

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

**Case No. 117 of 2024**

**In the matter of:-**

**Ayesha Tarin Modern Public School, Anoopshahr Road, P.O. CDF,  
Aligarh, Uttar Pradesh- 202 122.**

**..... Petitioner**

**V/s**

**Additional Chief Secretary, Secondary Education Department,  
Government of Uttar Pradesh, Bapu Bhawan, 7th Floor, Lucknow,  
Uttar Pradesh- 226 001**

**..... Respondent**

**Present: None.**

**ORDER**

**DATED 27.05.2025**

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

1. This petition has been received on 29.02.2024 by hand through Mr. Ibad Mushtaq, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Ayesha Tarin Modern Public School, Anoopshahr Road, P.O. CDF, Aligarh, Uttar Pradesh- 202122.
2. Learned counsel for the petitioner filed an affidavit of Dr. Mudassir Ali, Secretary of Nadeem Tarin 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 notarized copy of Unique ID No. : UP/2017/0178208 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 21.08.2023 by hand to the State Competent Authority, download copy of Certificate of Registration of Nadeem Tarin Educational Society, photocopy of Amended Memorandum of Association, photocopy of Memorandum of Association, certified copy list of present members of the Society, photocopy of Rules and Regulation of Society, downloaded copy of affiliation order dated 01.10.2020 issued by the Deputy Secretary/Joint Secretary (Aff), CBSE to the unaided petitioner institution from 01.04.2021 to 31.03.2026 for the Secondary/Senior Secondary Level to the petitioner institution and resolution of the General Body of the Society in favour of Dr. Mudassir Ali, Secretary of Nadeem Tarin Educational Society in for obtaining MSC from this Commission.
4. As per the information supplied by the petitioner unaided institution with regard to students strength as on Academic Year 2021-22, it is mentioned that out of total 1115 students, 1068 students were from the Muslim minority community, 02 students were from the Christian minority community and 45 students were Hindus, in the year 2022-23, it is mentioned that out of total 1254 students, 1200 students were from the Muslim minority community, 03 students were from the Christian minority community and 51 students were Hindus and in the year 2023-24, it is mentioned that out of total 1436 students, 1389 students were from the Muslim minority community, 02 students were from the Christian minority community and 45 students were Hindus. It is relevant to mention here

that during the academic year 2021-22, out of the total 68 teachers, 64 teachers were from the Muslim minority community, 01 teacher was from the Christian minority community and 03 teachers were Hindu, In the academic year 2022-23, out of the total 74 teachers, 66 teachers were from the Muslim minority community, 01 teacher was from the Christian minority community and 07 teachers were Hindu and in the academic year 2023-24, out of the total 74 teachers, 68 teachers were from the Muslim minority community, 01 teacher was from the Christian minority community and 05 teachers were Hindu.

5. It is stated in the petition that on dated 21.08.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 28.08.2023 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/ email dated 30.05.2024, 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 10.09.2024. After service of letters/emails to the physical inspection committee dated 26.09.2024 and 29.11.2024, Physical Inspection Committee, District Basic Education Officer, Aligarh has sent physical inspection report dated 08.01.2025 which was received in the Commission's Office on dated 15.01.2025 wherein they have recommended to grant minority status certificate to the petitioner institution.

7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Dr. Mudassir Ali, Secretary of Nadeem Tarin Educational 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 Uttar Pradesh as per the census of 2011 is 19.26%.

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 Nadeem Tarin 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 Dr. Mudassir Ali, Secretary of Nadeem Tarin Educational Society.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Principal Assistant, Firms, Societies and Chits Agra on dated 18.08.2023 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 21.08.2023 and petition for

grant of MSC on dated 29.02.2024. 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.

11. The Amended Memorandum of Association dated 18.08.2023 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 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.

12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Ayesha Tarin Modern Public School, Anoopshahr Road, P.O. CDF, Aligarh, Uttar Pradesh- 202122 run by Nadeem Tarin 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, Ayesha Tarin Modern Public School, Anoopshahr Road, P.O. CDF, Aligarh, Uttar Pradesh- 202122 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 and also file certified copies of Certificate of Registration, Memorandum of Association, Rules & Regulations, amended Memorandum of Association and amended Rules & Regulations of Nadeem Tarin Educational Society. If the petitioner institution fails 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, 27<sup>th</sup> Day of May, 2025.**

**DR. SHAHID AKHTER**  
**MEMBER**

DSS