

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

**Case No. 36 of 2023**

**In the matter of :-**

**Brainy Stars International School, S Bingipura, Anekal Taluk,  
Bangalore, South District, Karnataka - 560105**

..... **Petitioner**

**V/s**

**Additional Chief Secretary, Education Department (Higher  
Education), Government of Karnataka, Sixth Floor, Multi – Storeyed  
Building, Bengaluru, Karnataka – 560 001**

..... **Respondent**

Present: Mr. Fayyaz Ahmad Ansari, Advocate for the petitioner  
None for the respondent

**ORDER**

**DATED 26.08.2025**

**Dr. Shahid Akhter, Member NCMEI**

1. This petition has been received on 16.01.2023 from the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Brainy Stars International School, S Bingipura, Anekal Taluk, Bangalore, South District, Karnataka – 560105.
2. Learned counsel for the petitioner filed an affidavit of Mr. Dhaniyal Hyder Vali, President of M/S Brainy Stars Foundation 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 copy of Unique ID No. : KA/2022/0319799 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 24.09.2022 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 22.08.2013 alongwith list of members of the trust, notarized download copy of order dated 04.09.2023, issued by the Deputy Secretary/Joint Secretary (Aff.) granting affiliation to the unaided petitioner institution from 01.04.2024 to 31.03.2029 for Upto Senior Secondary Level and resolution of the General Body of the Trust in favour of Mr. Dhaniyal Hyder Vali, President of M/S Brainy Stars Foundation 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 2022-23, it is mentioned that out of total 547 students, all students were from the Muslim minority community. In academic year 2023-24, it is mentioned that out of total 1158 students, 618 students were from the Muslim minority community, 15 students were from the Christian minority community, 03 students were from the Jain minority community and 522 students were Hindu. In academic year 2024-25, it is mentioned that out of total 1094 students, 749 students were from the Muslim

minority community, 27 students were from the Christian minority community, 06 students were from the Jain minority community and 312 students were Hindu. It is relevant to mention here in the academic year 2022-23, out of the total 37 teachers, 35 teachers were from the Muslim minority community and 02 teachers were Hindu. In academic year 2023-24, out of total 86 teachers, 41 teachers were from the Muslim Minority community, 02 teachers were from the Christian minority community and 43 teachers were Hindu and In academic year 2024-25, out of total 73 teachers, 45 teachers were from the Muslim Minority community, 03 teachers were from the Christian minority community and 25 teachers were Hindu.

5. It is stated in the petition that on dated 24.09.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 30.09.2022 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 31.01.2023, Director, Office of the Commissioner of Public Instruction, Bengaluru has sent letter dated 18.03.2023 which was received before the Commission's office on dated 05.04.2023 which was taken on record. 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 02.05.2023. After service of letter / email to the physical inspection committee dated 16.05.2023, 25.08.2023, 20.12.2023, 12.02.2024, 18.04.2024, 29.07.2024, 14.10.2024, 24.12.2024 and 06.03.2025, Physical Inspection Committee, District Office, District Minority Welfare Officer, Bangalore has sent physical inspection report, which was signed by only District Office Minority Welfare Department, Bangalore, Urban District and received by post in the Commission's Office on dated 02.08.2023. Physical inspection committee failed to send a proper reply to the Commission. Accordingly, the case was proceeded ex-parte against them. As per census report of 2011 percentage of Muslim minority community in the state of Karnataka is 12.92%. it is mentioned in the updated students and teachers details supplied by the petitioner institution that in the year 2024-25, out of the total 1094 students, 749 students were from the Muslim minority community, which is 68.46%, which is more than the state census of 2011 i.e. 12.92%.
7. Heard the learned counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Mr. Dhaniyal Hyder Vali, President of M/S Brainy Stars Foundation.
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 Karnataka as per the census of 2011 is 12.92%.

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 M/S Brainy Stars Foundation 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 Mr. Dhaniyal Hyder Vali, President of M/S Brainy Stars Foundation.
10. I have perused the Trust Deed of the petitioner institution which was registered before the Senior Sub Registrar, Jayanagar on dated 22.08.2013 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 24.09.2022 and petition for grant of MSC on dated 16.01.2023. 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 Trust Deed dated 22.08.2013 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 Brainy Stars International School, S Bingipura, Anekal Taluk, Bangalore South District, Karnataka – 560105 run by M/S Brainy Stars Foundation 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, Brainy Stars International School, S Bingipura, Anekal Taluk, Bangalore, South District, Karnataka – 560105, 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 fail 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, 26<sup>th</sup> Day of August, 2025.**

**DR. SHAHID AKHTER  
MEMBER**