

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

CASE NO. 250 OF 2022

In the matter of:

Sir Syed Balika Inter College, Ghauspur, Mahul, District Azamgarh, Uttar Pradesh-223225.

... Petitioner

Versus

- 1. Additional Chief Secretary, School Education Department, Government of Uttar Pradesh, Babu Bhawan, 7th Floor, Lucknow, Uttar Pradesh – 226 001**
- 2. Additional Chief Secretary, Secondary Education Department, Government of Uttar Pradesh, Babu Bhawan, 7th Floor, Lucknow, Uttar Pradesh – 226 001.**

... Respondents

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

ORDER

Date: 25.03.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 16.11.2022 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Sir Syed Balika Inter College, Ghauspur, Mahul, District Azamgarh, Uttar Pradesh-223225.

2. Learned counsel for the petitioner filed the affidavit of Mohammed Khalid, Manager/Secretary, Sir Syed Educational Society, in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Muslim minority community.

3. Learned counsel for the petitioner has filed a notarized copy of Unique ID No.: UP/2017/0157677 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 07.10.2021 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration, Memorandum of Association alongwith list of founding members, Rules and Regulations, and notarized copy of Certificate of recognition order issued by the Additional Secretary, Secondary Education Council, Varanasi. He has also filed original Governing Body Resolution of the petitioner society issued in favour of Mohammed Khalid, Manager/Secretary, Sir Syed Educational Society to obtain minority status certificate from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength during the academic year 2020-21, it is mentioned

that out of the total 485 students, all students were from the Muslim minority community. In the year 2021-22, it is mentioned that out of the total 525 students, all students were from the Muslim minority community. In the year 2022-23, it is mentioned that out of the total 543 students, all students were from the Muslim minority community. It is relevant to mention here that during the academic year 2020-21, out of the total 12 teachers, all teachers were from the Muslim minority community. In the year 2021-22, out of the total 15 teachers, all teachers were from the Muslim minority community and in the year 2022-23, out of the total 18 teachers, all teachers were from the Muslim minority community.

5. It is stated in the petition that on dated 07.10.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 12.10.2021 and the same is still pending before the State Competent Authority. The State Competent Authority has not granted NOC in favour of the petitioner institution till now and also not rejected the said application and not communicated the same to the petitioner. After 90 days from the receipt of the application for grant of NOC, the petitioner has filed this application for grant of MSC to this Commission straightway as per the provisions of Section 10 and 11(f) of National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004.

6. After service of registered notice/email dated 02.01.2023 and 12.12.2023, no reply/ response has been received from the respondent. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained from the Committee constituted by this Commission for issuance of MSC to the petitioner institution vide order dated 30.01.2024, after service of letter/ email to the physical inspection committee dated 23.02.2024, 22.04.2024, 27.08.2024 and 16.10.2024, District Collector, Azamgarh, has sent physical inspection report dated 16.10.2024, which was received in the Commission's Office on dated 23.10.2024 wherein they have not recommended to grant minority status certificate to the petitioner institution but they have not given any adverse remarks. As per census report of 2011 Muslim minority community in the state of Uttar Pradesh is 19.26%. It is mentioned in the physical inspection report that in the year 2024-2025, out of the total 273 students, 218 students were from the Muslim minority community which is 79.85% of the total student which is more than the state census of 2011 i.e. 19.26%

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and the affidavit of Mohammed Khalid, Manager/Secretary, Sir Syed Educational Society.

8. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Muslim minority community and is being administered by the Sir Syed Educational Society, which is managed and run by the members of the Muslim minority community. The aforesaid averments made in the petition find ample corroboration from the documentary evidence produced on behalf of the petitioner institution and the affidavit of Mohammed Khalid, Manager/Secretary, Sir Syed Educational Society.

9. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by this Commission in Case No. 1320 of 2009 dated 06.07.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution. This Commission has also decided that there must be reasonable strength of students of particular minority community in a minority educational institution. The percentage could be determined based on the actual proportion of specific minority community in

the State population as per prevailing census. Population of Muslim minority community in the State of Uttar Pradesh as per the census of 2011 is 19.26%.

10. I have perused the Memorandum of Association of the petitioner society, which was registered before the Sub-Registrar, Firms Societies and Chits on dated 18.09.2019 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 07.10.2021 and petition for grant of MSC on dated 16.11.2022.

11. The Memorandum of Association of the petitioner society and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily the members of the Muslim minority community. In addition, the said fact also stands proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution before this Commission.

12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that the Sir Syed Balika Inter College, Ghauspur, Mahul, District Azamgarh, Uttar Pradesh-223225, run by the Sir Syed Educational Society, is eligible for grant of minority status on religious basis. The evidence also proves that the said educational institution was established with the main objective of sub-serving the interests of the Muslim minority community.

13. Consequently, Sir Syed Balika Inter College, Ghauspur, Mahul, District Azamgarh, Uttar Pradesh-223225, is declared as unaided minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004, subject to the condition that the petitioner would file an affidavit or undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of the Muslim minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution. If the petitioner institution failed to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.

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

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

Signed, pronounced and published on **Tuesday, 25th day of March, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS