

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

Case No. 258 of 2023

In the matter of :-

Pakiza School – 3, 30-31 Sector K, Near 5000, Multi Green Park Colony, Dhar Road, Indore, Madhya Pradesh – 452 002

..... **Petitioner**

V/s

Secretary, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh.

..... **Respondent**

Present: Mr. Prasanth Kulambil, Advocate for the petitioner
None for the respondent

ORDER

DATED 27.02.2025

Dr. Shahid Akhter, Member NCMEI

1. This petition has been received on 25.09.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Pakiza School – 3, 30-31 Sector K, Near 5000, Multi Green Park Colony, Dhar Road, Indore, Madhya Pradesh – 452002
2. Learned counsel for the petitioner filed an affidavit of Mr. Afzal Ansari, Secretary of Mariyam Gulab Education Social and Welfare 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.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : MP/2018/0212928 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 02.11.2022 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Mariyam Gulab Education Social and Welfare Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Rules and Regulations, alongwith list of present members of the Society, notarized copy certificate of recognition dated 17.05.2022 issued by District Education Officer for the period 01.04.2022 to 31.03.2025 and resolution of the General Body of the Society in favour of Mr. Afzal Ansari, Secretary of Mariyam Gulab Education Social and Welfare Society.
4. As per the information supplied by the unaided petitioner institution with regard to students' strength as on 2021-22, it is mentioned that out of total 100 students, all students were from the Muslim minority community, In academic year 2022-23, it is mentioned that out of total 168 students, all students were from the Muslim minority community. It is relevant to mention here that in academic year 2021-22, out of total 08 teachers, all teachers were from the Muslim minority community and in academic year 2022-23, out of total 15 teachers, all teachers were from the Muslim Minority community.

5. It is stated in the petition that on dated 02.11.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 07.11.2022 and the 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.
6. After service of registered notice dated 09.11.2023, Commissioner /Deputy Director, Backward Classes and Minority Welfare, Govt. of Madhya Pradesh has sent email/letter dated 27.12.2023 which was taken on record wherein they have stated that due to non-availability of application in prescribed form for recognition of minority educational institution, action regarding granting of minority recognition certificate to the educational institution could not be taken. 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 06.12.2023. After service of letter / email to the physical inspection committee dated 22.12.2023, and reminder dated 09.04.2024, 06.08.2024, and 24.09.2024, District Collector, Indore vide letter dated 03.10.2024 has sent physical inspection report wherein they have not recommended grant MSC to the petitioner institution but they have not given any adverse remarks. As per census report of 2011 percentage of Muslim minority community in the state of Madhya Pradesh is 6.57%. It is mentioned in the physical inspection report that in the year 2022-23, out of the total 186 students, all students are from the Muslim minority community which is 100% of the total student, which is more than the state census of 2011 i.e. 6.57%
7. Heard the learned counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Mr. Afzal Ansari, Secretary of Mariyam Gulab Education Social and Welfare Society.
8. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution. This Commission has also decided that there must be reasonable strength of students of particular minority community in a minority educational institution. The percentage could be determined based on the actual proportion of specific minority community in the State population as per prevailing census. Population of Muslim minority community in the State of Madhya Pradesh as per the census of 2011 is 6.57%.
9. 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 Mariyam Gulab Education Social and Welfare 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 Mr. Afzal Ansari, Secretary of Mariyam Gulab Education Social and Welfare Society.
10. I have perused the Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar, Firms, Societies, Chits, Indore, Madhya Pradesh on dated 28.09.2018 which is before the filing of NOC

applications U/s 10 of the NCMEI Act, 2004 dated 02.11.2022 and for grant of MSC on dated 25.09.2023. So it is clear that of the petitioner society was registered 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.

11. The Memorandum of Association dated 28.09.2018 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Muslim minority community. In addition, the said facts also stands proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.
12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Pakiza School – 3, 30-31 Sector K, Near 5000, Multi Green Park Colony, Dhar Road, Indore, Madhya Pradesh – 452 002 run by Mariyam Gulab Education Social and Welfare 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, Pakiza School – 3, 30-31 Sector K, Near 5000, Multi Green Park Colony, Dhar Road, Indore, Madhya Pradesh – 452 002, 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 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 **Thursday, 27th Day of February, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS