

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

Case No. 239 of 2021

In the matter of :-

Hakeem Abdul Hameed Unani Medical College & Hospital, 3, Eidgah Road, Dewas, Madhya Pradesh – 455 001.

..... **Petitioner**

V/s

**Secretary, Backward Classes and Minority Welfare Department,
Government of Madhya Pradesh, Room No. 339, Mantralaya, Bhopal,
Madhya Pradesh**

..... **Respondent**

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

ORDER

DATED 27.05.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 15.11.2021 by post through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Hakeem Abdul Hameed Unani Medical College & Hospital, 3, Eidgah Road, Dewas, Madhya Pradesh – 455001.
2. Learned counsel for the petitioner filed an affidavit of Dr. Zia Ur Rehman, Secretary of Hakeem Abdul Hameed Educational & Charitable Trust 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. : MP/2019/0227383 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, original copy of application dated 08.02.2021 by hand to the State Competent Authority, notarized copies of Trust Deed and Supplementary Trust alongwith list of present members, notarized copy of permission order dated 15.05.2024 issued by the Medical Assessment Rating Board for Indian System of Medical, (NCISM) and notarized copy of the affiliation order dated 23.10.2024 issued by the Vice Chancellor, Madhya Pradesh Medical Science University, Jabalpur to the unaided petitioner institution and resolution of the General Body of the Trust in favour of Dr. Zia Ur Rehman, Secretary of Hakeem Abdul Hameed Educational & Charitable Trust 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 2018-19, it is mentioned that out of total 262 students, 260 students were from the Muslim minority community and 02 students were Hindus, in the year 2019-20, it is mentioned that out of total 322 students, 320 students were from the Muslim minority community and 02 students were Hindus and in the year 2020-21, it is mentioned that out of total 310 students, all students were from the Muslim minority community. It is relevant to mention here that during the academic year 2018-19, out of the total 33 teachers, all teachers were from the Muslim minority community, In the academic year 2019-20, out of the total 33 teachers, all teachers were from the

Muslim minority community and in the academic year 2020-21, out of the total 33 teachers, all teachers were from the Muslim minority community.

5. It is stated in the petition that on dated 08.02.2021, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 08.02.2021 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 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 25.11.2021, 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 26.07.2022. After service of letters/emails to the physical inspection committee dated 21.02.2025, 29.07.2022, 12.10.2022, 02.11.2023, 20.12.2023, 07.02.2024, 31.05.2024, 27.08.2024 and 16.10.2024, Physical Inspection Committee, District Collector, Dawas has sent physical inspection report dated 19.12.2024 which was received in the Commission's Office on dated 06.01.2025 wherein they have not recommended to grant minority status certificate to the petitioner institution. As per census report of 2011 Muslim minority community in the state of Madhya Pradesh is 6.57%. it is mentioned in the physical inspection report that in the year 2024-25, out of the total 60 students, all students are from the Muslim minority community, which is 100% the total student which is more than the state census of 2011 i.e. 6.57%.
7. Heard learned counsel for the petitioner, perused the pleading of the petition, documents filed by the petitioner and affidavit of Dr. Zia Ur Rehman, Secretary of Hakeem Abdul Hameed Educational & Charitable Trust.
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 Hakeem Abdul Hameed Educational & Charitable Trust 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. Zia Ur Rehman, Secretary of Hakeem Abdul Hameed Educational & Charitable Trust.

10. I have perused the Trust Deed of the petitioner institution which was registered before the Registrar Public Trust, Dewas on dated 27.01.2009 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 08.02.2021 and petition for grant of MSC on dated 15.11.2021. 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 Trust Deed dated 27.01.2009 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 Hakeem Abdul Hameed Unani Medical College & Hospital, 3, Eidgah Road, Dewas, Madhya Pradesh – 455 001 run by Hakeem Abdul Hameed Educational & Charitable Trust 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, Hakeem Abdul Hameed Unani Medical College & Hospital, 3, Eidgah Road, Dewas, Madhya Pradesh – 455 001 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 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, 27th Day of May, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS