

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

Case No. 201 of 2023

In the matter of :-

Rashad Moral School, Jameatur Rashad, Rashad Nagar, Gulami Ka Pura, Post Sadar, Dist. Azamgarh, Uttar Pradesh – 276001.

..... **Petitioner**

V/s

**Additional Chief Secretary, Department of Secondary Education,
Government of Uttar 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 27.07.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Rashad Moral School, Jameatur Rashad, Rashad Nagar, Gulami Ka Pura, Post Sadar, Dist. Azamgarh, Uttar Pradesh – 276001.
2. Learned counsel for the petitioner filed an affidavit of Maulana Osama Amir, Deputy Secretary of The Azamgarh Jameatur Rashad 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/2023/0336400 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 13.12.2022 by Post to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of The Azamgarh Jameatur Rashad Educational Society, notarized copy of Memorandum of Association alongwith list of founding members of the Society, notarized copy of Amended Memorandum of Association alongwith list of present members of the Society, notarized copy of Rules and Regulation of Society, notarized copy of Permanent recognition dated 28.06.2021 issued by the District Basic Education Officer to the unaided petitioner institution and resolution of the General Body of the Society in favour of Maulana Osama Amir, Deputy Secretary of The Azamgarh Jameatur Rashad Educational Society 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 2020-21, it is mentioned that out of total 597 students, all students were from the Muslim minority community. In the Academic Year 2021-22, it is mentioned that out of total 402 students, all students were from the Muslim minority community and in the Academic Year 2022-23, it is mentioned that out of total 579 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 18 teachers, 17 teachers were from the Muslim minority community and 01 teacher was Hindu. In the academic year 2021-22, out of the total 15 teachers, 14 teachers were from the Muslim minority community and 01 teacher was Hindu and in the academic year 2022-23, out of the total 20 teachers, all teachers were from the Muslim minority community.

5. It is stated in the petition that on dated 13.12.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 16.12.2022 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 / email dated 22.08.2023, no reply/ response 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 31.10.2023. After service of letters/emails to the physical inspection committee dated 03.01.2024, 04.03.2024, 24.06.2024, 29.08.2024, 22.10.2024 and 20.01.2025, Physical Inspection Committee, District Minority Welfare Officer, Azamgarh has sent physical inspection report dated 03.02.2025 which was received in the Commission's Office on dated 11.02.2025 wherein they have not given any remark against Col. No. 12 but has 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 678 students, all students were from the Muslim minority community which is 100% of the total student which is more than the state census of 2011 i.e. 19.26%.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Maulana Osama Amir, Deputy Secretary of The Azamgarh Jameatur Rashad 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 The Azamgarh Jameatur Rashad 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 Maulana Osama Amir, Deputy Secretary of The Azamgarh Jameatur Rashad Educational Society.

10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar Committee, Azamgarh on dated 21.02.2022 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 13.12.2022 and petition for grant of MSC on dated 27.07.2023. 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 21.02.2022 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that Rashad Moral School, Jameatur Rashad, Rashad Nagar, Gulami Ka Pura, Post Sadar, Dist. Azamgarh, Uttar Pradesh – 276001 run by The Azamgarh Jameatur Rashad 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, Rashad Moral School, Jameatur Rashad, Rashad Nagar, Gulami Ka Pura, Post Sadar, Dist. Azamgarh, Uttar Pradesh – 276001 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