.

2.3 POWERS OF THE COMMISSION

The powers of the Commission as enshrined in Section 12 are:

- 1) If any dispute arises between a MEI and a University relating to its affiliation to such University, the decision of the Commission thereon shall be final.
- (2) The Commission shall, for the purposes of discharging its functions under this Act, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath,
- (b) requiring the discovery and production of any document,
- (c) receiving evidence on affidavits,
- (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, (1 of 1872) requisitioning any public record or document or copy of such record or document from any office,
- (e) issuing summons for the examination of witnesses or documents, and
- (f) any other matter which may be prescribed.

- (3) Every proceeding before the Commission is deemed to be a judicial proceeding within the meaning of Sections 193 and 228 and for the purpose of Section 196 of the Indian Penal Code (45 of 1860). The Commission is deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

2.3.1 APPEAL AGAINST THE ORDERS OF THE COMPETENT AUTHORITY

As enshrined in Section 12-A of the Commission:



- (1) Any person aggrieved by the order of refusal to grant NOC under sub-section (2) of section 10 by the Competent Authority for establishing a MEI, may prefer an appeal against such order to the Commission.

- (2) An appeal under sub-section (1) shall be filed within thirty days from the date of the order referred to in sub-section (1) communicated to the applicant.

Provided that the Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

- (3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.
- (4) The Commission, after hearing the parties, shall pass an order as soon as may be practicable, and give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.
- (5) An order made by the Commission under sub-section (4) shall be executable by the Commission as a decree of a civil court and the provisions of the Code of Civil Procedure, 1908 (5 of 1908), so far as may be, shall apply as they apply in respect of a decree of a civil court.

2.3.2 POWER OF COMMISSION TO DECIDE ON THE MINORITY STATUS OF AN EDUCATIONAL INSTITUTION

The powers to decide on the Minority Status of a MEI have been covered under Section 12 B of the Act. The powers are given as under:

- (1) Without prejudice to the provisions contained in the National Commission for Minorities Act, 1992 (19 of 1992), where an authority established by the Central Government or any State Government, as the case may be, for grant of minority status to any educational institution rejects the application for the grant of such status, the aggrieved person may appeal against such order of the authority to the Commission.
- (2) An appeal under sub-section (1) shall be preferred within thirty days from the date of the order communicated to the applicant provided that the Commission may entertain an appeal after the expiry of the period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.
- (3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.
- (4) On receipt of the appeal under sub-section (3), the Commission may, after giving the parties to the appeal an opportunity of being heard, decide



on the minority status of the educational institution and shall proceed to give such direction as it may deem fit and, all such directions shall be binding on the parties.

2.3.3 POWER TO CANCEL MINORITY STATUS

Section-12 C of the NCMEI Act 2004 deals with the Power to Cancel. The Commission may, after giving a reasonable opportunity of being heard to an MEI to which minority status has been granted by an authority or Commission, as the case maybe, cancel such status under the following circumstances, namely:

- (a) if the constitution, aims and objects of the educational institution, which has enabled it to obtain minority status has subsequently been amended in such a way that it no longer reflects the purpose or character of a MEI,
- (b) if, on verification of the records during the inspection or investigation, it is found that the MEI has failed to admit students belonging to the minority community in the institution as per rules and prescribed percentage governing admissions during any academic year.

2.3.4 POWER OF COMMISSION TO INVESTIGATE MATTERS RELATING TO DEPRIVATION OF EDUCATIONAL RIGHTS OF MINORITIES

The power to investigate matters relating to deprivation of educational rights of minorities is covered under Section 12-D of the Act.

- (1) The Commission shall have the power to investigate into the complaints relating to deprivation of the educational rights of minorities.
- (2) The Commission may, for the purpose of conducting any investigation pertaining to a complaint under this Act, utilize the services of any officer of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.
- (3) For the purpose of investigation under sub-section (1), the officer whose services are utilized may, subject to the direction and control of the Commission,
 - (a) summon and enforce the attendance of any person and examine him;
 - (b) require the discovery and production of any document; and
 - (c) requisition any public record or copy thereof from any office.
- (4) The officer whose services are utilized under sub-section (2) shall investigate into any matter entrusted to it by the Commission and submit a report thereon to it within such period as may be specified by the Commission in this behalf.
- (5) The Commission shall satisfy itself about the correctness of the facts



stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such further inquiry as it may think fit.

2.3.5 POWER OF COMMISSION TO CALL FOR INFORMATION

The powers of the Commission as enshrined in Section 12-E of the Act:

- (1) The Commission, while enquiring into the complaints of violation or deprivation of educational rights of the minorities shall call for information or report from the Central Government or any State Government or any other authority or organization subordinate thereto, within such time as may be specified by it:

Provided that:

- (a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint;
- (b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required, or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

- (2) Where the inquiry establishes violation or deprivation of the

educational rights of the minorities by a public servant, the Commission may recommend to the concerned Government or authority, initiation of disciplinary proceedings or such other action against the concerned person or persons as may be deemed fit.

- (3) The Commission shall send a copy of the inquiry report, together with its recommendations to the concerned Government or authority and the concerned Government authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken, or proposed to be taken thereon, to the Commission.
- (4) The Commission shall publish its inquiry report and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

2.3.6 BAR OF JURISDICTION

As enshrined in Section 12F, of the NCMEI Act 2004, no court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) shall entertain any suit, application or other proceedings in respect of any order made under this Chapter.

2.4 FINANCE, ACCOUNTS AND AUDIT:

2.4.1 GRANT BY CENTRAL GOVERNMENT:

- (1) The Central Government shall, after due appropriation made by



the Parliament by law, provide grant to the Commission such sum of money as the Government may think fit for being utilized for the purposes under the Act.

- (2) The Commission may spend the grant for performing the functions under this Act and such sum shall be treated as an expenditure payable from the grant referred to in sub-section (1).

2.4.2 ACCOUNTS AND AUDIT

- (1) The Commission shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such a form as may be prescribed by the Central Government.
- (2) The accounts of the Commission shall be audited by the CAG at such intervals as may be specified by them and any expenditure incurred in connection with such audit shall be payable by the Commission to the CAG.
- (3) The CAG and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in

connection with such audit as the CAG generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

2.4.3 ANNUAL REPORT

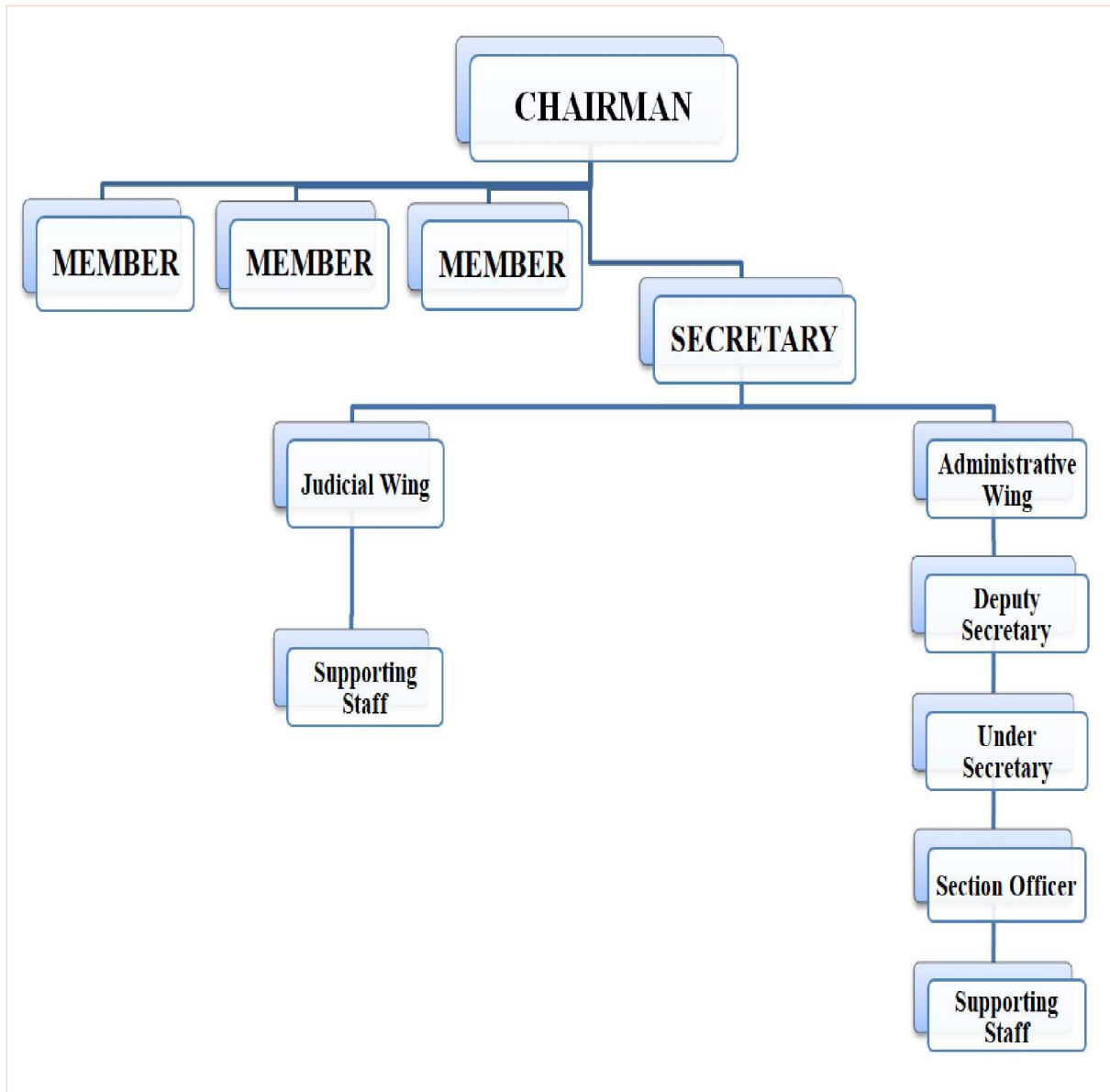
The Commission shall prepare annual report for each financial year with complete details of its activities undertaken during the previous financial year and forward a copy thereof to the Central Government.

2.4.4 ANNUAL REPORT AND AUDIT REPORT TO BE LAID BEFORE PARLIAMENT

The audit report and the annual report together with the memorandum of action taken on the advice tendered by the Commission under Section 11 and the reasons for non-acceptance, if any, of any such advice, to be laid before each House of Parliament by the Central Government. The Annual Report and Annual Accounts of the Commission for the year 2022-23 were laid in Lok Sabha on 05.02.2024 and in Rajya Sabha on 07.02.2024.



Organisation Chart





CHAPTER 3

Meetings of the Commission

In terms of Section 12(3) of the NCMEI Act, every proceeding before the Commission is deemed to be a judicial proceeding within the meaning of section 193 and section 228 and for the purpose of section 196 of the Indian Penal Code. The Commission is deemed to be a civil court for the purpose of Section 195 Chapter XXVI of the Code of Criminal Procedure, 1973. Being a quasi-judicial body, the Commission conducts formal court sittings on a day to day basis. The Commission has a formal court room for the purpose.

3.1 WORKING OF THE COMMISSION

According to the cause list, the Commission takes up legacy cases and registers fresh petitions and passes orders. In order to ensure expeditious disposal of the cases and to minimize backlog, the Commission lists requisite number of cases in each sitting. Notices to different parties including Show Cause Notice to the applicant is issued as per the direction of the Court. Adequate notice period is given to all the parties. In the first hearing of fresh petition, presence of the petitioner or respondent is not necessary. Notices requiring their appearance are issued on the second date of hearing.

In case where the petitioners plead for urgency, the Commission gives an early date, based on merits. The Commission also takes into consideration, the

inconvenience shown by the petitioners/ parties to appear on a particular date and accordingly adjournments are granted to enable the petitioners/ parties to plead their cases effectively in consonance with the principle of natural justice. Commission has never insisted on engagement of a counsel to represent the petitioner i.e. any petitioner who wants to argue his/her case personally is at liberty to do so.

With a view to expedite disposal of cases no quorum has been fixed by the Commission for the court sittings. Even if only Chairman or one of the Member is present, court proceedings can be conducted and cases taken up for appropriate decision.

The Commission endeavours to provide a cost-free forum to the members of the minority communities for redressal of their grievances regarding deprivation of educational rights enshrined in the Constitution. The Commission has not prescribed any court fee for processing of petitions. Since a large number of petitioners are not conversant with the court procedures, the Commission has even accepted petitions which are not in conformity with the law of pleadings and gives appropriate directions to such petitioners.

3.2 THE SITTINGS AND HEARINGS OF THE COMMISSION

The Court of the Commission decides cases regarding grant of Minority Status



Certificate and also appeals under Section 12A and 12B. The Court also decides cases relating to cancelation of MSC under Section 12C. For the purpose, the Court of Commission has sittings wherein cases are taken up as per the cause list. Year-wise numbers of sittings by the Court of the Commission are given in **Figure-3.1**.

The Commission held 128 sittings during 2023-24 as compared to 130 during 2022-23. In the months of June and December, 2023 the Court of the Commission had only two and six sittings respectively as the Court observes summer and winter vacations in these months.

3.3 NUMBER OF MSCs GRANTED BY THE COMMISSION SINCE ITS INCEPTION

The Commission grants Minority Status Certificate (MSC) to the eligible Minority Educational Institutions (MEIs). 14027 MSCs have been granted from 2005-06 to 31.03.2025. Year-wise, number of MSCs granted by the Court of the Commission is given in **Table 3.1** and State/UT-wise number of MSCs granted are given in the **Table 3.2**.

The data reveals that maximum number of MSCs have been granted to the MEIs from the States of Kerala, followed by Uttar Pradesh, Tamil Nadu, Karnataka, West Bengal and Madhya Pradesh. More than 80% of the total MSCs have been granted to MEIs from these States. No MSC has been issued to MEIs from Jammu and Kashmir, Ladakh, Lakshadweep and Mizoram.

Year	Year	Number of MSCs granted
1.	2005-06	48
2.	2006-07	622
3.	2007-08	674
4.	2008-09	397
5.	2009-10	1039
6.	2010-11	1342
7.	2011-12	1854
8.	2012-13	1791
9.	2013-14	1674
10.	2014-15	1372
11.	2015-16	1022
12.	2016-17	1094
13.	2017-18	466
14.	2018-19	158
15.	2019-20	12
16.	2020-21	15
17.	2021-22	86
18.	2022-23	162
19.	2023-24	199
Total		14027

Table 3.1: Number of MSCs granted since 2005-06

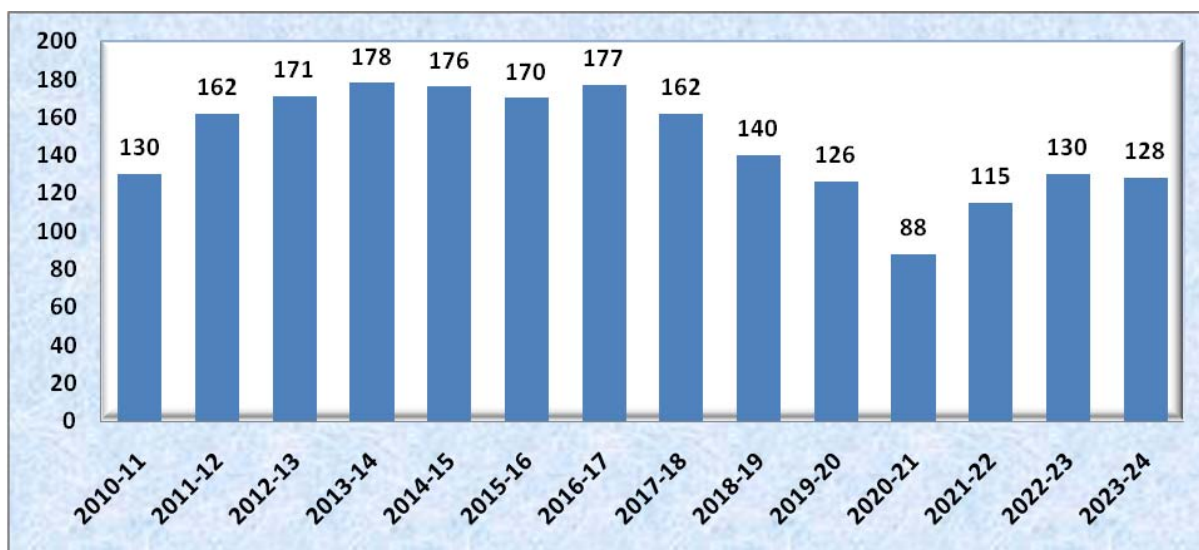


Fig. 3.1: Year-wise sittings of the Commission since 2010-11

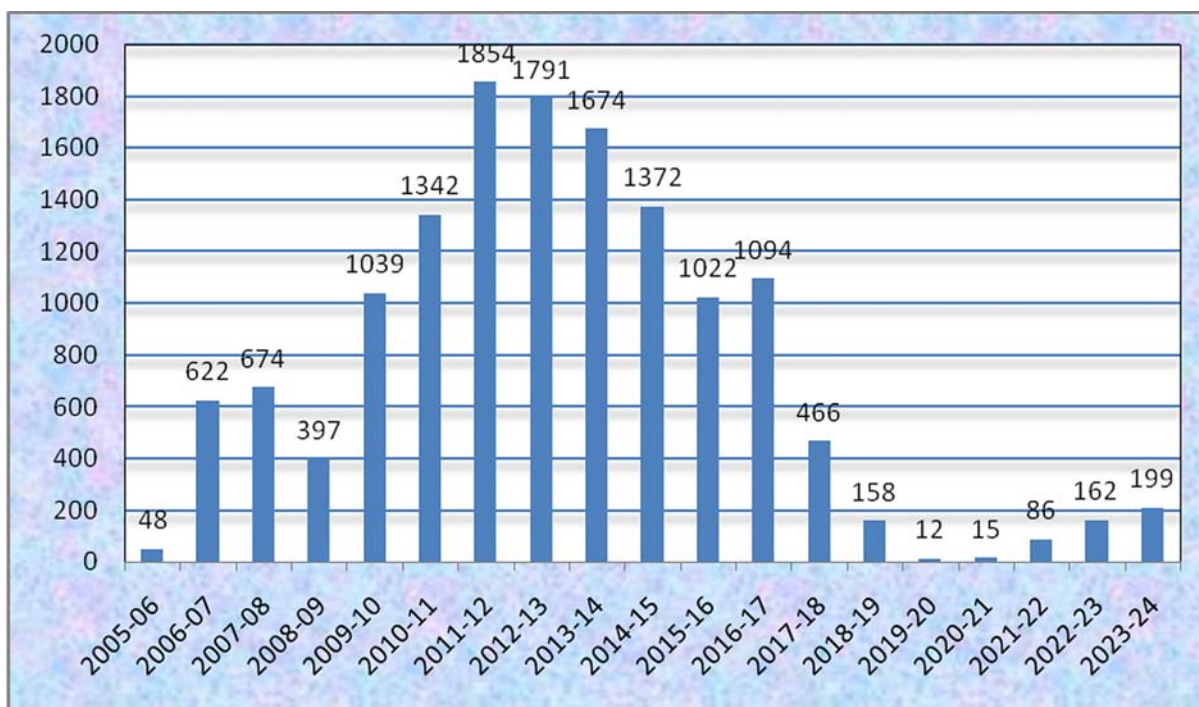


Fig. 3.2.: Year-wise Number of MSCs granted by the Commission



S. No.	State	Total MSCs granted till 31/03/2024
1.	Andaman & Nicobar Island	9
2.	Andhra Pradesh	246
3.	Arunachal Pradesh	24
4.	Assam	223
5.	Bihar	164
6.	Chandigarh	21
7.	Chhattisgarh	232
8.	Dadra & Nagar Haveli	4
9.	Daman & Diu	1
10.	Delhi	259
11.	Goa	165
12.	Gujarat	66
13.	Haryana	182
14.	Himachal Pradesh	28
15.	Jharkhand	119
16.	Karnataka	753
17.	Kerala	4719

S. No.	State	Total MSCs granted till 31/03/2024
18.	Madhya Pradesh	593
19.	Maharashtra	202
20.	Manipur	37
21.	Meghalaya	8
22.	Nagaland	1
23.	Odisha	131
24.	Puduchery	32
25.	Punjab	123
26.	Rajasthan	104
27.	Sikkim	18
28.	Tamil Nadu	1119
29.	Telangana	352
30.	Tripura	13
31.	Uttar Pradesh	3253
32.	Uttarakhand	130
33.	West Bengal	696
Total		14027

Table 3.2 State/UT-wise number of MSCs granted since 2005-06



CHAPTER 4

Highlights of the Year

The Commission completed 19 years in November 2023. The Commission functions as per the mandate given in the NCMEI Act, 2004 and the same is reflected in its Annual Report. The highlights of the

Commission's functioning during 2023-24 are given as under:

4.1 COURT SITTINGS

Date-wise, number of fresh & ongoing cases heard in the court, are at Table 4.1

Table 4.1: Date-wise, Court sittings and number of fresh & ongoing cases heard during 2023-24

S. No.	Date	No. of Cases Heard (fresh & ongoing)	Remanded to the State Competent Authority	MSC Granted	Cancelled/ Surrendered/ Duplicate MSC	Notices Issued	Letters for clarification/ Physical Inspection Committee
1.	05-4-2023	19	—	2	—	—	1
2.	06-4-2023	21	2	—	—	3	6
3.	11-4-2023	18	—	—	1 (Cancelled)	—	4
4.	12-4-2023	14	—	—	—	1	5
5.	13-4-2023	18	—	—	—	1	4
6.	18-4-2023	27	—	—	—	3	9
7.	19-4-2023	22	—	4	—	1	8
8.	20-4-2023	22	—	2	—	—	5
9.	25-4-2023	22	—	1	—	1	12
10.	26-4-2023	22	—	1	—	—	3
11.	27-4-2023	22	1	—	—	2	7
	April: Total	227	3	10	1 (Cancelled)	12	64
12.	2-5-2023	18	—	—	—	2	9
13.	3-5-2023	17	—	—	—	2	5
14.	4-5-2023	21	—	—	—	—	9
15.	9-5-2023	19	—	—	—	4	8
16.	10-5-2023	20	2	1	—	5	8
17.	11-5-2023	26	—	7	—	1	5



S. No.	Date	No. of Cases Heard (fresh & ongoing)	Remanded to the State Competent Authority	MSC Granted	Cancelled/ Surrendered/ Duplicate MSC	Notices Issued	Letters for clarification/ Physical Inspection Committee
18.	16-5-2023	21	—	—	—	—	12
19.	17-5-2023	20	—	—	—	2	9
20.	18-5-2023	16	—	—	—	7	2
21.	23-5-2023	20	—	4	1 (Duplicate)	1	13
22.	24-5-2023	17	—	2	—	2	3
23.	25-5-2023	16	—	2	—	3	7
24.	30-5-2023	19	4	1	—	3	5
25.	31-5-2023	17	—	—	—	9	3
	May: Total	267	6	17	1	41	98
26.	1-6-2023	20	—	—	—	10	3
27.	13-6-2023	9	—	—	—	5	—
	June: Total	29	—	—	—	15	3
28.	4-7-2023	15	—	—	—	4	5
29.	5-7-2023	14	—	—	—	2	7
30.	6-7-2023	14	—	—	—	2	7
31.	11-7-2023	17	—	—	—	1	7
32.	12-7-2023	19	—	1	—	2	6
33.	13-7-2023	18	—	—	—	—	9
34.	18-7-2023	22	—	1	—	3	9
35.	19-7-2023	21	—	—	—	3	4
36.	20-7-2023	22	—	—	—	2	5
37.	25-7-2023	30	—	6	—	4	4
38.	26-7-2023	26	—	2	—	5	6
39.	27-7-2023	27	—	2	—	5	6
	July: Total	245	—	12	—	33	75
40.	1-8-2023	26	—	—	—	2	13
41.	2-8-2023	27	—	4	—	3	8
42.	3-8-2023	19	—	—	—	4	2
43.	8-8-2023	17	—	—	—	2	8
44.	9-8-2023	20	—	3	—	1	9
45.	10-8-2023	19	—	—	—	1	8



S. No.	Date	No. of Cases Heard (fresh & ongoing)	Remanded to the State Competent Authority	MSC Granted	Cancelled/ Surrendered/ Duplicate MSC	Notices Issued	Letters for clarification/ Physical Inspection Committee
46.	16-8-2023	19	—	—	—	7	1
47.	17-8-2023	22	—	—	—	7	8
48.	22-8-2023	19	—	—	—	5	6
49.	23-8-2023	23	—	5	—	3	8
50.	24-8-2023	19	—	—	—	3	5
51.	29-8-2023	22	—	3	—	2	6
52.	30-8-2023	20	—	4	—	2	8
53.	31-8-2023	23	—	—	—	4	10
	August: Total	295	—	19	—	46	100
54.	5-9-2023	22	—	1	—	—	6
55.	6-9-2023	26	—	2	—	—	10
56.	12-9-2023	24	—	—	—	—	6
57.	13-9-2023	22	—	2	—	3	10
58.	14-9-2023	21	—	—	—	1	11
59.	19-9-2023	18	—	—	—	1	14
60.	20-9-2023	14	—	—	—	3	5
61.	21-9-2023	15	—	—	—	1	4
62.	26-9-2023	21	—	—	—	2	5
63.	27-9-2023	19	—	—	—	4	9
	September: Total	202	—	5	—	15	80
64.	3-10-2023	19	—	—	—	7	4
65.	4-10-2023	22	—	3	—	4	5
66.	5-10-2023	20	—	1	—	5	5
67.	10-10-2023	22	—	—	—	6	10
68.	11-10-2023	21	—	—	—	7	8
69.	12-10-2023	25	—	1	—	3	7
70.	17-10-2023	24	—	1	—	6	9
71.	18-10-2023	23	—	—	—	8	8
72.	19-10-2023	22	—	1	—	5	3
73.	26-10-2023	25	—	—	—	7	9
74.	27-10-2023	31	—	4	—	5	10



S. No.	Date	No. of Cases Heard (fresh & ongoing)	Remanded to the State Competent Authority	MSC Granted	Cancelled/ Surrendered/ Duplicate MSC	Notices Issued	Letters for clarification/ Physical Inspection Committee
75.	31-10-2023	25	—	1	—	5	9
	October: Total	279	—	12	—	68	87
76.	1-11-2023	18	—	—	—	2	5
77.	2-11-2023	28	—	5	—	6	6
78.	7-11-2023	26	—	4	—	5	9
79.	8-11-2023	23	—	2	—	—	10
80.	9-11-2023	27	—	4	—	5	4
81.	21-11-2023	30	—	3	—	6	12
82.	22-11-2023	28	—	3	—	8	6
83.	23-11-2023	29	—	3	—	3	9
84.	28-11-2023	25	—	—	—	5	9
85.	29-11-2023	27	—	2	—	5	15
86.	30-11-2023	26	—	3	—	6	3
	November: Total	287	—	29	—	51	88
87.	5-12-2023	42	—	—	—	3	21
88.	6-12-2023	43	—	3	—	7	16
89.	7-12-2023	43	—	3	—	6	22
90.	12-12-2023	20	—	3	—	4	12
91.	13-12-2023	24	—	3	—	9	9
92.	14-12-2023	23	—	4	—	10	8
	December: Total	195	—	16	—	39	88
93.	09-1-2024	18	—	—	—	5	6
94.	10-1-2024	22	—	—	—	6	7
95.	11-1-2024	20	—	—	—	4	4
96.	16-1-2024	20	—	—	—	4	7
97.	17-1-2024	20	—	4	—	—	6
98.	18-1-2024	20	—	4	—	—	4
99.	23-1-2024	11	—	—	—	7	3
100.	24-1-2024	26	—	4	—	8	6
101.	25-1-2024	12	—	—	—	4	3
102.	30-1-2024	24	—	3	—	5	13



S. No.	Date	No. of Cases Heard (fresh & ongoing)	Remanded to the State Competent Authority	MSC Granted	Cancelled/ Surrendered/ Duplicate MSC	Notices Issued	Letters for clarification/ Physical Inspection Committee
103.	31-1-2024	31	—	3	—	6	14
	January: Total	224	—	18	—	49	73
104.	1-2-2024	26	—	3	—	5	18
105.	6-2-2024	29	—	3	—	8	10
106.	7-2-2024	30	—	3	—	5	7
107.	8-2-2024	26	—	2	—	5	9
108.	13-2-2024	25	—	2	—	5	6
109.	14-2-2024	24	—	2	—	5	13
110.	15-2-2024	60	—	2	—	6	7
111.	20-2-2024	22	—	3	—	8	7
112.	21-2-2024	21	—	2	—	4	9
113.	22-2-2024	21	—	3	—	1	13
114.	27-2-2024	21	—	—	—	1	11
115.	28-2-2024	20	—	1	—	4	6
116.	29-2-2024	21	—	1	—	3	10
	February: Total	346	—	27	—	60	126
117.	5-3-2024	23	—	3	—	4	7
118.	6-3-2024	28	—	2	—	6	6
119.	7-3-2024	24	—	2	—	5	8
120.	12-3-2024	23	—	1	—	4	6
121.	13-3-2024	24	—	2	—	5	12
122.	14-3-2024	21	—	2	—	3	4
123.	19-3-2024	28	—	5	—	5	15
124.	20-3-2024	28	—	5	1(Cancelled)	1	13
125.	21-3-2024	27	—	5	—	3	14
126.	26-3-2024	24	—	—	—	3	10
127.	27-3-2024	23	—	3	—	—	5
128.	28-3-2024	24	—	4	—	2	10
	March: Total	297	—	34	1	41	110
	G. Total	2893	9	199	3	470	995



During 2023-24, the Commission held 128 sittings and heard 417 fresh and 483 ongoing cases which includes 68 cases of 2019, 88 cases of 2020, 76 cases of 2021, 152 cases of 2022 and 99 cases of 2023 (01.01.2023 to 31.03.2023).

In the said period 399 fresh and ongoing cases were disposed, of which 58 cases pertained to 2019, 62 cases of 2020, 48 cases of 2021, 79 cases of 2022, 136 cases of 2023 and 16 cases of 2024 (01.01.2024 to 31.03.2024). The disposed of cases include 197 cases which were either withdrawn or dismissed, in 02 cases MSC was cancelled, in 01 case duplicate MSC was issued and in 199 cases MSC was granted. Of the 199 cases where MSC was granted, 13 cases pertained to 2019, 47 cases of 2020, 33 cases of 2021, 59 cases of 2022, 46 cases of 2023 and 01 case of 2024 (01.01.2024 to 31.03.2024).

As on 31st March, 2024, 10 cases of 2019, 26 cases of 2020, 28 cases of 2021,

73 cases of 2022, 243 cases of 2023 and 121 cases of 2024 (01.01.2024 to 31.03.2024) are ongoing in the Commission.

4.2 GRANT OF MINORITY STATUS CERTIFICATE

The eligible Minority Educational Institution can apply either to the NCMEI or to the State Authority for grant of MSC. As per the requirement of the Commission, the Minority Status Certificate (MSC) application form (**Annexure-1**) is revised from time to time. MSC application form is available on the NCMEI website (www.ncmei.nic.in). For the ease of the applicants/ petitioners, checklist of required mandatory documents which are to be attached with the application form, are also available on the NCMEI website. As per the provisions of the NCMEI Act, 2004 (amendment, 2006), the applicant institution, before applying for grant of MSC, is required to apply for 'No Objection Certificate' (NOC) to the State Competent

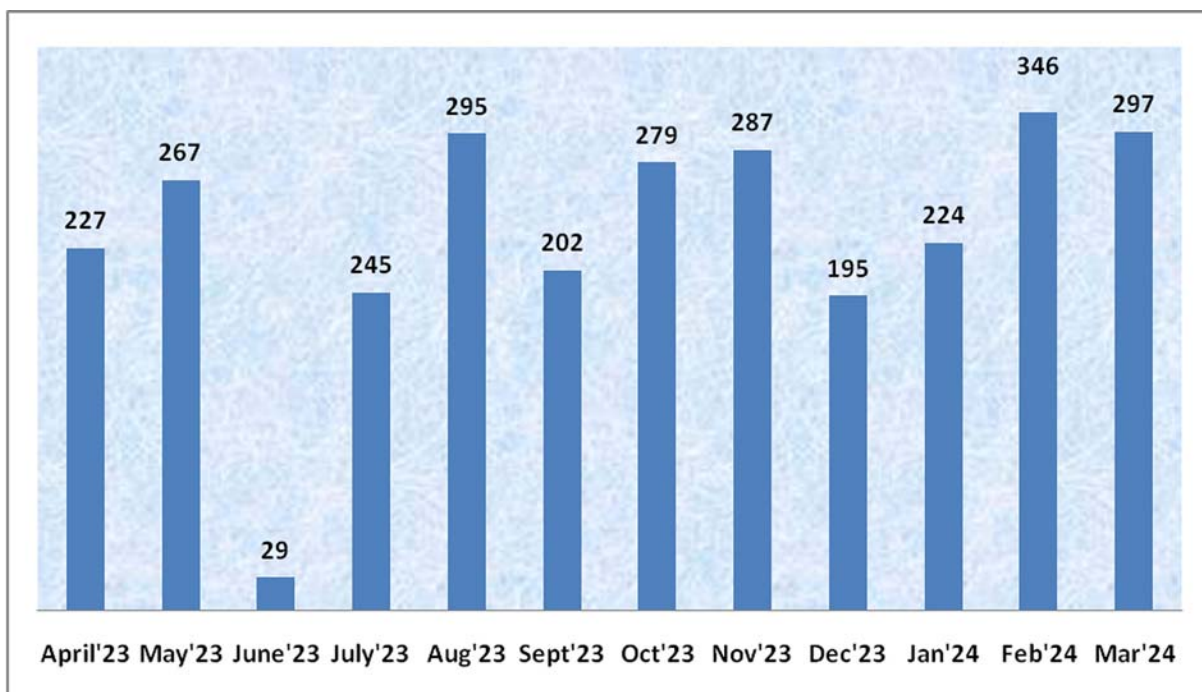


Figure 4.1: Fresh and ongoing cases heard from April 2023 to March 2024



Authority (the list of Competent Authority is at **Annexure-3**).

If, the applicant institution whose NOC under Section 10 of the NCMEI Act, 2004 has been rejected by the State Competent Authority, then the applicant can appeal against the order under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal), Rules, 2006. The format of application is annexed at **Annexure-2**.

In case the MSC application is rejected by the State/UT Authority then the applicant institution can appeal under Section 12B of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal), Rules, 2006. The format of application is annexed at **Annexure-2**. The application for appeal under Section 12A and 12B are also available on the NCMEI website (<https://ncmei.gov.in/>).

Highlights of the MSCs granted by the Commission are given as under:

- 199 MSCs were granted during 2023-24 as compared to 162 MSCs during 2022-23. In addition, duplicate MSC issued to one institution and two MSCs cancelled.
- State-wise, number of MEIs which have been granted MSC during 2023-24, is detailed in table 4.2.

S. No.	Name of the State	Number of MSCs granted during 2023-24
1.	Andhra Pradesh	8
2.	Assam	2
3.	Bihar	7
4.	Delhi	2
5.	Gujarat	4
6.	Haryana	1
7.	Jharkhand	11
8.	Karnataka	26
9.	Kerala	8
10.	Madhya Pradesh	22
11.	Maharashtra	1
12.	Odisha	9
13.	Puducherry	2
14.	Tamil Nadu	42
15.	Telangana	5
16.	Uttar Pradesh	45
17.	Uttarakhand	4
Total		199

Table 4.2: State-wise number of MSCs granted during 2023-24

Community wise, MSCs granted during the year 2023-24 are given in the table 4.3

Christians	Muslims	Jains	Sikhs	Budhists	Parsis
128	48	19	2	1	1

Table 4.3: Community-wise MSCs granted during 2023-24



4.3. VERIFICATION OF SOCIETY/ TRUST

In order to bring transparency in the process of granting MSC, the Commission conducts random verification of the Society/Trust running a MEI. The issue relating to verification is taken up with the Chief Secretary/Administrator of the concerned State/UT who verifies the functioning of the Society/Trust and existence/working of the educational institution.

Further, pursuant to NITI Aayog's instructions in 2016, all petitioners are required to furnish the unique-ID allocated by NITI Aayog through its NGO Darpan Portal. The name and address of the society/trust which runs the Minority Educational Institution and the name of the Office bearer of the society/trust, all these information is provided in the unique-ID. The details provided in the MSC application is cross verified with the details in the unique-ID document.

In order to streamline and bring transparency in the process of MSC application, the Commission notified that the declaration, affidavit and Valaktanama should be signed by the same person.

On 5th August 2021, it was also notified that the institute established and administered by the trust/society is also required to submit a copy of the resolution passed by the governing body of the society/trust, authorising the signatory of declaration, affidavit and Valaktanama for filing application for grant of MSC.

4.4. NEW POLICY INITIATIVES TOWARDS e-GOVERNANCE

E-Governance is easy,

effective and economical governance. Initiatives taken during 2017-18, for proper implementation of the concept of e-Governance has been carried forward during 2023-24 also, with the objective of enhancing transparency, accuracy and efficiency in the functioning of the Commission. Some of the initiatives are:

(i) **Dynamic NCMEI Website:**

NCMEI has its own website which is user friendly and updated with current content. The NCMEI Act, Guidelines, Procedure for filing MSC Application, Checklist of mandatory documents, details of the nodal officers and State Competent Authority etc are all available.

- Data of Institutions which have been granted MSC by the Commission is available on the website.
- Daily Cause List /Court Orders / Judgments are uploaded on the NCMEI Website: <http://ncmei.gov.in>
- State-wise list of MEIs which has been issued MSC are uploaded on the website.
- Annual reports of the Commission and important notices and circulars are also available on the website.

(ii) **Public Finance Management**

System (PFMS): Commission is on PFMS since 2017. This is a financial management platform

which establishes an efficient fund flow system as well as a payment cum accounting network. This has brought in transparency in expenditure and provides real-time information regarding the availability of funds and funds utilization. This system is an important tool for improving governance.

- (iii) **Digitization of Records:** Keeping in view the Hon'ble Prime Minister's vision on Digital India, it was decided to digitize all the files, wherein MSCs have been granted.
- (iv) **One Nation One Data Initiative:** The data of MEIs which have been granted MSC by the Commission has been shared with the respective State/UT governments for their record.

4.5 HINDI PAKHWADA

With the aim to promote the use of Hindi as an Official Language and with the spirit of fostering the sense of solidarity towards the language, the Hindi Pakhwada was organized in the Commission from



14.9.2023 to 28.9.2023. Hindi day was also celebrated on 14.9.2023. Various activities were held during the Hindi Pakhwada, including poem recitation, essay writing, typing and noting competition. The winners of various competitions were awarded prizes by the Hon'ble Chairman and the Member of the Commission.

4.6 HINDI KARYASHALA

As per the Official Language Policy of Government of India, Hindi Karyashala is to be organized in the Government Offices on quarterly-basis. Accordingly, Workshops were organised on 30.10.2023 and 26.02.2024. In the Karyashala conducted on 30.10.2023 Shri Jagdish Ram Pauri, Joint Director Rajbhasha, Ministry of Education, Gol emphasised on the use of the official language and also highlighted the role of the official language in fostering effective communication and national cohesion.



Another Karyashala was held on 26.02.2024 which was presided by Sh. Jayprakash, Under Secretary, NCMEI. The theme of the Karyashala was '*Hindi ka Karyasadhak Gyan*'. Shri Jayprakash elaborated on the use of Hindi in day-to-day Office work and shared insights on evolvement of Hindi language to gain the status of Rajbhasha.



4.7 RASHTRIYA EKTA DIWAS PLEDGE

The spirit of unification of the country was made possible by the vision and actions of late Sardar Vallabhbhai Patel. A pledge of Unity that every one of us will preserve the unity, integrity and security of the nation and contribute towards ensuring internal security of the country was administered by the Secretary of the Commission to the staff.



4.8 WORLD MINORITIES RIGHTS DAY

The Commission observed World Minorities Rights Day on 18.12.2023. On this day, the oath for protecting the minority rights as enshrined in the Constitution of India and as envisioned by the United



Nations was administered by the Hon'ble Member.

Hon'ble Member (SA) highlighted the importance of Minority Rights Day as it upholds freedom and equal opportunities for the minorities in India. Dr. Jaspal Singh



(former Member, NCMEI) marked his presence during the event and shared valuable insights on integrity of Minorities. The event was attended by representatives of prominent minority institutions of Delhi.

4.9 WORKSHOPS WITH THE COMPETENT AUTHORITIES AND MINORITY EDUCATIONAL INSTITUTIONS OF NORTH-EASTERN STATES

During the year, two Regional Workshops were held with the State Competent Authorities, representatives of the reputed minority educational institutions along with the members of State Minority Commission/Madarsa Board and prominent persons from the minority communities (Muslim, Christian, Sikh, Buddhist, Jain and Parsi).

The first Workshop was held on 06.05.2023 in Shillong under the



Chairmanship of Justice Narendra Kumar Jain, Hon'ble Chairman, NCMEI. The second workshop was organised on 03.06.2023 under the Chairmanship of Dr. Rajkumar Ranjan Singh, Hon'ble Minister of State for Education, Government of India, at Dimapur.



The Competent Authorities and representatives of Educational Institutions from Assam, Arunachal Pradesh, Manipur, Meghalaya, Nagaland, Mizoram, Tripura and Sikkim attended the above workshops.

The agenda of these workshops was regarding the National Education Policy 2020 and Minority Education, sensitizing the stakeholders about the provisions of the NCMEI Act, 2004, challenges faced by the NCMEI and the State in grant of MSC/ NOC and the rights of Minority Educational Institutions.

Article 30 (1) of the Constitution of India and the enactment of the NCMEI Act, 2004 for safeguarding the educational rights of the minorities enshrined in Article 30(1) of the Constitution was discussed and elaborated in the meeting. It was discussed that the rights enshrined under Article 30 (1) of the Constitution are meant to benefit the minorities by protecting and

promoting their interests. These rights are subject to the regulatory powers of the State for maintenance and facilitating the excellence of educational standards. The minority institutions cannot be allowed to fall below the standards of excellence.

It was discussed that, the outcome of the National Education Policy 2020 is universalization of education from early childhood to secondary level by 2030, aligning with Sustainable Development Goal (SDG IV). The education policy and education system is a very important medium in meeting the aspirations of the country. The Central government, the State government and the local bodies, all are associated with the responsibility of the education system. The more the teachers, parents and students are involved in the education policy, its relevance and prevalence also increases.

India is entering into its 'Amrit Kaal' and its huge and young workforce need to be honed through education. The education serves as an engine for development, especially for the minorities and the rationale behind giving special rights to the minorities who face discrimination.

4.10 MEETINGS WITH THE REPRESENTATIVES OF THE STATE COMPETENT AUTHORITIES OF VARIOUS STATES

4.10.1 MEETING WITH REPRESENTATIVE OF COMPETENT AUTHORITIES OF THE TAMIL NADU

The Commission granted Minority Status Certificate to 39 Institutions but the MSC could not be issued in the absence



of valid Recognition/Affiliation Certificate. In this regard, a meeting was convened on 23.05.2023 under the Chairmanship of Hon'ble Chairman, NCMEI. The meeting was attended by the Shri K. Selvakumar, Member Secretary, State Board of School Examinations, Tamil Nadu. The agenda of the meeting was to ascertain about the authority responsible for issuing affiliation/recognition certificate to secondary/higher secondary schools.

During the meeting, Shri K. Selvakumar informed that as per the existing provision, the Chief Educational Officers are issuing affiliation/recognition certificate and this information is then shared with the State Board of School Examinations.

The Hon'ble Chairman suggested that a Notification may be issued stating that the 39 petitioner institutions are affiliated

by the State Board of School Examination.

Another meeting was convened on 16.10.2023 under the Chairmanship of Hon'ble Member – Dr. Shahid Ahkter. The agenda of the meeting was streamlining the process for grant of MSC, issue of NOC by the State Competent Authority and clarification with respect to Affiliation, minimum prescribed percentage of Minority students etc. The meeting was attended by the representative from Tamil Nadu, Andhra Pradesh, Karnataka and Telangana.

The following actions points emerged during the meeting:

1. Each State to inform the Commission about the Authority who is competent to issue the recognition/ affiliation certificate to the private Schools and to see that the recognition/affiliation Certificate is in proper format.



2. Issuance of NOC as per Section 10 of the NCMEI Act 2004.
3. In order to fix the percentage of minority students to be admitted in a minority educational institution, the States were requested to refer to the Commission's Judgment dated 23.11.2021 in case No. 217 of 2019.
4. The States were also requested to refer to the Judgment of Hon'ble High Court of Judicature at Madras dated 29.09.2023 in W. P. No. 10973 of 2022, wherein it is decided that "The Minority Status is not a tenure status, ergo is not for a limited period".
3. The State to devise proper mechanism for issuing No Objection Certificate.
4. The State was advised to send the reply to the notices issued by the Commission on time to avoid unilateral decision by the Commission.
5. Competent authorities have been notified by various departments in the state under Section 10 of the NCMEI Act, 2004. The powers of the competent authorities cannot be substituted. Therefore, these notified authorities should ensure that they themselves respond to the notices issued by the Commission.

4.10.2 MEETING WITH REPRESENTATIVES OF STATE COMPETENT AUTHORITIES OF UTTAR-PRADESH

A meeting was convened on 20.11.2023 under the Chairmanship of Hon'ble Member – Dr. Shahid Akter with the representatives of the State Competent Authorities of Uttar Pradesh. The agenda of the meeting was regarding the difficulties faced by the Minority Educational Institutions of Uttar Pradesh in obtaining NOC from the State and non-receipt of proper response against the Notices issued by the Commission in various cases, resulting in unnecessary delays in disposing-off the petition.

The following actions points emerged during the meeting:

1. The State Competent Authority to decide on the NOC application within 90 days and communicate the same to the petitioner institution.
2. The representatives deputed by the

4.10.3 MEETING WITH REPRESENTATIVES OF STATE COMPETENT AUTHORITIES OF HARYANA, HIMACHAL PRADESH, CHANDIGARH, PUNJAB, DELHI AND UTTARAKHAND

A meeting was convened on 19.12.2023 under the Chairmanship of Hon'ble Member, NCMEI. The agenda of the meeting was regarding the provisions of the NCMEI Act, 2004, challenges faced by NCMEI and State in grant of MSC, concerns of the State with regard to issue of NOC and rights of the Minority Educational Institutions. The meeting was attended by the representatives of the State Authorities and key dignitaries of the Department of Education of Haryana, Himachal Pradesh, Chandigarh, Punjab, Delhi and Uttarakhand.

The following actions points emerged during the meeting:

1. Each State to inform the Commission



-
- about the Authority who is competent to issue the recognition/ affiliation certificate to the private Schools and to see that the recognition/affiliation Certificate is in proper format.
2. Issuance of NOC as per Section 10 of the NCMEI Act 2004.
 3. In order to fix the percentage of minority students to be admitted in a minority educational institution, the States were requested to refer to the Commission's Judgment dated 23.11.2021 in case No. 217 of 2019.
 4. States/UT's to share data of MEI's which have been granted MSC and NCMEI to share details of MSC granted by the Commission along with list of ongoing cases.



CHAPTER 5

Tours and Visits

Tours were undertaken by the Hon'ble Chairman and the Member, for the purpose of interacting with the stakeholders and members of the minority community and to understand the problems/ difficulties faced by them. It also gives an opportunity to the Commission to apprise the members of the minority community about their Constitutional rights as well as the role and responsibilities of NCMEI. The tours and

visits also provides an opportunity to interact with the political and the State Government functionaries and also ascertain the progress made by the State Governments in ensuring the education of Minorities. The tours and visits have helped in sensitizing the officials of the State Governments about the rights of minorities enshrined in Article 30(1) of the Constitution of India.

5.1 Details of the Tours Undertaken and Meetings Attended during 2023-24, by Justice (Retd.) Narendra Kumar Jain, Hon'ble Chairman of the Commission

S.No	Date	Place of visit	Purpose of visit and revevant outcomes
1.	13.04.2023 to 17.04.2023	Dehradun, Mussoorie, Rishikesh, Haridwar, Roorkee, Uttarakhand	During the tours, Hon'ble Chairman appraised the owners, trustees and managers of these Minority Institutions about their educational rights enshrined in Article 30 (1) of the Constitutions of India and how NCMEI is protecting their rights. He also addressed them on the provisions of NCMEI Act, 2004 & management of education. Management education is one of the most sought-after career options and mushrooming institutions stand testimony to its popularity. Infrastructure and qualified faculty are prerequisite of sound Management. Hon'ble Chairman also informed managers of these minority institutions about
2.	30.04.2023 to 04.05.2023	Jaipur (Rajasthan)	
3.	04.05.2023 to 10.05.2023	Guwahati (Assam), Shillong (Meghalaya), Dibrugarh (Assam) etc.	
4.	19.05.2023 to 21.05.2023	Hyderabad, Telangana	
5.	27.05.2023 to 29.05.2023	Pune & Ahmednagar, Maharashtra	



S.No	Date	Place of visit	Purpose of visit and revevant outcomes
6.	31.05.2023 to 08.06.2023	Dimapur (Nagaland), Kohima (Nagaland) and Kolkata (West Bengal)	various beneficial schemes launched by the Central Government for the minorities.
7.	06.07.2023 to 10.07.2023	Bhubaneshwar, Puri, Cuttack (Odisha)	
8.	16.07.2023	Knowledge Park-1, Near Pari Chowk, Greater Noida	
9.	21.07.2023	Sonipat, Ganaur and Saurbhanchal (Haryana)	
10.	22.07.2023	Ghaziabad, Meerut & Modinagar, Uttar Pradesh	During these tours, he created awareness about the initiatives of Government of India, provisions of New Education Policy, 2020 and the benefit of various State Govt. and Central Govt. schemes to the minority community.
11.	28.07.2023 to 31.07.2023	Jaipur, Tonk, Uniara, Deoli, etc. (Rajasthan)	
12.	11.08.2023 to 21.08.2023	Hubli, Belgaum (Belagavi), Nipani, Chikkodi, Bengaluru, Shravanabelagola, Dharmasthala, Mangalore, Karnataka and Mumbai, Maharashtra	
13.	01.09.2023 to 04.09.2023	Raipur, Dongargarh, Nagpura, Kaivalyadham, Durg, Rajnandgaon (Chhattisgarh)	
14.	26.08.2023	NIT, Faridabad (Haryana)	



5.2 Details of the Tours undertaken and Meetings attended during 2023-24 by Prof. (Dr.) Shahid Akhter, Hon'ble Member, NCMEI

S.No	Date	Place of visit	Purpose of visit and revevant outcomes
1.	19.04.2023 to 27.04.2023	Ranchi, Jharkhand	1. The tours were meant to create awareness about the educational rights enshrined in Article 30 (1) of the Constitution of India.
2.	14.05.2023	Bhopal, M.P.	
3.	07.06.2023 to 11.06.2023	Bhopal, M.P.	2. The Hon'ble Member (SA) spoke about the rights of minority educational institutions and efforts of the government for uplifting of educational status of minorities. He also explained the role of minority institutions in nation building.
4.	14.06.2023 to 19.06.2023	Jammu & Kashmir	
5.	15.07.2023 to 17.07.2023	Coimbatore	
6.	19.08.2023 to 21.08.2023	Patna, Bihar	3. During his visit he explained about the powers and functions of National Commission for Minority Educational Institutions and also gave various suggestions to strengthen the minorities in the State.
7.	07.09.2023 to 10.09.2023	Ranchi, Jharkhand	
8.	05.10.2023 & 08.10.2023	Ranchi, Jharkhand	4. During his visit he met some of the prominent members of minority communities to discuss their problems.
9.	14.10.2023 & 15.10.2023	Lucknow, U.P	5. During his visit on 14.05.2023, he met prominent members of the minorities.
10.	24.11.2023 to 26.11.2023	Ranchi, Jharkhand	
11.	07.12.2023 to 09.12.2023	Chandigarh and Bilaspur, H.P.	6. On 14.05.2023, the Hon'ble Member attended 'Muslim Scholars Conference' organized by Muslim Rashtriya Manch, Madhya



S.No.	Date	Place of visit	Purpose of visit and revevant outcomes
12.	24.12.2023	Sonepat, Haryana	Pradesh at Milan Garden, Bhopal, M.P.
13.	04.01.2024 to 05.01.2024	Prayagraj and Kaushambi, U.P	7. Was “Special Guest” at Amritkaal Minority Workshop organized by Muslim Rashtriya Manch, Indore, M.P. on 08.06.23.
14.	13.01.2024 to 15.01.2024	Mumbai, Maharsahtra	8. On 16.07.2023, attended minorities’ conference organized by the Muslim Rashtriya Manch, Coimbatore at Anugraha Hall, Sree Annapoorana, Kuniyamuthur, Coimbatore, T.N.
15.	03.02.2024 to 04.02.2024	Ahmedabad, Vadodara, Gujarat	9. On 19.08.2023, met Hon’ble Governor of Bihar at Raj Bhavan, Bihar regarding existing condition of minority educational institutions in the State.
16.	03.03.2024	Ahmedabad, Gujarat	10. On 08.09.2023, met Hon’ble Governor of Jharkhand at Raj Bhavan, Ranchi, Jharkhand regarding existing condition of minority educational institutions in the State. 11. On 09.09.2023, attended function as Guest Speaker to deliver a talk on “different programmes and schemes related to the MEI” at Jharkhand Rai University, Namkum, Ranchi, Jharkhand. 12. On 07.10.2023, attended a function as “Chief Guest” on the occasion of the inauguration of new office of



S.No.	Date	Place of visit	Purpose of visit and revevant outcomes
			<p>Khabar Express Pvt. Ltd., and also to deliver expert talk on minorities' educational rights.</p> <p>13. On 14.10.2023 to 15.10.2023, visited Lucknow, Uttar Pradesh and attended meeting with Govt. Officers & also discussed matters related to minority educational institutions with minority communities.</p> <p>14. On 15.10.2023, attended seminar as "Guest of Honour" to deliver a talk in the seminar on "New Educational Policy: A critical assessment" at International Research Institute of Buddhist, Vipin Khand Gomti Nagar, Lucknow, Uttar Pradesh.</p> <p>15. On 06.12.2023, attended meeting with competent authorities of Jharkhand namely Director, Primary Education, Deptt. of School Education & Literacy, Govt. of Jharkhand, Director, Higher Education, Deptt. of Higher, Technical Education & Skill Development, Govt. of Jharkhand & Secretary, Jharkhand Academic Council at State Guest House, Ranchi regarding the educational problems being faced by minorities and what steps have been taken by the State Govt. to safeguard the educational rights of minorities enshrined in</p>



S.No.	Date	Place of visit	Purpose of visit and revevant outcomes
			<p>Article 30(1) of the Constitution of India.</p> <p>16. On 08.12.2023, attended programme of National Education Policy 2020 at Himalayan Study Circle organized by Himalayan Welfare Foundation, Ghumarwin, Bilaspur, H.P. On 09.12.2023, he also attended programme at Guleria Niwas, Near DAV School, Ghumariwin, Bilaspur, H.P.</p> <p>17. On 24.12.2023, attended programme as a Chief Guest on the Occasion of Annual Day celebration at Jain Vidya Mandir Sr. Sec. School, near New Subzi Mandi, Sonapat, Haryana.</p> <p>18. On 04.01.2024, visited Madrasa Jamia Arifia, Saiyed Sarawan, Kaushambi, U.P. and also attended function as "Chief Guest" on the occasion of Ghazli Day Celebration at Jamia Arifia, Saiyed Sarawan, Kaushambi, Uttar Pradesh.</p> <p>19. On 05.01.2024, attended meeting with District Govt. Officials of Prayagraj and representatives of minority educational institutions at State Guest House of Prayagraj. Also visited Kidwai Memorial Girls' Inter College, 96, Himmatganj, Uttar Pradesh.</p>



S.No.	Date	Place of visit	Purpose of visit and revevant outcomes
			<p>20. On 05.01.2024, attended meeting with representatives of minority educational institutions at State Guest House of Kanpur to discuss problems being faced by minorities' educational institutions.</p> <p>21. On 14.01.2024, attended function as Chief Guest in the valedictory ceremony of Book Fair at R2 Ground, Bandra Kurla Complex (BKC), Maharashtra.</p> <p>22. On 15.01.2024, attended meeting with representatives of minority educational institutions at State Guest of Mumbai to discuss problems being faced by minorities' educational institutions.</p> <p>23. On 03.02.2024, attended programme at Sayaji Lawn, Gate No. 4, Kamatibaug, Near Balbhavban, Vadodara, Gujarat.</p> <p>24. On 14.02.2024, he attended function as Chief Guest on the Career counseling Cum Interaction Program function to be held at the Ideal Educational Complex Napa Managed by Muslim Vidhyarthi Pragati Mandal Trust, Napa, Anand, Gujarat.</p> <p>25. On 03.03.2024, attended function as Chief Guest on the Occasion of the inauguration</p>



S.No.	Date	Place of visit	Purpose of visit and revevant outcomes
			<p>Ceremony at Shama Centre of Excellence, al Muqam, 4th Floor, Opposite Warakhwala Party Plot, Vishala Circle, Ahmedabad. Also attended meeting with representatives of minority communities oat Ahmedabad, Gujarat.</p> <p>The tours were meant to create awareness about the educational rights enshrined in Article 30 (1) of the Constitution of India.</p>



CHAPTER 6

Analysis of the Petitions and Complaints Received During the Year

The Commission registers cases as and when petitions/complaints are received under the following functions: -

- review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation
- specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities
- decide all questions relating to the status of any institution as a Minority Educational Institution and declare its status as such.

From 1st April, 2023 to 31st March, 2024, the Commission registered 417 petitions, out of which 390 petitions were for Minority Status Certificate, 7 was appeal petition and 20 were miscellaneous petitions. The Hon'ble Court of Commission disposed 399 petitions.

The Commission registers cases on the following issues: -

- non-issuance of /delay in issue of No Objection Certificate (NOC) by the State Government
- non-grant or delay in the issue of minority status certificate by the

State Authority

- denial of permission to open new institutions by minority
- refusal to permit additional course in a minority educational institution
- application for grant of Minority Status Certificate

The Commission also considers cases in respect of the following issues affecting the interests of the MEIs:

- denying permission to the minority educational institution for creating additional post of teacher even with increase in the intake of students
- not giving approval for appointment of teachers
- inequality in pay scales of minority school teachers vis-à-vis government school teachers
- denial of teaching aids/other facilities like computer, library, laboratory, etc. to minority educational institutions at par with government institutions
- non-availability of subject books in Urdu for the students studying in Urdu school
- non-appointment of Urdu knowing teachers and pay parity of madrasah teachers with other



minority school teachers; adequate pay to madarsah employees; and non-release of grant to madarsah

- non-payment of retirement benefits to the teachers and non-teaching staff of the minority schools
- refusal by the University to affiliate a MEI
- providing facilities under Sarva Shiksha Abhiyan to minority educational institutions especially in far flung andte rural areas etc.

During the year, office of the Commission also received petitions/applications on matters which were outside the purview of the Commission. These petitions/applications were forwarded to the concerned authorities for appropriate action under intimation to the concerned petitioners.

During the year, **199** cases regarding grant of MSC to the MEIs have been decided by the Hon'ble Commission. Details of some selected cases are given as under:

6.1 CASE NO. 57 of 2023

Subject: **Application for Minority Status Certificate for Al-Karim University, Katihar-Purnea Road, Sirsa, Karim Bagh, Katihar, Bihar-854106**

Petitioner: **Al-Karim University, Katihar-Purnea Road, Sirsa, Karim Bagh, Katihar, Bihar-854106**

Respondents: **1) Director, Secondary & Senior Secondary Education, Ground Floor, Vikas Bhawan, New Secretariat,**

Daily Road, Patna, Bihar-800015

2) Secretary, HRD, Govt. of Bihar, Secretariat, Patna, Bihar

The Order was pronounced on 05.04.2023. Al-Karim University, Katihar-Purnea Road, Sirsa, Karim Bagh, Katihar, Bihar (hereinafter referred to as University) has applied for grant of Minority Status Certificate (MSC) on dated 10.08.2022 on the ground that the same has been founded/established by Al-Karim Educational Trust, Flat No. 304, Kamini's Sanjay Mansion, Opp. VAUs Automobile, Ashiana Road, Patna 800014 registered under Societies Registration Act 21, 1860 vide registration no. 91/1987-88 dated 26.05.1987, constituted by members of the Muslim minority community and incorporated under the Bihar Private University Act, 2013 and is empowered to award degrees as specified under Section 12 and Section 22 of the UGC Act. It is also alleged by the petitioner that the Al-Karim University is being administered by the members of the Muslim minority community and especially meant for the benefit of the Muslim minority community boys and girls and as such it is entitled to be declared as minority educational institution within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions (NCMEI) Act, 2004.

Dr. Ahmad Ashfaque Karim, Chairman of Al-Karim Educational Trust has filed this petition on behalf of the University before this Commission on dated 10.08.2022 for conferment of minority status to the Al-Karim University, Katihar-Purnea Road, Sirsa, Karim Bagh, Katihar, Bihar-854106.



Thereafter Mr. Junais P., Learned Counsel for the petitioner has filed notarized copy of Unique ID No. BR/2019/0231641 of the petitioner Society as given by the Niti Aayog Portal NGO Darpan, notarized copy of application filed before the State Competent Authority for grant of NOC on dated 21.01.2019, notarized copy of NOC application rejection letter dated 18.04.2019, notarized copy of the proof of receipt of certified copy of NCMEI order passed in Appeal No. 20 of 2018 submitted before the State Competent Authority, notarized copy of UGC letter dated 07.09.2021, notarized copy of notification by the Govt. of Bihar dated 15.06.2018 for establishment of Al-Karim University, notarized copy of the Bihar Gazette No. 26 dated 27.06.2018 notifying establishment of Al-Karim University, certified copy of Society registration certificate, certified copy of the MOA and rules and regulations along with list of founding members of the Society, notarized copy of the Al-Karim University first statutes published in Bihar Gazette No. 626 Patna dated 23.05.2019, notarized copy of the Al-Karim University first ordinance published in Bihar Gazette No. 627 dated 23.05.2019. original Governing Body resolution of the society in favour of Dr. Ahmad Ashfaque Karim, Chairman of Al-Karim Educational Trust for obtaining MSC from this Commission, affidavit of Dr. Ahmad Ashfaque Karim, Chairman of Al-Karim Educational Trust in support of the averments made in the petition and also to prove that primarily the beneficiaries of the petitioner institution are members of the Muslim minority community.

Petitioner has pointed out in the petition that the application for grant of NOC was rejected vide letter no. 15/M 1-

07/2019-926 dated 18.04.2019 by the State Competent Authority of Bihar on the phony plea that appellant University is already established. The appellant, thereafter, preferred an Appeal before this Commission which was registered as Appeal No. 20 of 2019 under Section 12(A) (1) and 12 (B) (1) of the NCMEI Act, 2004. Thereafter, this Commission after hearing the parties set aside the order passed by the State Competent Authority of Bihar and remand back the matter to the State Competent Authority for deliberating on the application for grant of NOC to the appellant Al-Karim University, Katihar within 90 days from the receipt of the copy of this Order dated 16.03.2022 and appeal was disposed of by this Commission.

Learned Counsel for the petitioner submitted that certified copy of order of this Commission dated 16.03.2022 was served upon the competent authority, the Government of Bihar by the appellant on dated 28.03.2022. Commission has also sent copy of order to the State Competent Authority but despite service of the certified copies of order of this Commission, respondent has not passed any order as per the direction of this Commission even after lapse of 90 days time and have not communicated to the appellant any order for grant or refusal to grant NOC under section 10 of the NCMEI Act, 2004. Under these circumstances, petitioner has filed this petition with the contention that State of Bihar has no objection for grant of MSC to the appellant University as expressly provided under section 10(3)(b) of the NCMEI Act, 2004.

We have heard Learned Counsel for the petitioner at length on the admission stage of this petition and thereafter looking



to the provisions of NCMEI Act, 2004 which provides that “decide all questions relating to the status of any institution as minority educational institution and declare its status as such.” Thereafter, we have registered the case and issued notice to the respondents but despite service of registered notice and email, none appeared on behalf of the respondent even in second round. So, we proceeded the case ex-parte against the respondent.

We have heard Learned Counsel for the petitioner and perused the documents filed by the petitioner and affidavit of Dr. Ahmad Ashfaq Karim, Chairman of Al-Karim Educational Trust. The facts of this case are that the petitioner has filed the application for grant of NOC to the State Competent Authority on dated 21.01.2019 and that application was disposed of vide letter dated 18.04.2019 on the ground that the petitioner University is already established. Thereafter, appellant preferred appeal before this Commission under Section 12(A) of the NCMEI Act, 2004. This Commission after hearing the appeal vide order dated 16.03.2022 passed the order which reads as under:-

“So in the interest of justice, we find no impediment in the petitioner being granted the NOC by the State competent authority. The impugned order does not reveal any rationale for rejecting the appellant’s NOC application. Therefore, the impugned order passed by the competent authority of State of Bihar is hereby set aside. Without going on the merit of the case the matter is remanded to the State competent authority for deliberating on the application for grant of NOC to the appellant Al-Karim University, Katihar.

The competent authority of the State

of Bihar is requested to deliberate on application for grant of NOC to the petitioner institution at the earliest but not later than 90 days from the receipt of the copy of this order.”

Thereafter, as per the Learned Counsel for the petitioner, the petitioner has submitted Certified copies of order of this Commission to the State Competent Authority of Bihar on dated 28.03.2022 and petitioner has also filed receipt / acknowledgement before this Commission. This Commission has also sent copy of order of this Commission to the State Competent Authority but even after lapse of 90 days, the State Competent Authority has not passed any order in this matter.

In the facts and under above circumstances, petitioner has filed application for grant of MSC to the petitioner and submitted that it shall be deemed that the Competent Authority of State of Bihar has no objection to grant MSC to the petitioner as per the Section 10 of the NCMEI Act, 2004.

In the whole circumstances of the case, we have perused the Section 10 and 11(f) of the NCMEI Act, 2004, we have registered this case and issued the notices to the respondents but respondents has failed to reply the petition and nobody appeared on behalf of the respondents. Hence the case was proceeded ex-parte against the respondent. Pendency of the said application for such a disproportionately long period clearly indicates the State Government’s disinclination to grant NOC to the petitioner institution. Petitioner’s right to get minority status certificate cannot be kept under suspended animation. As per the



provisions of Section 10 and 11(f) of the NCMEI Act, 2004 where within a period of 90 days from the receipt of the application for grant of NOC, the State Competent Authority does not grant such certificate or application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate, it shall be deemed that the Competent Authority has granted NOC to the applicant institution. It is admitted fact that this Commission has remanded the case to the State Competent Authority of Bihar but the Competent authority has failed to deliberate on the application of the petitioner university. So in exercise of powers conferred to this Commission under Section 11(f), we have considered the petition filed by the petitioner.

The first main question which arises for consideration is that, who has founded / established the University? The answer to this question lies in the provisions of the Bihar Private University Act, 2013 and vide notification number 15/M-1-44/2015 dated 15.06.2018 published in Bihar Gazette Notification No. 26 dated 27.06.2018, the notification issued by the Govt. of Bihar, Education Department reads as under :-

बिहार सरकार

शिक्षा विभाग

पटना, दिनांक / 2018

अधिसूचना

संख्या 15 / एम 1-44 / 2015

— / बिहार, राज्य के कटिहार में निजी क्षेत्र में अल-करीम विश्वविद्यालय, कटिहार की स्थापना हेतु प्रायोजक निकाय अल-करीम एजुकेशनल ट्रस्ट से प्राप्त प्रस्ताव / परियोजना प्रतिवेदन की बिहार निजी विश्वविद्यालय अधिनियम, 2013 की

धारा 4 के अधीन समीक्षोपरांत एवं राज्य सरकार के स्तर से विश्वविद्यालय स्थापना हेतु निर्गत किए गए आशय पत्र में निहित शर्तों के अनुपालन की सम्यक् जांचोपरांत बिहार निजी विश्वविद्यालय अधिनियम, 2013 की धारा 6 के तहत अल-करीम एजुकेशनल ट्रस्ट को बिहार राज्य के कटिहार में निजी क्षेत्र में अल-करीम विश्वविद्यालय, कटिहार के नाम से विश्वविद्यालय की स्थापना एवं इसके कार्य संचालन के अनुमति प्रदान की जाती हैं। इस विश्वविद्यालय का क्षेत्राधिकार सम्पूर्ण बिहार राज्य में होगा।

यह विश्वविद्यालय अल-करीम विश्वविद्यालय, कटिहार के नाम से एक निगमित निकाय होगा और इसका शाश्वत उत्तराधिकारी एवं सामान्य मुहर (सील) होगी। इसे चल और अचल दोनों प्रकार की सम्पत्ति अर्जित करने तथा धारण करने और संविदा करने की शक्ति होगी तथा यह उक्त नाम से वाद ला सकेगा एवं इस पर वाद चलाया जा सकेगा।

यह विश्वविद्यालय स्ववित्त पोषित होगा और राज्य सरकार के किसी तरह के अनुदान अथवा आर्थिक सहायता प्राप्त करने का हकदार नहीं होगा।

इस विश्वविद्यालय का संचालन पूर्णतः बिहार निजी विश्वविद्यालय अधिनियम, 2013 में वर्णित प्रावधानों का अनुपालन करते हुए किया जाएगा।

बिहार राज्यपाल के आदेश से
ह0 / -

(मनोज कुमार)

सरकार के अपर सचिव

A bare reading of provisions of the Al-Karim Educational Trust makes it clear that University was founded/ established to



promote, advance and foster education and culture and to sponsor, establish, promote various educational institutions, providing special facilities for Muslim Boys and Girls in such manner as to safeguard, preserve, promote and advance their district language, culture and religion and to be conducive to the advancement, promotion and progress of the same.

Learned counsel for the appellant also submitted that the appellant institution is fulfilling all the criteria for grant of MSC as per NCMEI Act, 2004. The appellant institution was established and is being administered by the members of the Muslim minority community and the Memorandum of Association of said society clearly reflects that the appellant institution has been established primarily for the benefits of Muslim minority community. The said society constituted under Article 30(1) of the Constitution of India. Hence, the appellant institution is established by sponsoring body Al-Karim Educational Trust established under Bihar Private Universities Act, 2013 will also be minority institution and properly recognized by the State of Bihar.

Learned Counsel for the petitioner also submitted that the Katihar Medical College, Karim Bagh, Katihar established and being administered by the Al-Karim Educational Trust has already been declared a minority educational institution within the meaning of Section 2(g) of the NCMEI Act, 2004 and as such covered under Article 30 (1) of the Constitution of India, by this Commission vide order dated 26.11.2008 passed in Case No. 952 of 2008.

We have perused the order of University Grants Commission (UGC) dated 07.09.2021 in which it is mentioned

that Al-Karim University, Katihar has been established by an Act of the State Legislature of Bihar as a Private University and is empowered to award degrees as specified under Section 22 of the UGC Act through its main campus in regular mode with the approval of Statutory Bodies of the University and the Statutory Council(s) wherever it is required and after creating required academic and physical infrastructure facilities including library, laboratories and appointment of teaching and supporting staff as per the norms and standards laid down by the UGC and other relevant Statutory Council(s). The name of the University has been included in the list of Universities established as per Section 2(f) of the UGC Act, 1956.

In the Memorandum of Association of Al-Karim Educational Trust, it is also specifically mentioned that this society shall be of Muslim minority institutions and there will be no change or alteration.

In the Bihar Gazette Extraordinary, it is also mentioned that under provisions of Bihar Private Universities Act, 2013, the State Government has been pleased to approve the following first statute for Al-Karim University, Katihar established vide State Government notification no. 1065 dated 15.06.2018 and in definition 1.2.c. mentioned that:

“Sponsoring Authority” means Al-Karim Educational Trust, a Society registered under the Societies Registration Act, 1860 of the members of Muslim minority community. In 1.2.d.

“University” means Al-Karim University, Katihar established and incorporated under the Bihar Private Universities Act, 2013 in exercise of right



under Article 30(1) of the Constitution of India. So, it is clear that this University was established primarily for the benefits of Muslim minority community. In the Extra Ordinary Bihar Gazette dated 23.05.2019 (No. Patna 627), it is specifically mentioned that principles/ rules as applicable to the unaided minority institutions as per rights guaranteed under Article 30 of the Constitution of India shall always be followed.

It is also undisputed fact that the members of the petitioner society are from the Muslim minority community, who established the above University. The University Act clearly shows that University is also being administered by members of the Muslim community.

Thus, the State Government has clearly admitted that the University has been established and is being administered by the Muslim minority community. Even the Governor and University Grants Commission has given permission to start functioning of the University. It is relevant to mention that from the language of Article 30(1) of the Constitution of India, it is clear that it enshrines a fundamental right of the minority educational institution to manage and administer their institutions, which is completely in consonance with the secular nature of our constitution itself. Consequently, we find and hold that the Al-Karim University, Katihar has been established and is being administered by the Muslim minority community.

The other issue which arises for consideration is “whether the beneficiaries of the petitioner institution are members of the Muslim minority community?”

Needless to add here that an

educational institution is established to sub-serve the purpose of its establishment whereas the minorities have the right to establish and administer educational institutions of their choice with the desire that their children should be brought up properly and be eligible for higher education and to go all over the world fully equipped with such intellectual attainments as it will make them fit for entering the public services, surely then there must be an implicit in such a fundamental right the corresponding duty to cater to the needs of children of their own community. The beneficiaries of such a fundamental right should be allowed to enjoy it in the fullest measure. Therefore, the educational institutions of their choice will necessarily cater to the needs of the minority community which had established the institution.

Memorandum of Association of the Al-Karim Educational Trust clearly reflects that the beneficiaries of the Society are primarily members of the Muslim minority community and character of the institution shall be a minority institution. State Government has also recognized the University as a Muslim Minority University. The main purpose of the reservation is to raise the standard of education of Muslims. In addition, Government of Bihar has also admitted that the beneficiaries of the University are members of the Muslim minority community.

Reservation of seats in any minority educational institution is an inevitable corollary of the fundamental right enshrined in Article 30(1) of the Constitution. It has been held by the Supreme Court in Ahmedabad St. Xavier's College Society Versus State of Gujarat, AIR 1974 SC 1389



that the minorities are given the constitutional protection under Article 30(1) of the Constitution in order to preserve and strengthen the integrity and unity of the country. Thus Article 30(1) is an article of faith and the whole object of conferring the right on the minorities under this article is to ensure that there will be equality between the minority and majority. If the minority do not have such constitutional protection, there will be denied equality. For a progressive and enlightened democracy, it is necessary that all sections and classes of people are well equipped to shoulder the responsibility of a free nation. It appears that the Al-Karim University, Katihar has provided reservation for the Muslim minority community in order to achieve the said object. Needless to add here that the sphere to general and secular education is intended to develop the commonness the boys and girls of our country. This is the true spirit of liberty, equality and fraternity through the memorandum of education.

Thus, the conspectus of the provisions of the University Act clearly indicates that the University is a minority educational institution within the meaning of Article 30(1) of the Constitution. Muslim minority community had striven for, and obtained the establishment of the University primarily for the benefit of its community and endowed with considerable property and money. Consequently, we find and hold that primarily the beneficiaries of the University are members of the Muslim minority community.

It is also relevant to mention here that the State of Bihar has passed the extra ordinary gazette (No. Patna 626 and 627) dated 23.05.2018 and intention of State Govt. to accept the Al-Karim University,

Katihar as a minority educational institution is very much clear by passing the above gazette. Hence in our considered opinion, petitioner institution was established and administered by the Muslim minority community and also primarily for the benefits of the Muslim minority community boys and girls. So petitioner institution is entitled for grant of MSC from this Commission in the facts and circumstances of the case.

For the aforesaid reasons, we find and hold that the Al-Karim University, Katihar-Purnea Road, Sirsa, Karim Bagh, Katihar, Bihar is a 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.

After compliance of the above order, a minority status certificate be issued accordingly. In view of the above, the present petition is disposed of accordingly.

6.2 Case No. 825 of 2019

Subject: **Application for Seeking Minority Status Certificate for St. Anne's Arts and Science**



**College, G.N.T. Road,
Ponnaimmanmedu,
Madavavaram, Chennai,
Tamil Nadu-600110**

**Petitioner: St. Anne's Arts and Science
College, G.N.T. Road,
Ponnaimmanmedu,
Madavavaram, Chennai,
Tamil Nadu-600110**

**Respondents: Principal Secretary, Higher
Education Department,
Govt. of Tamil Nadu, Rina
Road, Fort St. George, Sec-
retariat, Chennai, Tamil Nadu**

The order was pronounced on 05.03.2024. This petition has been received on 29.10.2019 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to St. Anne's Arts and Science College, G.N.T. Road, Ponnaimmanmedu, Madavavaram, Chennai, Tamil Nadu-600110.

Learned counsel for the petitioner filed an affidavit of Sr. Sagaya Mary, President of The Madras Society of Sisters of St. Anne's Madras Province in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Christian minority community.

Learned counsel for the petitioner has filed copy of Unique ID No. : TN/2017/0155533 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 19.02.2019 sent to the State Competent Authority i.e. Principal Secretary, Higher Education Department, Govt. of Tamil Nadu along with postal receipt and its

acknowledgement receipt, notarized copy of Certificate of Registration of The Madras Society of Sisters of St. Anne's Madras Province, notarized copy of Memorandum of Association along with list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 05.10.2018 along with list of present members of the Society, notarized copy of the English translation of Back side of last page of Amended Memorandum of Association dated 05.10.2018, notarized copy of the affiliation order dated 04.09.2023 issued by the Registrar, University of Madras to the unaided petitioner institution for the academic year 2023-24 for Bachelor and Master Courses and resolution of the General Body of the Society in favour of Sr. Sagaya Mary, President of The Madras Society of Sisters of St. Anne's Madras Province for obtaining MSC from this Commission.

As per the information supplied by the petitioner unaided institution with regard to students strength as on 01.01.2019, it is mentioned that out of the total 1555 students, 371 students are from the Christian minority community, 123 students are from the Muslim minority community and 1061 students are Hindus. It is relevant to mention here that as on 01.01.2019, it is mentioned that out of the total 80 teachers, 35 teachers are from Christian Minority community

It is stated in the petition that on dated 19.02.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 20.02.2019 and the said application 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 petition 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.

After service of registered notice to the respondent dated 10.12.2019, 02.02.2021, 18.05.2022, 19.09.2022, 01.11.2022, 27.12.2022, 19.04.2023, 06.06.2023, 02.08.2023 and 21.09.2023, Director of Collegiate Education, Chennai on behalf of the respondent has sent reply dated 08.10.2021, by post which was received by the Commission on dated 12.10.2021. In the reply filed on behalf of respondent i.e. Director of Collegiate Education wherein it is mentioned that the petitioner institution submitted a proposal to the Govt. on 05.11.2014, the details and documents submitted by the petitioner is incomplete and did not fulfill the requirements for scrutiny of the proposal and request the Commission to dismiss the application as devoid of merits and thus render justice.

Learned Counsel for the petitioner filed subsequent pleadings and contended that the petitioner institution is a religious minority institution and run by The Madras Society of Sisters of St. Anne's Madras Province which is a registered Society constituted by the members of the Christian minority community primarily for the benefit of Christian minority community. On dated 19.02.2019, the petitioner institution had submitted an application for grant of NOC

under section 10 of the NCMEI Act, 2004 before the respondent. After the completion of 90 days from the date of receipt of the said application the petitioner institution applied for MSC before this Commission and this case is a fit case of intervention by this Commission. This Commission is functioning as per the NCMEI Act, 2004 read with the judicial pronouncements of the Apex Court for the purpose of declaration of MSC. Petitioner institution had applied for grant NOC whereas the reply filed by the respondent does not even murmured a single word with regard to the receipt and further process of the said application for NOC which is duly received by the respondent. Hon'ble Supreme Court in Sisters of St. Joseph of Cluny Vs. The State of West Bengal (Civil Appeal No. 3945 of 2018) decision dated 18.04.2018 has settled the law with regard to the applicability of Section 10 and 11 of the NCMEI Act, 2004 and in view of the said pronouncement of the Hon'ble Supreme Court the stand taken by the respondent will not survive in the eye of law and, therefore, prayed that this Commission may issue MSC to the petitioner institution in the interest of justice and equity.

Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Sr. Sagaya Mary, President of The Madras Society of Sisters of St. Anne's Madras Province.

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 Christian minority community and is being administered by The Madras Society of Sisters of St. Anne's



Madras Province which is managed and run by the members of the Christian 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 Sr. Sagaya Mary, President of The Madras Society of Sisters of St. Anne's Madras Province.

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 the 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 Christian minority community in the State of Tamil Nadu as per the census of 2011 is 6.12%.

I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the office of the Registrar of Societies, Chennai on dated 05.10.2018 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 19.02.2019 and petition for grant of MSC on dated 29.10.2019. So it is clear that the amendment has been done before the application filed before the State

Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.

The Amended Memorandum of Association dated 05.10.2018 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Christian minority community. In addition, the said facts also stand 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.

Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that St. Anne's Arts and Science College, G.N.T. Road, Ponnaimmanmedu, Madavavaram, Chennai, Tamil Nadu-600110 run by The Madras Society of Sisters of St. Anne's Madras Province 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 Christian minority community.

Consequently, St. Anne's Arts and Science College, G.N.T. Road, Ponnaimmanmedu, Madavavaram, Chennai, Tamil Nadu-600110 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 Christian 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.

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

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

6.3 APPEAL NO. 07 OF 2020

Subject: Appeal under section 12B of the National Commission for Minority Educational Institutions Act, 2004 (in short NCMEI Act, 2004) thereby challenging the impugned order dated 13.11.2019 passed by the Commissioner / Director of Schools, State of Gujarat whereby the Competent Authority has rejected the application preferred by the appellant for grant of Minority Status Certificate.

Petitioner: Abhinav Bharti Trust (Shrimati J.S. Pethani Abhinav Bharti Uttar Buniyadi Vidhyalaya), Raner Village Tal Kankrej, District Banaskantha, Gujarat

Respondents: 1. **The Commissioner / Director of Schools, 9/1, Dr. Jivraj Mehta Bhavan, Gandhinagar, Gujarat**

2. **Deputy Director, Directors of School Old Sachivalaya Block 9/1, Gandhinagar, Gujarat**

The order was pronounced on 30.05.2023. In this appeal, filed by appellant on dated 17.11.2020 under section 12B of the National Commission for Minority Educational Institutions Act, 2004 (in short NCMEI Act, 2004). The appellant has challenged the impugned order dated 13.11.2019 passed by the Commissioner / Director of Schools, State of Gujarat whereby the Competent Authority has rejected the application preferred by the appellant for grant of Minority Status Certificate (hereinafter referred as MSC) to the appellant's institution.

The Learned State authority of the Gujarat passed the impugned order dated 13.11.2019 which reads as follows:-

"it is hereby informed in view of the above mentioned subject and reference that the office here has received a proposal on 08.11.2019 from the reference letter regarding declaring "Shrimati J.S. Pethani Abhinav Bharti Uttar Buniyadi Vidhyalaya, Raner Village Tal Kankrej, District Banaskantha, Gujarat" managed by Abhinav Bharti in Banaskantha District as a religious minority school. On the basis of the prevent resolutions, the said proposal was scrutinized and hence the said proposal is



rejected from the following reason.

Reason : Not all members of the Trust at the time of its establishment belong to the respective (Jain) religious minorities. So that the terms and condition -1 of the resolution of the Education Department dated 07.10.2006 and the condition of the guideline of NCMEI are not fulfilled.

If you are aggrieved by the abovementioned decision, you can make an appeal under section 12B of the NCMEI Act, 2004 to the National Commission for Minority Educational Institutions, Gate No. 4, First Floor, Jeevan Tara Building, 5, Sansad Marg, New Delhi-110001 within 30 days of receiving this letter.

The approval of respected Director has been received on the note.”

Background facts in a nutshell are that appellant has applied to the respondent for grant of MSC that appellant is a registered Trust under the Bombay Public Trust Act and the officer bearers of the Trust are citizens of India, Trust is established having its registered office at Vada, District Banaskantha, Gujarat with an objective to impart education to the minority community. Initially at the time of establishment of Trust, 7 members are from minority community out of eleven 11 members. Copy of the Trust Deed is also filed by the appellant. Due to death of members there were change in the trustees and new trustees are elected which is approved by the Charity Commissioner. The aims and objects was also amended by the Trust and same was

also approved by the Charity Commissioner. Copies of amended Trust Deed was also filed by the appellant. The Trust has also sought permission for opening Secondary School in the name of Shrimati J.S. Pethani Abhinav Bharti Uttar Buniyadi Vidhyalaya, Raner Village Tal Kankrej, District Banaskantha, Gujarat and permission was also granted by the Gujarat Secondary Education Board, Gandhinagar, Gujarat and also grant-in-aid facilities. This institution is giving quality education to the Children of poor and needy families of minority communities. Copy of School Registration Certificate is also filed by the appellant. In the area where the school situated is the populated area of Jain community. Since all the trustees of the Trust are from minority community and institution is established and administered by the members of Jain minority community and also fulfilled all the criteria prescribed under the Act for getting MSC after passing resolution and application submitted to the respondent. Affidavits are also submitted by the Trustees, the application was not decided by the State Competent Authority thereafter the appellant has submitted the proposal on 07.11.2019 with all information and documents. Appellant is facing many problems and difficulties in absence of MSC, thereafter appellant request to grant MSC to the appellant institution but respondent has not considered the application for grant of MSC but without perusing the record the respondent has mechanically denied to grant MSC to the appellant. Appellant has also filed the application for condonation of delay under section 5 of the Limitation Act.

Appellant has submitted that impugned order of the respondent is bad



in law and against the NCMEI Act, 2004 and guidelines also. Respondent has not followed the mandatory provisions of NCMEI Act, 2004 without applying mind and perusing the records and evidence available on file, passed the order in arbitrary manner. Appellant has fulfilled all the criteria prescribed by the law to get MSC. By perusal of Trust Deed and the PTR, it is crystal clear that the appellant Trust aims and objects belonging to minority community as well as all the members are from Jain minority community. So prayed to quash the impugned order dated 13.11.2019 passed by the respondent and to issue MSC to the appellant. Appellant has also filed the affidavits of Trustees and other documents.

Notice of this appeal was served to the respondent and respondent has filed their reply and submitted that the appellant proposal to get MSC dated 04.10.2017 and 12.07.2018 was rejected because appellant had not fulfilled the criteria laid down by the Government resolution of Education Department, Govt. of Gujarat dated 07.10.2006. Aggrieved by the above decision, appellant has filed SCA 14921-25/2019 in the High Court of Gujarat and Hon'ble High Court has issued the order to stand clear on the decision to be taken in their application on or before 13.11.2019. Consequently, the said institution / school has submitted its fresh proposal for grant of MSC, then Officer of the Government had not recommended those proposal stating that the trustees of that Trust were not from Jain minority at the time of establishment of Trust. The formed committee comprising three Joint Directors scrutinized the proposal and it was found that all the founding members of the Trust i.e. Abhinav Bharti Trust - Vada were not

from Jain minority community which does not fulfill the guiding norms laid down in GR 07.10.2006 and after considering the facts they have rejected the above proposal and informed the concern through the letter of this office dated 13.11.2019.

Firstly, we have heard Learned Counsel for the appellant on application under section 5 of the Limitation Act for condonation of delay in filing appeal read with Rule 9 of the NCMEI (Procedure for Appeal) Rules 2006. Appellant has filed present appeal against the impugned order dated 13.11.2019 passed by the respondent before this Commission on dated 17.11.2020. Appellant had to file the present appeal within the period of 30 days from the date of order dated 13.11.2019.

Learned Counsel for the appellant submitted that said matter was filed before the respondent for grant of MSC but respondent authority has rejected the application of the appellant on dated 13.11.2019 stating that the appellant had not fulfilling the criteria and all the members of the Trust are not from Jain minority community. Aggrieved by the impugned order dated 13.11.2019 this appeal was filed by the appellant. Learned Counsel for the appellant submitted that in the year 2017, the appellant institution has sent proposal to the respondent for grant of MSC but since long time the authority has not decided the said proposal. Then appellant consulted Advocate and challenged the action of the authority for not deciding the proposal for grant of MSC before the High Court of Gujarat and therefore appellant Trust has filed the petition before the High Court of Gujarat. Thereafter respondent has passed its impugned order dated 13.11.2019 and



rejected the application of the appellant for grant of MSC. Thereafter, Advocate has advised to file appeal before this Commission under section 12B of NCMEI Act, 2004. One of the Trustee of Trust Shri Vinod Chandra Hargovidas Shah was severely ill from February 2020 and hospitalized and thereafter he was died on 03.03.2020. Thereafter, trustees could not approach to this Hon'ble Commission within time. Thereafter, there is global pandemic of Corona 2019 and entire nation was lock down, their delay in filing appeal is not intentionally and delay is bonafied under the advice of advocate they have approach to the High Court of Gujarat and thereafter to the Commission. The Appellant had a good prima facie case and are optimistic to succeed, balance of convenience and prima facie case is also required for condonation of delay and if delay is not condoned then appellant will suffer irreparable loss. So, appellant prayed to condone the delay, in the interest of justice, Appellant has filed Affidavit of Shah Dinesh Kumar, S/o Shri Kantilal Shah, Trustee of the Trust in support of the application for condonation of delay.

Respondent has not filed any reply or affidavit of this application.

We have gone through the cause stated in the application under section 5 of Limitation Act and in our considered opinion it constitutes a sufficient cause for the purpose of condonation of delay. The condonation of delay advances cause of justice rather than to defeat. According to the appellant, the delay was caused due to global pandemic of Corona 2019 and entire nation was lock down, their delay in filing appeal is not intentionally and delay is bonafied under the advice of advocate

they have approach to the High Court of Gujarat and thereafter to the Commission. Looking to the facts and circumstances of the case and uncontroverted affidavit of Shri Shah Dinesh Kumar, S/o Shri Kantilal Shah, Trustee, the delay caused in filing appeal by the appellant deserves to be condoned on the ground stated in the application, in the facts of this case, and also the application was not objected by the respondent state.

Accordingly, and in view of the aforesaid discussion, the application for condonation of delay in filing the present appeal is allowed. The delay in filing the present appeal, in the interest of justice, is hereby condoned.

Heard the Learned Counsel for the appellant, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Shah Dinesh Kumar, S/o Shri Kantilal Shah, Trustee of the Trust.

We have gone through the entire file, Trust Deed, copy of PTR, amended Trust Deed, report of Charity Commissioner, School Registration Certificate issued by the Gujarat Secondary Education Board, application / proposal, Certificate of Talatium mantra, Affidavits of members / trustees, Govt. resolution dated 07.10.2006, Death Certificate of Shri Vinod Chandra Hargovidas Shah, resolution passed by the Trustees and all other relevant documents which is available on record as well as impugned order.

As per the decision of Hon'ble Supreme Court passed in SK Patro V/ State of Bihar, (AIR 1970 SC 259) if the minority educational institution concerned is being run by a trust or a registered



society, then majority of the trustees of the trust or members of the society, as the case may be, must be from the minority community and the trust deed/ Articles of Association or any other document duly executed in this regard must reflect the objective of sub-serving the interest of the minority community. In the absence of any documentary evidence some clear or cogent evidence must be produced to prove the aforesaid facts. There is no bar to the members of other communities to extend their help to the member of a minority community to establish an educational institution of its choice.

So as per the above judgement passed by Hon'ble Supreme Court, majority members should be from the minority community and as per the contention and documents filed by the appellant, majority of the members are Jain minority community in the appellant Trust.

There is no impediment in the application being granted. Contention of the respondent that "it was found that all the founding members of the Trust (Abhinav Bharti Trust - Vada) were not from the Jain minority community" is prima facie wrong as per the judgement of Hon'ble Supreme Court because majority of the minority community members required and fulfilling the criteria for grant of MSC to the minority educational institution.

In the light of above observation, the impugned order dated 13.11.2019 does not reveal any rationale for rejecting the application for grant of MSC, therefore, the impugned order dated 13.11.2019 is hereby set aside. The matter is remanded to the respondent state competent authority of Gujarat for deliberating on the application for grant of minority status to

the appellant institution after perusal of all the documents and hearing after giving opportunity to the appellant.

The State competent authority of Gujarat is to deliberate on the application on its merits for grant of MSC to the appellant at the earliest, expeditiously.

In addition to the rules and in the interest of justice, appellant is also directed to produce certified copy of the order of this Commission before the State Competent Authority of Gujarat immediately for compliance of this order.

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

6.4 CASE NO. Misc. 02 of 2023

Subject: Application Under Section 12(C) of the National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004 for cancellation of Minority Status Certificate issued to Acharya Baldev Sansthan, Village Kopa, P.O. Patarahi, District Jaunpur, UP vide Case No. 2391 of 2012 on dated 04.12.2012

Petitioner: Mr. Anil Kumar Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, Uttar Pradesh

Respondent: 1) Principal/Headmaster, Acharya Baldev Sansthan, Village Kopa, P.O. Patarahi, District Jaunpur, UP

2) Deputy Director, Minori-



**ties Welfare Department,
Indira Bhawan, Lucknow,
Uttar Pradesh**

**3) Additional Chief Secretary,
Department of Secondary Education,
Bapu Bhawan, 7th Floor,
Lucknow, Uttar Pradesh-
226001**

The order was pronounced on 11.04.2023. This petition has been received by hand on dated 01.02.2023 from Mr. Anil Kumar Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, Uttar Pradesh for cancellation of MSC issued to Acharya Baldev Sansthan, Village Kopa, P.O. Patarahi, District Jaunpur, UP vide Case No. 2391 of 2012 on dated 04.12.2012. Above petition was registered by this Commission on 16.02.2023 and notices were issued to the respondents.

The brief facts of the case are that on dated 01.02.2023, this Commission has received application by hand from Mr. Anil Kumar Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, Uttar Pradesh in which it is stated that at the time of granting MSC, majority members of the Society were from Buddhist minority community but at present members of the Society are not from the minority community. So, minority status of the institution be cancelled.

Petitioner has also filed with above petition Affidavit of Mr. Anil Kumar Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, Uttar Pradesh, photocopy of minority status certificate along with covering letter dated 05.12.2012, certified copy of Certificate of

Registration of Acharya Baldev Shiksha Samiti, certified copy of Memorandum of Association alongwith list of members of the Society, List of minority members of the Society, copy of resolution of the Society dated 02.12.2022. By the said resolution it is resolved that MSC granted in favour of the petitioner institution should be cancelled.

Notices of above application for cancellation of MSC were sent to all the respondents but none appeared before this Commission on behalf of the respondents despite service of registered notices and email also.

Learned Counsel for the petitioner surrendered the original Minority Status Certificate alongwith covering letter dated 05.12.2012 issued to the petitioner institution which is taken on record during the course of arguments.

We have considered the facts and circumstances of the case and also perused the documents filed by the petitioner on behalf of the institution.

It is an admitted fact that only seven (7) members out of seventeen (17) total members are from minority community and ten (10) are from non minority community remaining in the Society. This minority educational institution is being run by a Society, then majority of the members of the Society, must be from the minority community. So as per the provisions of the NCMEI Act, 2004, petitioner institution has lost the minority status. There is no documentary evidence on record to rebut the documentary evidence filed by the petitioner.

In the premise, the petition filed by Mr.



Anil Kumar Yadav, Manager, Acharya Baldev Shiksha Samiti, Kopa, Patarahi, Jaunpur, Uttar Pradesh succeeds and allowed. The impugned order dated 04.12.2012 passed by this Commission in favour of Acharya Baldev Sansthan, Village

Kopa, P.O. Patarahi, District Jaunpur, UP for grant of MSC is hereby cancelled.

In view of the above, the present petition is allowed and disposed of accordingly.



CHAPTER 7:

Deprivation of Rights of Minority Educational Institutions and Affiliation To Universities

Under Article 30 (1) of the Constitution, religious or linguistic minority has a right to establish and administer educational institutions of its choice. The right however is subject to the regulatory powers of the State to maintain and facilitate excellence in educational standards. In T.M.A. Pai Foundation vs. State of Karnataka (2002) 8 SCC 481 case, the 11-judge bench of the Supreme Court, explained the rights of minorities to establish and administer an educational institution of their choice unhampered by rules and regulations that unnecessarily impinge upon their autonomy. The right to establish and administer broadly comprise of the following rights: -

- to admit students
- to fix a reasonable fee structure
- to constitute a governing body
- to appoint staff (teaching and non teaching)
- to take action if there is dereliction of duty on the part of any of the employees.

It was held that the minority institutions could not be allowed to fall below the standards of excellence expected of an educational institution. The Court stated that while the management must be left to

be administered by minority community it ought to take steps to maintain quality at par with others. The right to administer, not being absolute, there could be regulatory measures for ensuring educational standards and maintaining excellence thereof and it is more so in the matter of admissions to professional institutions.

The Hon'ble Court of the Commission takes cases of deprivation of rights of MEIs including their affiliation to Universities of their choice. During the year, following cases considered/decided by the Commission with regard to disputes of a colleges with the affiliating University:

7.1 Appeal No. 08 of 2021

Subject: Appeal for quashing the order of the Director, Directorate of AYUSH, Maharashtra against the appointments of teaching staff by the Petitioner Institution.

Petitioners: Maharashtra Medical Education and Research Centre, A registered Public Trust through its Treasurer, Dr. Mushtaque U. Mukadam, 2390-B, K.B. Hidayatullah Road, New Modikhana, Azam Campus, Camp, Pune-411 001. ———1

ZVM Unani Medical College and Hospital, Pune, through



**its Principal Dr. Jalis Ahmed,
2390-B, K.B. Hidayatullah
Road, New Modikhana,
Azam Campus Camp, Pune-
411 001. ————2**

**Respondents: 1. The Secretary, Govern-
ment of Maharashtra, Medi-
cal Education & Drug De-
partment, Mantralaya,
Mumbai- 400 032.**

**2. Registrar, Maharashtra
University Health Science,
Nashik, Mhasrul, Dindori
Road, Nashik- 422 004.**

**3. Director, Directorate of
AYUSH, Maharashtra State,
Mumbai, St. George Hospi-
tal Compound, P.D. Mello
Road, Fort, Mumbai- 400 001**

The order was pronounced on 12.10.2023. This petition has been filed challenging the impugned order dated 11.03.2020 of the Respondent No. 3. By the said impugned order the Respondent No. 3 has rejected the proposal of the Petitioners for grant of approval for the 5 teaching staff appointed by the petitioners.

Heard learned counsel for the petitioners as well as Mr. P.A. Inamdar and learned counsel for the Respondent No. 2.

Learned counsel for the petitioners submitted that petitioner No. 2 is a Minority Educational Institutions and recognized as such by the Respondent No. 1 State Government on 28.06.1994. Petitioner No. 1 is a Public Charitable registered Trust. Petitioner No. 2 is a Unani Medical College & Hospital which is established with the permission of the Government of Indian on

the recommendation of the State Government and affiliated to Respondent No. 2 University. Petitioner No. 2 College admittedly runs Under Graduate B.U.M.S. Course with 60 seats intake as well as M.D./M.S. Post Graduate Unani Course with 17 seats, intake allowed by the Government of India. Petitioners wanted to recruit five (5) teaching staff sanction by Respondent No. 3 i.e. 2 Associate Professor and 3 Assistant Professor. Accordingly, they constituted Selection Committee. After giving advertisement on 19.1.2020 as per CCIM (Central Council of Indian Medicine) Regulations, applications were invited from the qualified staff as per the rules for interview. After selecting five candidates Associate/ Assistant Professor, the petitioners submitted the details of such selected staff/ candidates in the prescribed format to Respondent No. 3 for granting approval to such selected staff. Selected staff was fully qualified as per the norms of respondents. This proposal of approval was submitted or Respondent No. 3 on 18.03.2020. Thereafter, Respondent No. 3 vide its letter dated 11.03.2020 gave reply to the Petitioner No. 02 that the advertisement published by Petitioner No. 2 has been rejected on the ground that Petitioner No. 2 did not publish the said Advertisement for the post of 2 Associate Professors and 3 Assistant Professor as per The Maharashtra Government Service Rules 2013, hence approval to the appointed staff/ candidate could not be given.

Thereafter, Petitioner No. 02 vide its letter dated 20.05.2020 informed Respondent No. 03 that the Petitioner No. 02 is a Minority Educational Institution and the advertisement for the post of 2 Associate Professors and 3 Assistant



Professor is published as per Central Council of Indian Medicine Regulations and on that basis the approval cannot be granted to the selected candidates.

Respondent No. 03 vide its letter dated 16.06.2020 replied Petitioner No. 02 that the Petitioner No. 02 has published the said advertisement as per CCIM (Central Council of Indian Medicine) Regulations and on that basis the approval cannot be granted to the selected candidates.

Petitioner No. 02 on 24.6.2020 replied to the Respondent No. 03 that the above-said Maharashtra Government Service Rules 2013 are applicable only to the Ayurvedic College Teachers Appointment/ Services and not applicable to Unani Medical College and for which the Unani College Association has forwarded a letter dated 08.07.2014 to the Respondent No. 3. Moreover, in the letter dated 08.07.2014, the issue regarding the applicability of the Maharashtra Government Service Rule 2013 is only applicable to the Ayurvedic College and not to Unani Medical College.

As per letter dated 07.11.2016 of CCIM (Central Council of Indian Medicine) Regulations, New Delhi for Unani Medical College Professor and other post, and also the Fundamental Right under Article 30 (1) of the Constitution of India, the petitioner No. 02 has filled the post of the candidates and requested the Respondent No. 3 on 24.6.2020 to grant approval to the selected candidates.

On 29.7.2020 the Respondent No. 3 through its letter replied to the Petitioner No. 02 that the said posts are filled as per CCIM (Central Council of Indian Medicine) Regulations whereas it should be filled as per Maharashtra Government Service

Rules 2013 and Petitioner No. 02 was requested to again publish the Advertisement as per Maharashtra Government Service Rules 2013 but till today the Petitioner No. 02 has not followed the said instructions therefore again the Petitioner No. 02 was requested to follow the said Rules of 2013.

Petitioner No. 02 has published the Advertisement on 19.1.2020 for the post of 2 Associate Professor and 3 Assistant Professor as per CCIM (Central Council of Indian Medicine) Regulations and sent the letter for approval of the selected candidates on 18.3.2020 to the Respondent No. 3 (Directorate of Ayush, Maharashtra) but the Respondent No. 3 through its letter stated that the said Advertisement is not as per Maharashtra Government Service Rules 2013, whereas the said Rules of 2013 is only applicable to the Ayurvedic College and not to Unani College therefore Petitioner No. 02 vide their letter dated 01.10.2020 requested Hon'ble Minister (Medical Education, Maharashtra) to inquire into the above-said matter.

In these circumstances, petitioners have approached this Commission to quash and set aside the impugned order dated 11.03.2020 of the Respondent No. 03.

It has been stated in the reply filed on behalf of Respondent No. 1 & 3 that letter dated 11.03.2020 issued by Director of Ayush, Maharashtra clearly mentioned that for Government Aided approved posts, Maharashtra Government Recruitment Rules, 2013 should be used for recruitment in the Petitioner No. 2 college. It was also communicated to the Petitioner No. 2 College that the college must follow



Maharashtra Government Recruitment Rules 2013 for filling up Government Aided posts and the institute has to re-advertise said teaching posts as per State Government Rules and not as per Central Council of Indian Medicine Rules for State Government Aided posts.

We have considered the arguments of both the parties and perused the file. Learned Counsel for the petitioners and Mr. P.A. Inamdar submitted that by this petition they are challenging the impugned order dated 11.03.2020 of the Respondent No. 3 which is violative of the educational rights of the minorities enshrined in Article 30(1) of the Constitution of India.

It is true that this Commission does have any jurisdiction to quash any statutory provision made in the Act/ Rules/ Regulations. During the hearing of the case the petitioners had abandoned their prayer for quashing of the regulations and it was submitted that a declaration to be made to the effect that the impugned order dated 11.3.2020 is not applicable to the minority educational institutions covered under Article 30(1) of the Constitution of India.

It is an admitted fact that the petitioners are Minority Educational Institutions and recognized as such by the Respondent No. 1 State Government on 28.6.1994. A Minority Educational has freedom to select and appoint its teaching and non teaching staff in accordance with the qualifications prescribed, therefore by the statutory authority and the legislature cannot interfere in the composition of the selection committee. It has been held by the Hon'ble Supreme Court in St. Xavier's College, Ahmedabad V/s State of Gujarat, 1974 (1) SCC 717 that autonomy in administration means right to administer effectively and

to manage conduct the affairs of the institutions.

Hon'ble Supreme Court has consistently upheld the rights of minorities enshrined in Article 30(1) of the Constitution of India and has ensured that the ambit and scope of the rights of the minorities is not narrowed down. The broad approach has been to see that nothing is done to impair the rights of the minorities in the manner of their educational institutions and that the width and scope of the provisions of the constitution dealing with those rights are not circumscribed.

Article 30(1) of the Constitution of India gives linguistic and religious minorities a fundamental right to establish and administer educational institutions of their choice. These rights are protected by a prohibition against their violation. The prohibition is contained in Article 13 of the Constitution which declares that any law, in breach of the fundamental rights would be void to the extent of such violation. It is well-settled that Article 30(1) cannot be read in a narrow and pedantic sense and being a fundamental right, it should be given its widest amplitude. The width of Article 30(1) cannot be cut down by introducing in it considerations which are destructive to the substance of the right enshrined therein.

The National Commission for Minority Educational Institutions (NCMEI) Act has been enacted to safeguard the educational rights of the minorities enshrined in Article 30(1) of the Constitution. The NCMEI has been constituted under the Act. The Commission is a quasi-judicial body and has been endowed with the powers of a Civil Court for the purpose of discharging its functions under the Act.



A stream of Hon'ble Supreme Court decisions commencing with the Kerala Education Bill case (AIR 1958 SC 956) and climaxed by the Eleven Judges Bench case in T.M.A. Pai Foundation (2002) 8 SCC 481 has settled the law for the present. The proposition of law enunciated in T.M.A. Pai Foundation is reiterated in the clarificatory judgement rendered by another Constitutional Bench of the Supreme Court in P.A. Inamdar vs. State of Maharashtra [2005 (6) SCC 537].

The apex court in the same judgment had further observed with regard to those minority institutions which are receiving grant-in-aid from the State. The apex Court observed in paragraph 141 of the judgment that for granting aid there cannot be abject surrender of right of management. The receipt of aid cannot be reason for altering the nature or character of recipient of the education institution. Choosing teachers who will carry on the educational institution toward excellence has been held to be right of management of minority institutions.

Following observations were made by the Supreme Court in T.M.A. Pai Foundation and Ors. vs. State of Karnataka (2002) 8 SCC 481 in paragraphs 136, 137 and 139:-

“136. Decisions of this Court have held that the right to administer does not include the right to mal administer. It has also been held that the right to administer is not absolute, but must be subject to reasonable regulations for the benefit of the institutions as the vehicle of education, consistent with national interest. General laws of the land applicable to all persons have been held to be applicable to the minority

institutions also for example, laws relating to taxation, sanitation, social welfare, economic regulation, public order and morality.

137. It follows from the aforesaid decisions that even though the words of Article 30 (1) are unqualified, this Court has held that at least certain other laws of the land pertaining to health, morality and standards of education apply. The right under Article 30(1) has, therefore, not been held to be absolute or above other provisions of law, and we reiterate the same. By the same analogy, there is no reason why regulations or conditions concerning, generally, the welfare of students and teachers should not be made applicable in order to provide a proper academic atmosphere; as such provisions do not in any way interfere with the right of administration or management under Article 30 (1).

139. Like any other private unaided institutions, similar unaided educational institutions administered by linguistic or religious minorities are assured maximum autonomy in relation thereto; e.g. method of recruitment of teachers, charging of fees and admission of students. They will have to comply with the conditions of recognition, which cannot be such as to whittle down the right under Article 30.”

The general principles relating to establishment and administration of educational institution by minorities are that



the right of minorities to establish and administer educational institutions of their choice guaranteed under Article 30(1) is subject to the regulatory power of the State for maintaining and facilitating the excellence of educational standard. The minority institutions cannot be allowed to fall below the standards of excellence expected of educational institutions, or under the guise of exclusive right of management, to decline to follow the general pattern. The essential ingredients of the management, including admission of students, recruitment of staff and the quantum of fee to be charged cannot be regulated. The regulations made by the statutory authorities should not impinge upon the minority character of the institution. The regulations must satisfy a dual test that it is regulative of the educational character of the institution and is conducive to making the institution an effective vehicle of education for the minority community or other persons who resort to it. Regulations that embraced and reconciled the two objectives could be considered reasonable. The fundamental right guaranteed under Article 30(1) is intended to be effective and should not be whittled down by any administrative exigency. No inconvenience or difficulties, administrative and financial, can justify infringement of the fundamental right.

The State or any statutory authority, cannot under the cover or grab of adopting regulatory measures, destroy the administrative autonomy of a minority educational institution or start interfering with the administration of the management of the institution so as to render the right of the administration of the institution concerned nugatory or illusory. In other words, the regulations should not in any

way take away the freedom of management of administration of the institution so as to reduce it to a satellite of a University or the State. The right to select its teaching or non-teaching staff perhaps the most important facet of the right to administer an educational institution and that imposition of any trammel thereon except to the extent of prescribing the requisite qualifications and experience, would be treated as invalid and would constitute as a interference with the right of administration of the minority educational institution.

It is pertinent to mention here that it is a well settled that once a teacher possessing the requisite qualification prescribed therefore was selected by the management through selection committee of a minority educational institution, the State or the University have no right to veto the selection of such a teaching staff. The selection of appointment of teachers of a minority educational institution has been recorded as one of the essential ingredients under Article 30(1) of the Constitution.

In the present case respondent has rejected the proposal of the petitioner No. 2 on the ground that they did not publish the said Advertisement for the post of 2 Associate Professors and 3 Assistant Professor as per The Maharashtra Government Service Rules 2013. .

The role of the respondent no. 3 is limited to the extent of ensuring that the person so selected fulfils the minimum qualifications of eligibility laid down by the State/ University.

Consequently, the action of the respondent No. 3 in declining to grant



approval of the selection and appointment of the teaching staff of the petitioner institution is violative of the constitutions provisions. So in my opinion the impugned order dated 11.03.2020 is in violation of the fundamental rights of the minorities enshrined in Article 30(1) of the Constitution of India and also relating to deprivation of fundamental rights of petitioner minority institution.

Consequently, for the foregoing reasons, we direct the respondent No. 3

to implement the findings of the Commission by granting approval to the appointment of teachers selected and appointed by Petitioner No. 2.

It is pertinent to mention here that the Commission has passed similar judgment in Appeal/ Petition No. 27 of 2019.

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



CHAPTER 8

References From Central Government and State Governments and Commission's Recommendations

As per Section 11 (a) of the Act, the Commission shall advise the Central Government or any State Government on any question relating to the education of minorities that may be referred to it.

8.1. Meeting with Competent Authorities/Authorities of the States/UTs:

The Commission interacts with State/UT Competent Authorities and Authorities appointed under section 10 of NCMEI Act and as per the provisions contained in the National Commission for Minorities Act 1992 (19 of 1992) and provides suitable guidance with regard to handling the cases of Minority Educational Institutions. 31 States/UTs have appointed Competent Authority to grant No Objection Certificate. Assam, Manipur, Dadra & Nagar Haveli, Delhi, J&K and Ladakh have not yet appointed the same. In 31 States/UTs, the petitioner institutions can apply directly to the State/UT for grant of MSC. Chhattisgarh, Sikkim, Dadra & Nagar Haveli, J&K, Ladakh & Puducherry are not having Authorities for grant of MSC. The State Governments/UT Administrations which have not appointed competent authority as per the Act, have been requested to appoint Competent authority. A list of the State Competent Authority is given in **Annexure-3**.

8.2. Advisory to the Competent Authorities/Authorities of the States/UTs:

The Court of the Commission has passed orders in several cases directing the Secretary of the Commission to direct the State Competent Authorities to refer to the Commission's Judgment in 217 of 2019 wherein it has been decided that the State should prescribe a minimum percentage governing admissions of minority students during any academic year based on the proportion of minority students in the State or other reasonable formula and prescribed rules and regulations for such determination and verification of its implementation.

On the same lines, judgment was passed in the Case no. 198 of 2021. The judgment is detailed below:

8.2.1 CASE No. 198 of 2021

Subject:	Application for seeking Minority Status Certificate for Sneha Sadan Higher Primary School, Kanakal, Basavana Bagevady Tq, District Bijapur, Karnataka-586203
Applicant:	Sneha Sadan Higher Primary School, Kanakal, Basavana Bagevady Tq, District Bijapur, Karnataka-586203
Respondent:	Additional Chief Secretary to Government, Education Department (Higher Education), Govt. of Karnataka, Sixth Floor, Multi Storeyed



**Building, Bengaluru,
Karnataka-560001**

The order was pronounced on 27.04.2023. This application has been received on 27.08.2021 by post from the petitioner for grant of Minority Status Certificate (in short 'MSC') to Sneha Sadan Higher Primary School, Kanakal, Basavana Bagevady Tq, District Bijapur, Karnataka-586203.

The petitioner institution filed the Affidavit of Sr. Grace Joseph, Secretary of The Sisters of Charity Educational Society of Karnataka State in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Christian minority community, copy of Unique ID No. : KA/2018/0189113 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 24.02.2021 sent to the State Competent Authority i.e. Additional Chief Secretary to Government, Education Department (Higher Education) alongwith postal receipt and its tracking report, copy of reminder letters dated 17.03.2021, 07.04.2021, copy of Certificate of Registration of The Sisters of Charity Educational Society of Karnataka State, copy of Memorandum of Association of the Society alongwith list of founding members of the Society, copy of Amended Memorandum of Association of the Society along with list of present members of the Society, notarized copy of Recognition Order dated 23.07.2021 issued by the Block Education Officer, Bijapur to unaided petitioner institution for the year 2019-20, 2020-21 to 2023-24 for 1st to 7th Std. in Kannada language along with its English translation and resolution of the General

Body of the Society in favour of Sr. Grace Joseph, Secretary of The Sisters of Charity Educational Society of Karnataka State for obtaining MSC from this Commission.

As per the information supplied by the petitioner unaided institution with regard to students strength in academic year 2020-21, it is mentioned that out of total 245 students, 125 students are from the Christian minority community and 120 students are Hindus. It is relevant to mention here that out of the total 9 teachers, 5 teachers are from the Christian Minority community.

As per the information supplied in the physical inspection report by the physical inspection committee with regard to the student's strength, it is mentioned that petitioner institution has no student in their institution in the academic year 2020-21, 2021-22 and 2022-23. Population of Christian minority community in the State of Karnataka as per the census of 2011 is 1.87%.

It is stated in the petition that on dated 24.02.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 02.03.2021 and the said application 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.

Despite service of registered notice dated 27.09.2021, 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 11.05.2022 and after service of letters to the physical inspection committee dated 24.06.2022 and 07.09.2022, Committee have sent the physical inspection report which was received in the Commission's office on dated 17.10.2022. In the said report, it is mentioned that petitioner institution has no student in their institution in the academic year 2020-21, 2021-22 and 2022-23.

Heard the Learned Counsel for the petitioner, perused the pleading of the petitioner institution and the documents filed by the petitioner and affidavit of Sr. Grace Joseph, Secretary of The Sisters of Charity Educational Society of Karnataka State.

Learned Counsel for the petitioner submitted that 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 Christian minority community and is being administered by The Sisters of Charity Educational Society of Karnataka State. The petitioner institution has fulfilled all the criteria for grant of MSC. The Competent Authority has failed to consider their application for grant of NOC. To obtain MSC is a

constitutional right of minority educational institution. The petitioner institution is established and administered by the member of the Christian minority community. Learned Counsel for the petitioner has further submitted that the Hon'ble Apex Court, various High Courts as well as this Commission have categorically held that percentage governing admission of students from notified minority community in a minority educational institution is not indicia for determining the minority status of such institution.

This Commission has already decided in Case No. 1320 of 2009 of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa which reads as under:-

"it has been held by the Supreme Court in TMA Pai (Supra) that the intake of minority students in the concerned institution has to be dependent upon variety of factors like what kind of institution it is, whether primary, secondary, high school or college or otherwise, the population of that community in the State and to the need of the area in which the institution is located. It is by considering these factors that the State may fix a minimum intake of minority and non-minority students. The Supreme Court has also held that "what would be a reasonable extent would depend upon variable factors, and it may not be advisable to fix any specific percentage." From the above it is clear that a ceiling of 50% cannot be imposed against the minority institutions, requiring them to



compulsorily admit the minority students upto 50%. There cannot be a common rule or regulation in respect of all types of educational institutions from primary to college level and for the entire State fixing the uniform ceiling in the matter of admission of students in minority educational institutions”.

----- XXXXX -----

Consequently, we find and hold that the identifying criteria of fixation of a percentage governing admission of a minority community in a minority educational institution cannot be included in the indicia for determining the minority status of such an institution.”

----- XXXXX -----

Taking into consideration, the documents, information supplied by the petitioner institution, affidavit of Sr. Grace Joseph, Secretary of The Sisters of Charity Educational Society of Karnataka State, in the facts and circumstances of this case, the main issue is whether the petitioner institution is entitled to get MSC from this Commission?

It is an admitted fact by the petitioner institution that out of the total 245 students, 125 students are from the Christian minority community in the petitioner institution situated at Kanakal, Basavana Bagevady Tq, District Bijapur, Karnataka-586203 in the academic year 2020-21 but as per the physical inspection report, it is mentioned that in the petitioner institution in the academic year 2020-21, 2021-22 and 2022-23, out of total 407, 324 and 327 students, no student from the Christian

minority community. So it is clear that petitioner institution has given false information to the Commission by way of declaration and suppressed the material facts by the Sr. Grace Joseph, Secretary of The Sisters of Charity Educational Society of Karnataka State and in our considered opinion, petitioner institution has not entitled to get MSC from the Commission.

As per the judgement of Hon'ble Apex Court in T.M.A. Pai Foundation Vs The State of Karnataka (2002) 8 SCC 481, a minority whether linguistic or religious is determinable only by reference to demography of the State and not by taking into consideration the population of the country as a whole. We are aware of the Buckley Judgement passed by this Commission but there must be reasonable strength of students of minority community in a minority institution and in our considered opinion the percentage could be determined based on the actual proportion of specific minority community in the State's population. In the present case, Christian minority community in the State of Karnataka as per the Census of 2011 represents 1.87% of the State population, the minimum percentage governing admissions could be fixed as 2% and in the petitioner institution not a single student studying as per the Physical Inspection Report of the Committee and in the above facts in our considered opinion petitioner institution is not entitled to get MSC from the Commission.

It has been held in P.A. Inamdar V/s State of Maharashtra (2005) 6 SCC 537, “the minority institutions are free to admit students of their own choice including students of non-minority community and



also members of their own community from other States, both to a limited extent only and not in a manner and to such an extent that their minority educational status is lost. If they do so, they lose the protection of Article 30(1) of the Constitution.” And further it has been held in Kerala Education Bill AIR 1958 SC 956 that “Articles 29(2) and 30(1), read together, clearly contemplate a minority institution with a ‘sprinkling’ of outsiders” admitted in it. By admitting a member of non minority into the minority institution it does not shed its character and cease to be a minority institution”.

It is pertinent to mention here that an educational institution is established to sub-serve or advance the purpose for its establishment. Whereas the minorities have the right to establish and administer educational institutions of their own choice with the desire that their children should be brought up properly and be eligible for higher education and go all over the world fully equipped with such intellectual attainments as it will make them fit for entering into the public services, surely then there must be an implicit in such a fundamental right the corresponding duty to cater to the needs of children of their own community. The beneficiaries of such a fundamental right should be allowed to enjoy it in the fullest measure. Therefore, the educational institutions of their choice will necessarily cater to the needs of the minority community which had established the institution. Mere receipt of state aid does not annihilate the right guaranteed under Article 30(1). It has been held in the case of P.A. Inamdar (Supra) that “a minority institution does not cease to be so, the moment grant-in-aid is received by the institution. An aided minority

educational institution, therefore, would be entitled to have the right of admission of students belonging to the minority group and at the same time, would be required to admit a reasonable extent of non-minority students, so that the rights under Article 30(1) are not substantially impaired and further the citizens’ rights under Article 29(2) are not infringed. What would be a reasonable extent, would vary from the types of institution, the courses of education for which admission is being sought and other factors like educational needs. The State Government concerned has to notify the percentage of the minority students to be admitted in the light of the above observations.”

That from bare reading of Article 30(1) of the Constitution of India read with several authoritative pronouncement of the Hon’ble Supreme Court and the definitions of minority educational institution in Section 2(g) of the NCMEI Act, 2004 and Section 2(f) of the Central Educational Institutions (Reservation in Admission) Act, 2006, the following facts should be proved for grant of MSC to an educational institution on religious basis:-

- (i) That the educational institution was established by a member / members of the religious minority community;
- (ii) That the educational institution was established primarily for the benefit of the minority community; and
- (iii) That the educational institution is being administered by the minority community.

The proportion of law enunciated in T.M.A. Pai Foundation case is reiterated in the clarificatory judgement rendered by



another constitution bench of Hon'ble Supreme Court in P.A. Inamdar V/s State of Maharashtra (2005) 6 SCC 537 and general principles relating to establishment and administration of educational institutions by minorities are clarified.

The State Government can prescribe percentage of the minority community to be admitted in a minority educational institution taking into account the population and educational needs of the area in which the institution is located. There cannot be a common rule or regulation or order in respect of types of educational institutions from primary to college level and for the entire State fixing the uniform ceiling in the matter of admission of students in minority educational institutions. Thus a balance has to be kept between two objectives – preserving the right of the minorities to admit students of their own community and that of admitting “sprinkling of outsiders” in their institutions subject to the condition that the manner and number of such admissions should not be violative of the minority character of the institution. It is significant to mention here that Section 12C (b) of the Act also empowers the State Government to prescribe percentage governing admissions in a minority educational institution. Thus the State Government has to prescribe percentage governing admissions of students in the minority educational institutions in accordance with the aforesaid principles of law enunciated by their lordships of the Supreme Court in the cases of T.M.A. Pai Foundation and P.A. Inamdar (supra).

The emphatic point in the P.A. Inamdar (Supra) reasoning is that the minority educational institution is primarily for the benefit of minority community. Sprinkling

of the non-minority students in minority educational institution is expected to be only peripheral either for generating additional financial source or for cultural courtesy. Thus, a substantive section of student population in minority educational institution should belong to the minority. In the context of commercialisation of education, an enquiry about composition of student population of minority educational institution will reveal whether the substantive peripheral formula that can be gathered from P.A. Inamdar case (Supra) is adequately complied with or whether minority educational institution is only a façade for money making.

We have also considered that, when the Constitution of India enshrines rights on minority educational institutions, it is obvious that there should be some duties required from them as well. But some of the institutions are not adhering to their duties and not giving admissions to students of their own community. The words “that the educational institution was established for the benefit of the minority community” clearly imposes the duty on the minority educational institutions to work for the benefit of their own community rather than mostly for private profit or other purposes. Section 12C of the NCMEI Act, 2004 empowers the NCMEI to cancel the minority status of an educational institution if, on verification of records during an inspection or investigation it is found that the minority educational institution has failed to admit students belonging to the minority community as per rules and a prescribed minimum percentage governing admissions of minority students during any academic year. So the reasonable strength of students of minority community should be there in the minority educational



institution for serving their own community for which they are provided constitutional privileges and benefits. Minority educational institutions have the permanent obligation to benefit their own minority community students.

We have also considered another aspect that in order to provide Free and Compulsory Education of all Children in the age group of six to fourteen years as a fundamental right, the Government of India inserted Article 21A in the Constitution of India and also enacted the Right of children to Free and Compulsory Education Act, 2009 (in short RTE Act, 2009) which provides that every child in the age group of six to fourteen years has a right to full time elementary education of satisfactory and equitable quality in a formal school, which satisfies certain essential norms and standards. But in order to protect minority educational institutions from implementation of the RTE Act, 2009 the Hon'ble Constitutional Bench of Supreme Court in its judgement dated 06.05.2014 in *Pramati Educational and Cultural Trust and others V/s Union of India and others* (2014) 8 SCC Page 1 held, that the RTE Act, 2009 in so far as it applies to minority schools aided or unaided covered under Clause 1 of Article 30 of the Constitution of India is ultra virus of the Constitution. This proposition of law establishes that said Act 2009 is not applicable to minority educational institutions, aided or unaided at all. In these circumstances, minority educational institutions have moral obligation and duty to benefit their own community students by giving admissions to the reasonable extent.

We have considered the Buckley Primary School (Supra) judgement of this Commission which is probably unintended

and created an absolute right for minorities to establish minority educational institutions irrespective of the number of beneficiaries which appears to be in contravention of the provisions of Section 12C of the NCMEI Act, 2004, which empowers the NCMEI to cancel the minority status of an educational institution, if on verification of records during inspection or investigation, it is found, inter-alia that the minority educational institution has failed to admit a prescribed minimum percentage of minority students during any academic year. We are also of the opinion that States should comply with their obligation to determine eligibility of minority educational institutions as mandated in the NCMEI Act, 2004 and should prescribe the minimum percentage governing admissions of minority students during any academic year together with rules and regulations for its determination and to verify its implementation by a minority educational institution, taking into account of population, education needs of the area in which the institution is located and also principles of law enunciated by their lordships of the Hon'ble Supreme Court in the case of *T.M.A. Pai Foundation and P.A. Inamdar Case* (Supra).

The petitioner institution has not filed certified copies of Certificate of Registration, Memorandum of Association, Amended Memorandum of Association, updated recognition order issued by the State Authority to the petitioner institution and affidavit or undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of the Christian minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution and also given false information



in the petition about the students strength.

Secretary of this Commission is already directed to direct all the Competent Authority of State / UTs to comply with this obligation as mandated in NCMEI Act, 2004 and above said judgements passed by Hon'ble Supreme Court and should prescribe a minimum percentage governing admissions of minority students during any academic year based on the proportion of minority students in the State or other reasonable formula and prescribed rules and regulations for such determination and verification of its implementation.

As discussed above, the petitioner institution has failed to fulfill the criteria for grant of MSC.

Consequently, the petition filed by the petitioner institution namely Sneha Sadan Higher Primary School, Kanakal, Basavana Bagevady Tq, District Bijapur, Karnataka-586203 is hereby dismissed. However, petitioner institution is free to move fresh application for grant of MSC as per the law, following the procedure after having minimum percentage of students in their institution.

In the interest of justice, office is directed to send copy of this judgement to State Competent Authority for compliance of this judgement.

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



CHAPTER 9

Recommendations for the Integrated Development of Education of Minorities

The Section 11 of the NCMEI Act, 2004 deals with recommendations of NCMEI for integrated development of the minorities:

- make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the Minority Educational Institutions; and
- take measures as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission

9.1 Issues regarding violation of educational rights of the Minority Educational Institutions and constitutional safeguards as enshrined in the Constitution of India are taken up by the Commission and also the MEIs are regularly sensitized on the following:

- Article 30(1) of the Constitution, which provides religious / linguistic minorities to establish and administer educational institutions of their choice.
- Right to Education (RTE) Act- Hon'ble Supreme Court's judgement in the matter of Pramati Educational & Cultural Trust (R) & Others Versus Union of India & Ors., in which it was held that proposition of law establishes that

RTE Act 2009 is not applicable to Minority Schools, aided or unaided.

- MEIs rights and immunities like reservation not being applicable in admission, autonomy in choosing its governing body, appointment of teaching & non teaching staff, admitting students of their own choice including students from non-minority community and also students from their own community etc.
- Judgments of the Hon'ble Supreme Court on the applicability of minorities' rights.
- State's role in maintaining discipline and academic excellence and to regulate the affairs
- Functions and Powers of Commission.

9.2 The Commission also takes up the cases where the State Competent Authority and State Authority have rejected the NOC/MSI application and pass appropriate orders in which the State Competent Authority is directed to review their order. One such case is detailed below:

APPEAL No. 29 of 2019

Subject: **Appeal under section 12A (1) of the National Commission**



for Minority Educational Institutions Act, 2004 (in short NCMEI Act, 2004) thereby challenging the impugned order dated 03.10.2017 passed by the Additional Chief Secretary, School Education Department, Chandigarh (Haryana) whereby the Competent Authority has rejected the application preferred by the appellant for grant of Minority Status Certificate.

Applicant: Sant Nischal Public School through its Principal, Jagadhari Road, Yamuna Nagar, Haryana- 135 001.

Respondents: The Principal Secretary, School Education Department, Room No. 37, 7th Floor, Haryana Civil Secretariat, Sector-1, Chandigarh, Chandigarh- 160 001.

The order was pronounced on 06.04.2023. In this appeal filed on 26.9.2019 the appellant institution has challenged the order dated 03.10.2017 passed by the Additional Chief Secretary, School Education Department, Chandigarh (Haryana) for rejection of the application preferred by the appellant for grant of No Objection Certificate (in short 'NOC') to the appellant institution.

Background facts in a nutshell are that on 08.01.2016 appellant has applied for grant of NOC u/s 10 of the NCMEI Act, 2004 to the Additional Chief Secretary, Government of Haryana, School Education Department. When the appellant did not receive any response to the application,

appellant approached the Hon'ble High Court of Punjab and Haryana through CWP No. 9463/ 2017 with the prayer of issuance of the writ in the nature of mandamus to issue the NOC and decide the application of the appellant. The Hon'ble High Court disposed of the said CWP vide order dated 04.05.2017.

In compliance of direction of the Hon'ble High Court of Punjab and Haryana to grant NOC to the appellant within 15 days subject to fulfilling all the requisite of the guidelines etc., respondent has disposed of the application of the petitioner vide order dated 03.10.2017. The operative portion of the order passed by the respondent read as follows:

"After consideration of the case and perusal of the documents submitted by the petitioner, I have come to the conclusion that the school of the petitioner does not fulfill the condition of 50% students admitted from the Sikh community. As per declaration for the Principal, Sant Nischal Singh Public School, Yamunanagar there are only 871 students from Sikh Community out of 2924 students which is only 29% of the total students. Hence, the claim of the petitioner to grant NOC for minority status to Sant Nischal Singh Public School, Yamunanagar is not tenable and the same is liable to be rejected."

In these circumstances, aggrieved by the said impugned order of respondent, the Appellant filed the present appeal before this Commission on dated 26.9.2019.

Registered notices dated 02.12.2019 and again on dated 23.11.2020,



08.07.2022 of this appeal were served on the respondent. Respondent thereafter has filed reply dated 10.03.2021 stating that the application of the petitioner (appellant) institution was examined as per Government Guidelines issued on dated 14.08.2015. The said guidelines were revised by the State vide Memo No. 01/66-2003 Coord(3) dated 22.09.2016. As per Point No. 9 of the said Guidelines, the admission of the students from the minority community should be to a reasonable extent (say upto 50%). As per the declaration submitted by the Principal, there are only 871 students from Sikh Community out of 2924 students which is only 29% of total students. Further, it is pertinent to mention here that 29% of the strength of minority students is not reasonable as per the guidelines. Keeping in view the submission made above, it has been prayed to dismiss the appeal.

On dated 23.02.2022 appellant institution has filed the affidavit of Smt. Sarit Kaur, Principal of the appellant school vide which data of the number of students for the year 2019, 2020 and 2021 was supplied. In the year 2019, out of total 2295 student, 1245 were from Sikh community, which is 54.24%. In the year 2020, out of 2237 student, 1160 were from Sikh community, which is 51.85% and in the year 2021 out of total 2381 students, 1255 students were from Sikh community, which is 52.70%. It has been also stated in the affidavit that as per the last census data of 2011 with the Government of India, Sikh community population in the State of Haryana was 11,70,662 as against the total population of 2,11,44,564. Therefore, the Sikh minority population accounts to roughly 5.5% of the total population of Haryana State. Appellant placed reliance

on Case of T.M.A. Pai Foundation vs. State of Karnataka (2002) 8 SCC 481, 2005 (6) SCC 537 and Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 06.07.2010). In view of above, this Commission is requested by the appellant to clarify the above point to the respondent and grant minority status certificate to the petitioner institution, which otherwise fulfil all other requirements.

Learned counsel for the appellant has filed affidavit of Ms. Sari Kaur in support of the averments made in the appeal and also to prove that the beneficiaries of the appellant institution are members of the Sikh minority community and also 50% of the students belong to Sikh minority community, The appellant has also filed Revised Certificate of Registration of Sant Nischal Singh Memorial Trust society, Revised Memorandum of Association, Revised Byelaws, list of founding and present members, copy of order No. CBSE/Aff./530029/EX-00904-1617/2016/1068894 dated 29.04.2016 issued by CBSE granting affiliation to the appellant institution, copy of Memo No. 35/20-2015 PS (2) dated 25.08.2015, copy of guidelines No. 01/66-2003 Coord (3) dated 08.04.2013 certified copy of order dated 25.08.2015 passed by the Hon'ble High Court of Punjab and Haryana in CWP No. 9463 of 2017 and copy of the impugned order Memo No. 7/ 40-2017 PS (1) dated 03.10.2017 issued by the Additional Chief Secretary, School Education Department, Government of Haryana.

Learned counsel for the appellant further submitted that appellant school is managed by the Sant Nischal Singh



Memorial Trust (in short 'Trust'), Bye Pass Road, Yamuna Nagar (Haryana) which was registered on 26.10.1978 vide Registration No. 396 and the same was allotted a new registration No. bearing HRYNR201300217 on dated 30.08.2013 under Haryana Registration and Regulation of Societies Act, 2012. The aim and objective of the Trust as specified in the Trust of the Society is as follows:

“(a) To start and manage public school on the lines and standard fixed for Senior Secondary Examination of Central Board of Secondary Education or equivalent degree. To see that Sant Nischal Singh Public School, Yamuna Nagar continues to function and provide education facilities to students of all communities without distinction of religion, caste and creed and also to the poor especially those belonging to scheduled caste and rural areas and backward classes on the lines of secular teaching of Guru Nanak. Other educational institutions can also be started.”

Learned counsel for the appellant further submitted that the said Trust established the school primarily for Sikh students and propagates secular education, however on the lines of teaching imparted by Guru Nanak Devji. Appellant school has more that 50% students who are from minority community as also has all the members and office bearers of the Trust from Sikh community. Appellant institution is also affiliated from C.B.S.E. for secondary and senior school certificate examination. He has also relied on the Commission's order dated 21.01.2021 passed in Appeal No. 05 of 2018 in Guru

Nanak Khalsa College, Railway Road, Karnal, Haryana Vs. Director General, Higher Education Department, Government of Haryana.

Firstly, we have heard both the parties on application for condonation of delay in filing of present appeal. Appellant has filed present appeal against the impugned order dated 03.10.2017 passed by the respondent before this Commission on dated 26.09.2019. The appellant had to file the present appeal within a period of 30 days from the date of order dated 03.10.2017.

Learned counsel for the appellant submitted that appellant has filed an application to the respondent for grant of NOC on dated 08.01.2016. Thereafter filed a Writ Petition No. 9463 of 2017 before the Hon'ble High Court of States of Punjab and Haryana at Chandigarh and the Hon'ble High Court passed the order on dated 04.05.2017. Subsequently, the respondent passed impugned order dated 03.10.2017 and forwarded the copy to appellant. Being dissatisfied with the above order, appellant filed Case No. 348 of 2018 before this Commission for grant of MSC, which was withdrawn with the permission on dated 03.10.2018. Thereafter, without filing certified copy of the impugned order filed an Appeal No. 24 of 2019 which was disposed of on 03.09.2019 as not maintainable with liberty to file appeal along with certified copy of impugned order dated 03.10.2017.

Learned counsel for the appellant argued that in the end of month of October, the appellant got sick and due to prolong sickness of serious nature, she was unable to communicate with the counsel due to two surgeries and could not file the appeal



within limitation. On the other hand, respondent has not filed any reply and also has no objection in condonation of delay in filing the appeal during the course of arguments.

We have considered the application filed under Section 5 of the Limitation Act for condonation of delay in filing the present appeal. The condonation of delay advances cause of justice rather than to defeat.

Secondly, learned counsel for the appellant reiterated their contentions and submitted that the Hon'ble Apex Court, various High Courts as well as this Commission have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not indicia for determining the minority status of such institution. The impugned order dated 03.10.2017 of State of Haryana is unjustified, unlawful and unconstitutional. Learned counsel for the appellant drawn attention of this Commission on the Judgment dated 30.01.2019 passed by the Hon'ble High Court of Judicature at Madras in the matter of The Institute of the Franciscan Missionaries of Mary Vs. The Government of Tamil Nadu (W.P. No. 23789 of 2018). The facts and circumstances of the appellant case are very similar to the above case. In the above case, the Tamil Nadu Government has issued G.O. (MS) No. 65 dated 05.04.2018 framing additional guidelines for grant of minority status to the educational institutions, stipulating that the educational agency of all educational institutions claiming minority status shall admit not less than 50% of the students belonging to the minority community in

every academic year. The above G.O. was set aside by the Hon'ble High Court of Madras after recording the undertaking given by the petitioner therein that minority educational institution shall not deny admission to the eligible candidates of the minority community subject to the eligibility of the students and availability of the accommodation in the schools.

Learned counsel for the appellant further submitted that Hon'ble Apex Court in its judgment dated 25.09.2019 passed in Civil Appeal No. 106 of 2011 in the matter of Andhra Kesari College of Education & Anr. Vs. State of Andhra Pradesh has categorically affirmed the legal position that if a minority institution does not have the percentage of students belonged to such minority community as prescribed by the State Government, then such minority institution can admit eligible students from other communities also to fill up the vacant seats. Population of the Sikh community in the State of Haryana is only 4.91% as per the Census of 2011, so the rejection order of the respondent is arbitrary and unjustifiable and learned counsel for the appellant prayed to set aside the impugned order and decide on the minority status of the appellant institution and to give such directions if any in favour of the appellant.

On the other hand, Mr. Saleem Hooda appearing for the respondent reiterated their contentions and submitted that the strength of students in the appellant school is negligible, which is quite contrary to the instructions dated 14.08.2015 and 22.09.2016, where it is provided that there must be reasonable strength (say upto 50%) of students of minority community in the school. As per the report of the District Education Officer, Yamunanagar regarding



the percentage of minority students dated 21.06.2022, the total strength in the appellant school is 2264 out of which 692 students are from Sikh minority community as per 2021-22 UDISE data; and the percentage of Sikh students is 30.56%. Principal of the appellant has also submitted report regarding strength of Sikh minority students. Keeping in view of State guidelines the present appeal is devoid of any merits and deserves dismissal, so respondent's representative prayed to dismiss the appeal.

Having heard the learned counsel for the appellant as well as representative of the respondent, perused the written submission, entire record including impugned order dated 03.10.2017, all the documents, citations relied on by both the parties. At the outset, we made it clear that his Commission has been created under an Act of Parliament to facilitate exercise of the educational rights of minorities enshrined in Article 30 of the Constitution of India.

By impugned order dated 03.10.2017, the respondent has rejected the application dated 08.01.2016 preferred by the appellant for grant of No Objection Certificate. The only reason given in the order dated 03.10.2017 that the petitioner institution does not fulfill the condition of 50% students admitted from the Sikh community. As per declaration for the Principal, Sant Nischal Singh Public School, Yamunanagar there are only 871 students from Sikh Community out of 2924 students which is only 29% of the total students. Hence, the claim of the petitioner to grant NOC for minority status to Sant Nischal Singh Public School, Yamunagar is not tenable and the same is liable to be

rejected. So only one question of law is arises in the present appeal that whether in the facts and circumstance of the present case, appellant institution must have minimum 50% students from Sikh minority community and the stand taken by the respondent rejecting the application dated 08.01.2016 is legally tenable?

It is pertinent to mention here that the similar issue has been decided by this Commission in favour of the minority institutions in various cases, Hon'ble Apex Court and various High Courts have also 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 institutions. Above legal issue was clearly discussed by this Commission in the case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 06.07.2010).

This Commission has also decided in many cases that as per the Judgment of Hon'ble Apex Court in T.M.A. Pai Foundation Vs. State of Karnataka (2002) 8 SCC 481, a minority whether linguistic or religious is determinable only by reference to demography of the State and not by taking into consideration the population of the Country as a whole. We are aware of the Buckley Judgment (Supra) passed by this Commission but there must be reasonable strength of students of minority community in a minority educational institution and in our considered opinion the percentage could be determined based on the actual proportion of the specific minority community in the State population.



As we have stated above, the population of Sikh community in the State of Haryana is only 4.91%. In our considered opinion even if petitioner institution makes all efforts, may not be able to secure 50% admission from their own Sikh community. In this view Sikh community of Haryana State would lose its right to establish and administer educational institutions of its choice guaranteed under Constitution.

In case of Andhra Kesari College of Education & Anr. Vs. State of Andhra Pradesh Civil Appeal No. 106 of 2011 judgment dated 25.09.2019, the Hon'ble Supreme Court has held that the requirement to fill up the vacant seats by non--minority candidates was based on statistical data which showed that the number of colleges, and the seats available for minorities, were highly disproportionate, and far in excess of the population as per the 2001 census. The distinct possibility of seats remaining unfilled in the Minority Institutions every year, would not be in the interest of the Minority Educational Institutions. With this object in mind, G.O.M. No. 98 was issued to ensure that the vacant seats in the 85% Management Quota did not remain unfilled during any academic year. The G.O.M. merely stipulated that if the said Quota remained unfilled by minority students, it would be filled from the merit list of successful candidates, as allotted by the Convenor, Ed. CET to promote excellence in education. By this process, an opportunity was granted to the CET qualified non-minority candidates to secure quality education, which would subserve the interest of the nation. In above judgment Hon'ble Apex Court categorically affirmed

the legal position that if a minority institution does not have the percentage of students belonging to such minority community as prescribed by the State Government, then such minority institution can admit eligible students from other communities also to fill full the vacant seats.

In the Judgement dated 30.01.2019 passed by the Hon'ble High Court of judicature Madras in the matter of The Institute of the Franciscan Missionaries of Mary, Chennai Vs. Government of Tamil Nadu in W.P. No. 23789 of 2018 was also taken into consideration.

As the G.O. dated 14.08.2015 and 22.09.2016 issued by the Haryana Government is concerned in the light of above Judgments and observation clearly unjustified, unlawful and unconstitutional. Appellant institution case is also similar to the above case of Franciscan Missionaries of Mary Vs. The Government of Tamil Nadu (Supra). In above case T.N. Government has issued G.O. dated 05.04.2018 framing additional guidelines for grant of minority status certificate to the educational institutions, stipulating that all the educational institutions claiming minority status shall admit not less than 50% of the students belonging to the minority community in every academic year. Hon'ble High Court of Madras while adjudicating the legal issue held that interference by the Government in any manner regarding the seat sharing in minority educational institutions both aided and unaided is unjustified, unlawful and unconstitutional. We are also of the above opinion. This Commission has also decided the case Appeal No. 05 of 2018 on dated 21.01.2021 that Sikh minority is not able to admit Sikh students upto 50%



because as per the 2011 Census Sikhs in Haryana is only 4.91%.

We have received a letter dated 02.03.2022 on dated 07.03.2022 from National Commission for Minorities which is a complaint of one Mr. Bakhtawar Singh. In the interest of justice, we have issued registered notices on dated 08.07.2022 and 16.08.2022 but none appeared on behalf of complainant Mr. Bakhtawar Singh. Thereafter, State of Haryana authority was directed to do enquiry about the said complaint of Mr. Bakhtawar Singh. In compliance of above order of this Commission, District Education Officer, Yamunanagar has forwarded the letter Inquiry Report dated 07.11.2022 of the committee members. The letter reads as under:

“Subject: Submission of report regarding complaint of Sant Nischal Singh Public School, Yamuna Nagar.

Respected Sir,

With reference to your office memo no. PS/22/383 dated 13.10.2022, on the above cited subject.

It is submitted that a complaint was made by Sh. Bakhtawar Singh R/o H. No. 624, Guru Nanak Colony, Yamuna Nagar stating that Sant Nischal Singh Public School, Yamuna Nagar has applied for granting of NOC to the Minority Commission of India and has requested not to grant permission to it as it is making money in the name of Sikhism. Various other allegations were also levelled by the complainant.

It is further submitted that to check the veracity of allegation was as levelled by the complainant in the complaint, the

following documents were sought from the schools name in the complaint:

1. Copy of Form VI submitted to the department on line
2. Copy of members of society
3. Details of all fee/ funds and other charges being taken from students
4. Detail of Sikh students studying in the school

It is further submitted that the complainant was also called by the committee to submit documents in support of his complaint. But the registered letter came back undelivered. Hence, it is found that the address of the complainant is pseudonymous.

However from the perusal of documents submitted by the school, it has been found that there are 2393 total students in the school and out of these there are 647 Sikh students. The school is charging fee as per the Form VI submitted by it online to the department. Copy of form VI and receipt of fee attached. The list of members of society is also attached.

The report is submitted for your kind perusal and further necessary action.

Enclosures: All the related documents with complete file.

Committee Member

-Sd/-

Sh. Raivnder
Rana

-Sd/-

Smt. Pritiksha

-Sd/-

Sh. Vijay Kumar”

In the facts circumstances and above observations, in our considered opinion, impugned order dated 03.10.2017 is



arbitrary, unjustified, unlawful, unconstitutional and deserve to be set aside.

We find that the respondent has not mentioned any other ground to reject the application of NOC filed by the appellant institution. The impugned order dated 03.10.2017 does not reveal any other ground for rejecting the appellants' application for grant of No Objection Certificate. Therefore, the impugned order dated 03.10.2017 is hereby set aside.

The matter is remanded to the learned respondent authority of the State of Haryana for deliberating on the application for grant of No Objection Certificate on merits to the appellant institution, keeping in mind the observation of the Commission in this order.

It is also pertinent to mention here that bare perusal of Aims and Objects of the Society does not reflect that Sant Nischal Memorial Trust is primarily for the benefit of the Sikh minority community and general in all. It also transpires that Principal of the institution has filed application of grant

of NOC and this appeal, but there is no Governing Body Resolution from the majority of Trustees and as per the guidelines of this Commission only authorized office bearers can file petition before this Commission. So we left open for decision by the State competent authority on the above points, after hearing the parties.

The respondent competent authority of the State of Haryana is requested to deliberate on application for grant of No Objection Certificate to the appellant at the earliest, expeditiously, but not later than 90 days from the receipt of the copy of this order.

In the interest of justice in addition to the rules, appellant is also directed to produce certified copy of the order of this Commission before the respondent competent authority of the State of Haryana immediately for compliance of this order.

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



CHAPTER 10

Violation or Deprivation of Educational Rights of the Minorities

10.1 Article 30 (1) of the Constitution gives religious or linguistic minorities right to establish and administer educational institutions of their choice. National Commission for Minority Educational Institutions has jurisdiction over the issues concerning religious minority communities which have been notified by the Central Government. At present, six minority communities have been notified by the Central Government viz. Muslim, Christian, Sikh, Budhisht, Jains and Parsis.

10.2. Applicability of Right to Education Act in Minority Schools

The Constitutional bench of Supreme Court in *Pramati Educational & Cultural Trust & Others versus Union of India & Ors* (in Writ Petition (C) No. 416 of 2012 reported in “2014 AIR SCW 2859” and “(2014) 8 SCC 1”, held that the 2009 Act i.e. (the Right of Children to Free and Compulsory Education Act, 2009) insofar as it applies to minority schools, aided or unaided, covered under clause (1) of Article

30 of the Constitution is ultra vires the Constitution.

The aforesaid propositions of law established that RTE Act, 2009 is not applicable to Minority Schools, aided or unaided.

The Ministry of Education formerly Ministry of Human Resource Development in August, 2014 clarified after obtaining the opinion of Department of Legal Affairs that “The regulatory provisions like prohibition of holding back and corporal punishment which do not affect the substance of the guaranteed rights to administer educational institutions as provided under Article 30 (1) are applicable to the minority institutions also. In view of the above, the regulatory provisions as provided in the RTE Act appear to be applicable to minority institutions in terms of Articles 29 and 30 of the Constitution of India.”

10.3 The Commission takes appropriate action in the cases of this type as and when it is received in the Commission.



CHAPTER 11

Right To Information

The right to know is the “sine qua non” of a democracy. The Constitution of India has enshrined the- principles of democracy, especially by guaranteeing to its citizens Fundamental Rights which inter-alia include the people’s right to know everything done by the public functionaries. This right is implicit in Article 19(1)(a) and Article 21 of the Constitution of India.

To promote transparency and accountability in the functioning of the Commission, all the obligatory information under Section 4(i) of the – Right to Information (RTI) Act, 2005 is made available in the Commission’s website <https://ncmei.gov.in/>. Details such as statistics of the cases/ court judgments/ cause list/daily orders are uploaded and updated regularly.

The Commission also has a dedicated

helpline to provide information and reply to the query of the petitioners/ applicants.

The Commission being a quasi judicial organisation interacts with a number of petitioners, advocates and other stakeholders. The number of RTI applications received in the Commission is increasing every year.

Shri Jayprakash, Under Secretary is the Public Information Officer and Shri Manoj Kumar Kejrewal, Secretary, NCMEI is the First Appellate Authority.

During 2023-24, the Commission received **72** RTI applications including appeals (**11** online and **61** offline). Also **07** appeals (including notices of appeals filed in CIC) were received in the Commission. All the RTI applications and appeals were disposed of as per the provisions of RTI Act, 2005.



CHAPTER 12

Conclusion

12.1 Article 30 - Right of minorities to establish and administer educational institutions

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. Section 2(f) of the NCMEI Act, for the purpose of the Act, means a community notified by the Central Government.

The Central Government has notified 6 religious communities, namely Muslims, Christians, Sikhs, Buddhists, Jains and Zoroastrians (Parsees). Linguistic minorities do not fall within the ambit of the NCMEI Act.

12.2 As per Section 2 (ca) of National Commission for Minority Educational Institutions (NCMEI) Act 2004,

“Competent authority” means the authority appointed by the appropriate government to grant ‘No objection certificate’ for the establishment of any educational institution of their choice by the minorities.”

For the purpose of Section 10 of the NCMEI Act:

- all State Governments are required to appoint a “competent authority” to grant “No objection certificate” for those minority educational institutions which comes to

Commission for Minority Status Certificate

and for the purpose of Section 12 (B), of the NCMEI Act, 2004

- State Governments are required to appoint an “authority” for the grant of “Minority status certificate” to any minority education institution.

12.3 Primarily the responsibility for giving recognition to educational institutions and grant of minority status certificate lies with the State Government. However, many State Governments have no mechanism to consider the request for grant of minority status certificate and as a result the petitioner institutions are approaching the Commission for grant of minority status certificate.

The Commission is incessantly impressing upon the State Authorities to appoint Competent Authority and decide on the application for grant of minority status certificate or furnishing No Objection Certificate to those educational institutions which approach the Commission for grant of MSC. The petitioner institutions from Madhya Pradesh and Kerala who had applied to the State Authorities as well as to the Commission for grant of MSC, in such cases the Commission has passed order to approach the State Authority.

12.4 Some State Government authorities grant minority status certificate



for a limited duration. It has been held by the Madras High Court in T.K.V.T.S.S. Medical Educational & Charitable Trust vs. State of Tamil Nadu, AIR 2002 Madras 42 that minority status cannot be conferred on a minority educational institution for a particular period to be renewed periodically like a driving license. It is not open for the State Government to review its earlier order conferring minority status on a minority educational institution unless it is shown that the institution concerned has suppressed any material fact while seeking minority status or there is fundamental change of circumstances warranting cancellation of the earlier order.

12.5 It has come to the knowledge of the Commission that the rules and regulations framed by many regulatory authorities do not confirm to the provisions of Article 30 (1). The law made by the State Governments for regulation of educational institution, applies to the minority educational institutions also. If any such law or regulation interferes with the overall administrative control by the management over the staff or dilute in any other manner,

the right to establish and administer educational institution, such law or regulations to that extent, will not be applicable to the minority educational institutions. The Commission takes up cases of MEIs in this regard also.

12.6 From the deliberations and interactions with the functionaries of the State Government and Minority Educational Institutions, the Commission feels that the State Government functionaries need to familiarize with the NCMEI Act and sensitized about Article 30 (1).

In order to streamline and bring transparency in grant of Minority Status Certificate, the Commission has revised the MSC application form w.e.f. November 2019, wherein detailed information about the Institution and functionaries is sought. Further, in certain cases, the Commission also calls for physical inspection report from the Committee of the concerned District Magistrate/Collector.



ANNEXURES TO THE REPORT



ANNEXURE I

NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

Ministry of Education

(Govt. of India)

APPLICATION FORM FOR MINORITY STATUS CERTIFICATE APPLICABLE (w.e.f. 01st NOV 2019)

1. (a) Institution run by:- (Tick the appropriate)

- Individual
- Trust
- Society

Institutions administered by a Trust/Society are required to furnish the unique ID provided by NGO Darpan (portal [Url: http://ngo.india.gov.in](http://ngo.india.gov.in)). The details given in the form should match with the corresponding details of NGO Darpan. (Not applicable for the institution run by an individual).

(b) Name and address of the institution.

(c) The year of its establishment.

(d) Name along with the complete postal address of the Trust/Society (The address should match with the corresponding details provided by the Trust / Society on the NGO Darpan).

(e) Details of the Individual/President or Secretary of the Trust/ Society

- Name
- Postal address (with PIN Code)
- Contact Number
- e-mail ID

(f) Name and addresses of the founding Members/ Mutwallis/ Trustees and their religion.

(g) Names and Addresses of the present Trustees/ Mutwallis/ Members of the Governing Body and their religion.

2. Whether the applicant institution has been established and administered by Religious minority. Proof of religion to be attached (Tick the appropriate)

Muslim	Christian	Sikh	Jain	Buddhist	Parsee
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3. Whether the applicant institution has applied to authority established by the Central Govt. Or State Govt. as per the provision contained in the National Commission for



Minorities Act, 1992 (19 of 1992) for grant of Minority Status Certificate? If so, furnish the status of the application. (Tick the appropriate)

- Whether Minority Status Certificate application is pending before the State Authority.
 - Minority Status Certificate application has been rejected (If yes, then the applicant has to apply under Section 12B of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006).
 - Minority Status Certificate already granted
4. Whether applied to the State Competent Authority for grant of No Objection Certificate under Section-10 of National Commission for Minority Educational Institutions Act, 2004 . If yes, provide the following information: (Copy of the NOC application is also required to be attached)
- a. Date of application
 - b. Acknowledgement / Proof of Service
 - c. Status of the application: (Tick the appropriate)
 - (i) Application pending
Whether reminder(s) have been sent to the competent authority, if yes, provide the dates. (Copy of the reminder(s) and replies received, if any, in this regard is also required to be attached)
 - (ii) NOC granted by State Government
 - (iii) Application rejected (If yes, then the applicant has to apply under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006).
5. Whether the applicant institution has ever applied to the NCMEI for grant of Minority Status Certificate? If so, furnish reference number. (Copy of the final order of the Commission is required to be attached)
- 5 (i) Whether the minority status of the applicant institution has been withdrawn/ cancelled by legal authority at any time? If yes, provide the details.
 - 5 (ii) Whether the name of the institution or its ownership has changed since its inception and if so the details thereof.
 - 5 (iii) Whether any judicial forum including Hon'ble Supreme Court or Hon'ble High Court has been approached for grant of minority status? If so, furnish details and give present status.



6. Details pertaining to the Institution

Level of Education: - (Tick the appropriate)

- Madarsa
- Primary
- Secondary
- Higher Secondary
- Higher Education
 - General Degree
 - Technical includes professional/any other (Specify the stream)

(a) Numbers of existing teachers/ faculties and students from minority communities for last three academic years, where applicable

Number of teachers/faculties and students in academic year								TOTAL
	Muslim (A)	Christian (B)	Sikh (C)	Jain (D)	Budhist (E)	Parsee (F)	Hindu + Other (G)	A+B+C+ D+E+ F+G
Teacher / Faculty								
Student								

7. (i) Whether the Trust/ Society of the applicant institution is registered under the Indian Registration Act/Societies Registration Act.

7 (ii) Trust/ Society are required to attach:

- Copy of registration certificate
- Copy of MOA / Trust Deed
- Copy of amended MOA / Trust Deed (if any)

7 (iii) Individual is required to attach

- Identity proof
- Residence proof
- ITR for last three years(if applicable)
- Documentary evidence (title or possession) of the institution



-
8. Details of affiliation either to the Central/ State Board or any Govt. Recognized Board or University or UGC (Copy of affiliation to be attached)
 - Date of affiliation
 - Valid Upto
 9. Details of Recognition by the Regularity Body (Applicable for technical & professional Institute)
 - Name of the Regularity Body
 - Recognition Valid Upto
 10. Whether the institution has ever been de-recognised by the respective affiliating / regulatory body?
 11. Whether the institution is aided / un-aided.



DECLARATION

I _____ Chairman/President/Secretary on behalf of the _____ Trust/Society, hereby declare that particulars furnished above are true to the best of my knowledge and belief, and that, if any detail is found on verification/ inspection to be false, the Commission shall cancel the minority status certificate awarded to the institution. The decision of the Commission in this regard shall be final.

Place

Chairman/ President / Secretary

Date

(for and on behalf of the Institution)

Please note 1 **Five Sets** of duly filed application form alongwith the requisite document are required to be submitted.

2. The Commission does not entertain application for linguistic minority.
3. Applicant institution whose No Objection Certificate application under section 10 of the NCMEI Act 2004 has been rejected by the State Competent Authority, then the applicant has to apply under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006
4. Applicant institution whose Minority Status Certificate application under section 12 B of the NCMEI Act 2004 has been rejected by an Authority, is required to apply as per appeal procedure as mentioned in rule 4 of procedure for filing the appeal, 2006.
5. On filing the petition, the petitioner is required to attach duly stamped envelope for sending communication by registered A.D, to the respondents and petitioner.



ANNEXURE-2

FORM NO.1

[See rule 4 of procedure for filing the appeal, 2006]

MEMORANDUM OF APPEAL UNDER SECTION 12A(1) AND 12B(1) OF THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS ACT, 2004

For use of Commission's office

Date of filing

Date of receipt by post

Registration No.....

Signature Secretary

IN THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

..... Appellant

..... Respondent (s)

Details of appeals:

- 1 (a) Name and address of the Institution
- (b) Name and address of the President/Secretary of the Trust/Society
2. Whether the appellant institution's claim is based on religious or linguistic minority?
3. Whether the appellant institution has been established or administered by :-
 - (a) Religious minority, or
 - (b) Linguistic minority
4. Particulars of the respondent(s) including address for service of notice
5. Particulars of the order under appeal:-
 - (i) Order Number
 - (ii) Date of the order
 - (iii) Name of the authority, whose order has been challenged in the appeal.
6. *Limitation.* – The appellant further declares that the appeal is within the limitation prescribed under the Act.



7. *Facts of the case and orders passed by the competent authority* - The facts of the case are given below:

(Give herein a concise statement of facts and grounds of appeal against the order passed by the competent authority.)

8. *Matter not pending with any other Commission, etc.* - The appellant further declares that the matter regarding which this appeal has been made is not pending before any commission of law or any other authority or any other Tribunal.

9. *Relief sought.* - In view of the facts mentioned in paragraph eight above, the appellant prays for the following reliefs; (specify below the reliefs sought by the appellant).

10. *Details of indeed.* – An index in duplicate containing the details of the documents to be relied upon is enclosed.

11. List of enclosures:

VERIFICATION

I, (name in full in block letters) son / daughter / wife of Shri Do hereby verify that the contents of paras 1 to 11 are true to personal knowledge and belief and that I have not suppressed any material facts.

Signature of the Appellant

Date

Place



ANNEXURE-3

DETAILS OF COMPETENT AUTHORITY

S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
1.	Andhra Pradesh	Secretary, Minorities Welfare Department, 3 rd Floor, A.P. Secretariat, Velagapudi, Amaravati, AP	Secretary, Minorities Welfare Department, 3 rd Floor, A.P. Secretariat, Velagapudi, Amaravati, AP
2.	Arunachal Pradesh	Secretary, Department of Education, Civil Secretariat, Itanagar, Arunachal Pradesh 791111	Deputy Secretary (Education) Civil Secretariat, Education Branch, Block No. 1, 3 rd Floor, PO Itanagar-791 111
3.	Assam		Joint Secretary Department of Higher Education, Assam Secretariat, Block C, Secretariat Complex, Dispur, Guwahati-6, Assam
4.	Bihar	<p>For Classes (1-8) Director, Primary Education Ground Floor, Vikas Bhawan New Secretariat, Daily Road, Patna, Bihar-800015</p> <p>For Classes (9-12) Director, Secondary & Senior Education, Ground Floor, Vikas Bhawan New Secretariat, Daily Road, Patna, Bihar-800015</p> <p>For Various Institutions:- Colleges, Universities, Teaching Training Institutes,</p>	Secretary Department of HRD, Government of Bihar, Secretariat, Patna, Bihar



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
		Technical Educational Institutions Director, Higher Education, Vikas Bhawan, New Secretariat, Daily Road, Patna, Bihar-800015	
5.	Chhattisgarh	Commissioner Department of Development of Tribal and Scheduled Caste, Nava Raipur, Ground Floor, Indrawati Bhawan, Chhatisgarh 492015	
6.	Goa	Principal Secretary (Home) Department of Home (General), Secretariat, Porvorim, Goa 403521	Secretary (Home) Secretariat, Porvorim – Goa
7.	Gujarat	Director, Primary Education, Dr. Jivraj Mehta Bhawan, 2 nd Floor, 12/1, Gandhinagar, Gujarat Deputy Director, Directors of Schools, Old Sachivalaya, Block 9/1 Gandhinagar, Gujarat Director Of Higher Education, Office Of The Commissionerate Of Higher Education, 2 nd Floor, Block No. 12, Dr. Jivraj Mehta Bhavan, Gandhinagar-382010, Gujarat Commissioner of Technical Education, Office of the Commissioner of	Director, Primary Education, Dr. Jivraj Mehta Bhawan, Floor 12/1, Gandhinagar, Gujarat Commissioner of Schools, Block No. 9-1, Dr. Jivraj Mehta Bhawan, Gandhinagar, Gujarat-382010 Commissioner of Technical Education, 2 nd Floor, Block No. 2, Dr. .Jivraj Meheta Bhavan, Gandhinagar-382 010



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
		Technical Education, Block No. 2, 6 th Floor, Karmyogi Bhavan, Sector-10A, Gandhinagar-382 010	
8.	Haryana	<p>Additional Chief Secretary, Department for Medical Institutions, Room no.529, 5th Floor, Haryana New Secretariat, Sector-17, Chandigarh</p> <p>Additional Chief Secretary, Higher Education Department for General Colleges, Room no. 403, 4th Floor Haryana New Secretariat, Sector-17, Chandigarh</p> <p>Principal Secretary, School Education Department for Schools/Primary Schools, Room no.37, 7th Floor Haryana Civil Secretariat, Sector-1, Chandigarh-160001</p> <p>Principal Secretary, Technical Education Department, Room No.530, 5th Floor Haryana Mini Secretariat, Sector-17, Chandigarh</p> <p>*May please refer to the guidelines dated 25.07.2023 issued by Haryana Government with respect to filing of NOC application .</p>	Finance Commissioner & Principal Secretary Education Department, Government of Haryana, Civil Secretariat, Chandigarh, Haryana-160001



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
9.	Himachal Pradesh	Director, Directorate of Higher Education, Shimla-171001, Himachal Pradesh	Director, Directorate of Higher Education, Shimla-1, Himachal Pradesh
10.	Jharkhand	Director (Primary Education), Department of School Education & Literacy Department, MDI Building, Post-Dhurwa, Dist-Ranchi- 834004	Director (Higher Education), Department of Higher Technical Education & Skill Development, Government of Jharkhand, 3 rd Floor, Yojana Bhawan, Nepal House, Doranda Ranchi, Jharkhand- 834002 Director (Technical Education), Department of Higher Technical Education & Skill Development, Government of Jharkhand, 3 rd Floor, Yojana Bhawan, Nepal House, Doranda Ranchi, Jharkhand- 834002 Director (Secondary Education), Directorate of Secondary Education, School Education & Literacy Department, Jharkhand, Ranchi
11.	Karnataka	Additional Chief Secretary, Education Department (Higher Education), Govt. of Karnataka, Sixth Floor, Multi-storeyed Building, Bengaluru- 560001	Principal Secretary, Education Department (Higher Education), Govt. of Karnataka, Sixth Floor, Multi Storeyed Building, Bengaluru, Karnataka-560001



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
12.	Kerala	Director, Directorate of Minority Welfare, Government of Kerala, 4th Floor, Vikas Bhavan, Thiruvananthapuram, Kerala	Secretary, General Education Department, Government of Kerala, Room No. 302, 3 rd floor, Annex II Government Secretariat
13.	Madhya Pradesh	Secretary, Backward Classes and Minority Welfare Department, Govt. of Madhya Pradesh, Room No.339 , Mantralaya, Bhopal, Madhya Pradesh *May please refer to the guidelines dated 16.02.2018 issued by Madhya Pradesh Government with respect to filing of NOC application.	Secretary, Backward Classes and Minority Welfare Department, Govt. of Madhya Pradesh, Room No. 339, Mantralaya, Bhopal, Madhya Pradesh
14.	Maharashtra	Joint Secretary, Minorities Development Department, Room No. 715, Mantralaya (Annexe), Mumbai-32	Joint Secretary, Minorities Development Department, Room No. 715, Mantralaya (Annexe), Mumbai-32
15.	Manipur		Additional Chief Secretary, (Minority Affairs/OBC&SC) Government of Manipur, Room No. 198, Secretariat South Block, Imphal West, Manipur-795001
16.	Meghalaya	Secretary, Education Department, Govt. of Meghalaya, Additional Secretariat, Meghalaya, Shillong-793001	Secretary, Education Department, Govt. of Meghalaya, Additional Secretariat, Meghalaya, Shillong-793001



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
17.	Mizoram	Commissioner & Secretary, School Education Department, Govt. of Mizoram, Mission Veng, Aizawl, Mizoram-796001	Commissioner & Secretary, School Education Department, Govt. of Mizoram, Mission Veng, Aizawl, Mizoram-796001
18.	Nagaland	Addl. Director (HOD), School Education, Directorate of School Education, Nagaland, Kohima – 797001	Addl. Director (HOD), School Education, Directorate of School Education, Nagaland, Kohima – 797001
19.	Orissa	Director, Elementary Education, 5 th Floor, HOD Building, Unit-V, Bhubaneswar- 01, Khordha, Odisha-751001 Director, Secondary Education, 6 th Floor, HOD Building, Unit- V, Bhubaneswar-01, Khordha, Odisha-751001	Principal Secretary, School & Mass Education Department, Government of Orissa, Secretariat, Bhubaneswar, Orissa – 751 001
20.	Punjab	Department of Higher Education Additional Chief Secretary, Higher Education and Languages Punjab, Punjab Civil Secretariat-II, Sector-9A, Chandigarh For School Education Director of School Education (Secondary), Office Directorate of School Education (Secondary) Punjab, Vidya Bhawan (Punjab School Education Board Complex), Block E, 4 th Floor, Mohali	Secretary, Higher Education Department , Room No.510, Mini Secretariat, Sector 9 Chandigarh Email: secy.se@punjab.gov.in Department of Medical Education and Research Additional Chief Secretary, Room No.510, 5 th Floor, Punjab Civil Secretariat-II, Sector-9, Chandigarh



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
21.	Rajasthan	Principal Secretary, Department of Minority Affairs & Waqf, Room No. 1108, Main Building, Government Secretariat, Rajasthan, Jaipur-302005.	Principal Secretary, Department of Minority Affairs & Waqf, Room No. 8145, SSO Building, Secretariat, Jaipur-302005, Rajasthan
22.	Sikkim	Additional Chief Secretary, Human Resource Development Department, Rashtriya Madhyamik Shiksha Abhiyan, Tashiling Secretariat, Gangtok, East Sikkim, India - 737101	
23.	Tamil Nadu	<p>For School Education Principal Secretary, School Education Department, Govt. of Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu– 600009</p> <p>For Higher Education Principal Secretary, Higher Education Department, Govt. of Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu– 600009</p> <p>For Law Education Secretary, Law Education Department, Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu– 600009</p>	<p>For School Education Principal Secretary, School Education Department, Govt. of Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu– 600009</p> <p>For Higher Education Principal Secretary, Higher Education Department, Govt. of Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu– 600009</p> <p>For Law Education Secretary , Law Education Department, Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu– 600009</p>



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
		For Agriculture Department Commissioner and Principal Secretary, Agriculture Department, Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu– 600009 For Health & Welfare Department Secretary, Health & Welfare Department, Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu– 600009	For Agriculture Department Commissioner and Principal Secretary, Agriculture Department, Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu– 600009 For Health & Welfare Department Secretary, Health & Welfare Department, Namakkal Kavignar Maaligai, Fort St. George, Secretariat, Chennai, Tamil Nadu– 600009
24.	Tripura	Secretary, Minorities Welfare Department, Secretariat Building, New Capital Complex, Agartala	Secretary, Minorities Welfare Department, Secretariat Building, New Capital Complex, Agartala
25.	Telangana	Secretary, Minorities Welfare Department, D– Block , Ground Floor, Telangana Secretariat, Hyderabad-500022	Secretary Minorities Welfare Department, D-Block, Ground Floor, Telangana Secretariat, Hyderabad-500 022
26.	Uttar Pradesh	For Higher Educational Institutions Principal Secretary, Higher Education, Room no.15, Ground Floor, Naveen Bhawan, UP Secretariat, Lucknow-226001 For Technical Educational Institutions Principal Secretary, Room No.63, Naveen Bhawan, UP Secretariat, Lucknow-226001	Deputy Director, Minorities Welfare Department, 6th Floor, Indira Bhavan, Lucknow, Uttar Pradesh



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
		<p>For Vocational Educational Institutions Principal Secretary, Room No.11, Ground Floor, New Building, Uttar Pradesh Secretariat,Lucknow-226001</p> <p>For Secondary and Senior Secondary Educational Institutions Additional Chief Secretary, Secondary Education Department, Babu Bhawan, 7th Floor, Lucknow-226001</p> <p>For Basic Education Additional Chief Secretary/ Principal Secretary/ Secretary,Basic Education Department,Govt. of Uttar Pradesh,Vidya Bhawan, Nishantganj, Lucknow-226007</p> <p>For Medical Education Additional Chief Secretary/ Principal Secretary/Secretary, Medical Education Department, Govt. of Uttar Pradesh, Hazrat Ganj, Janpath Road, Vikas Bhawan, Lucknow-226001</p> <p>For AYUSH Educational Institutions Additional Chief Secretary/ Principal Secretary/Secretary, Ayush Department, Govt. of Uttar Pradesh,3rd Floor, Lal Bahadur Shastri Bhawan, Lucknow- 226001</p>	



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
		For Arabic Persian Madarsa Institutions Additional Chief Secretary/ Principal Secretary/Secretary, Minority Welfare and Waqf Department, Govt. of Uttar Pradesh, Room No.620, 6 th floor, Indira Bhawan, Ashok Marg Lucknow-226020	
27.	Uttarakhand	Secretary, Higher Education, Uttarakhand Govt., Room No. 414, 4 th Floor, Abdul Kalam Azad Bhawan (C.M. Building), Uttarakhand, Secretariat, Dehradun Director, Uttarakhand Madarsa Education Board, Uttarakhand Madarsa Alpsankhyak Kalyan Bhawan, Shaeed Bhagat Singh Colony, Near A.T.S. Adhoiwala, Dehradun	Director, Uttarakhand Madarsa Education Board, Alpsankhyak Kalyan Bhawan, Sheed Bhagat Singh Colony, Near A.T.S. Adhoiwali, Dehradun. Principal Secretary, Higher Education, Uttarakhand Government, Devendra Shastri Bhawan, Uttarakhand Secretariat, Dehradun
28.	West Bengal	Commissioner, Minority Affairs & Madrasah Education Department, "NABANNA" 325, Sarat Chatterjee Road, Howrah- 711102 (West Bengal) Special Secretary, Department of Higher Education, Bikash Bhawan, 6 th floor, Kolkata- 700091	Commissioner, Minority Affairs & Madrasah Education Department, "NABANNA" 325, Sarat Chatterjee Road, Howrah-711102 (West Bengal) Special Secretary, Department of Higher Education, Bikash Bhawan, 6 th floor, Kolkata- 700091



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
29.	Andaman & Nicobar	The Director (Edn), O/o The Directorate of Education, VIP Road (opp. ITF Ground), Junglighat (PO), Port Blair, South Andaman, A & N Islands – 744103. Email : paaneducation@gmail.cm, dired.and@nic.in Contact Nos. Tel : 03192 – 232777 Fax: 03192 – 230101	Secretary (Edn.) A&N Administration, Secretariat, Port Blair
30.	Chandigarh	Director, School Education Chandigarh Additional Deluxe Building, 1st Floor, Sector-9, Chandigarh-160009	Director, School Education Chandigarh Additional Deluxe Building, 1st Floor, Sector-9, Chandigarh-160009
31.	Dadar & Nagar Haveli		
32.	Daman & Diu	Director (Education), Secretariat, Moti Daman,	Asstt. Director (Education) Directorate of Education, Nani Daman
33.	Delhi		Assistant Director of Education (ACT), Directorate of Education, Government of NCT of Delhi, R.No.214-A, Old Secretariat, Delhi – 110 054 Director of Education, Higher Education Department, Govt. of NCT of Delhi, 5, Shyamnath Marg, Delhi-110054



S.No.	State	Competent Authority under Section 10	Authority under Section 12(B)
34.	J&K		
35.	Laddakh		
36.	Lakshadweep	Director of Education, Department of Education, Kavaratti, UT of Lakshadweep, Tel: 04896262241 M:9188655501 Email: askerupsc@gmail.com	
37.	Puducherry	For School Education Secretary (Education), Chief Secretariat, No. 1, Goubert Avenue, Beach Road, Puducherry-605001 For Higher Educational Institutions Lieutenant Governor, Raj Nivas, Puducherry-605001	Order pending from Ministry of Home Affairs to appoint CA in MSC cases



