

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

Case No. 274 of 2024

In the matter of:-

Qaumi Sr. Sec. School, 6526, Shahi Idgah, New Delhi- 110 055.

..... Petitioner

Vs.

- 1. Assistant Director of Education (Act), Directorate of Education, Government of NCT of Delhi, R. No. 214-A, Old Secretariat, Delhi- 110054.**
- 2. Director, Directorate of Education, Government of NCT of Delhi.**

..... Respondent

Present: Mr. Junais P., Advocate for the petitioner.
Mr. Mukesh Kumar, Advocate for the respondent.

ORDER

DATED: 26.08.2025

Dr. Shahid Akhter, Member, NCMEI

- This petition has been received on 15.10.2024 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Qaumi Sr. Sec. School, 6526, Shahi Idgah, New Delhi- 110 055.
- Learned counsel for the petitioner filed an affidavit of Mr. Mohabbat Ali, Secretary/ Manager of Qaumi Education Society and the authorized representative of the applicant institution i.e. Qaumi Sr. Sec. School, 6526, Shahi Idgah, New Delhi- 110 055 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.
- Learned counsel for the petitioner has filed copy of Unique ID No.: DL/2024/0453817 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 08.07.2024 sent to the State Competent Authority i.e. Assistant Director of Education (Act), Directorate of Education, Government of NCT of Delhi, R. No. 214-A, Old Secretariat, Delhi- 110054 alongwith postal receipt and its tracking report, certified copy of Certificate of Registration of Education Society, Memorandum of Association, Rules & Regulations, amended Memorandum of Association dated 14.02.2023 along with list of present members of the Society, copy of the letter dated 31.7.2023 issued by

CBSE granting affiliation to the petitioner institution for the period 1.4.2023 to 31.3.2029 and resolution of the Governing Body of the Society in favour of Mr. Mohabbat Ali, Secretary/ Manager of Qaumi Education Society for obtaining MSC from this Commission.

4. As per the information supplied by the aided petitioner institution with regard to students' strength, it is mentioned that during the academic year academic year 2021-22, out of total 990 students, all the students were from the Muslim minority community. During the academic year 2022-23, out of total 1030 students, all the students were from the Muslim minority community and during the academic year 2023-24, out of total 1022 students, all the students were from Muslim minority community. It is relevant to mention here that during the academic year 2021-22, 2022-23 and 2023-24 out of the total 33 teachers, all the teachers were from the Muslim minority community.

5. It is stated in the petition that on dated 08.07.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 09.07.2024 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. Despite service of registered notice to the respondent dated 30.10.2024, the respondent has failed to apprise the Commission about the status of the said application. 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 28.01.2025. After service of letter/email to the physical inspection committee dated 04.02.2025, Physical Inspection Report dated 14.03.2025 has been received from the members of the Physical Inspection Committee which was received by hand before the Commission's office on 25.03.2025 wherein they have recommended to grant minority status certificate to the petitioner institution.

7. Mr. Mukesh Kumar, learned counsel for the respondent has appeared before the Court of the Commission on 27.03.2025 and filed detailed reply on behalf of the respondent stating therein that the respondent has sent reply dated 28.11.2024 to the petitioner institution informing that there is no designated competent authority under Section 12(B) of the NCMEI Act, 2004 in Directorate of Education, GNCT of Delhi. Therefore, No Objection Certificate cannot be issued to the petitioner institution.

8. Thereafter, learned counsel for the petitioner has filed rejoinder to the said reply stating therein that the petitioner has applied to the State Competent Authority for grant of NOC on 08.07.2024 and the reply sent by the respondent to the NOC application of the petitioner was only on 28.11.2024 i.e. after 4 months from the date of receipt of NOC application only.

Section 10 of the NCMEI Act, 2004 reads as under:

“Section 10. Right to establish a Minority Educational Institution.—

(1) Subject to the provisions contained in any other law for the time being in force, any person, who desires to establish a Minority Educational Institution may apply to the competent authority for the grant of No Objection Certificate for the said purpose.”

(2) The Competent authority shall,—

- (a) on perusal of documents, affidavits or other evidence, if any; and
- (b) after giving an opportunity of being heard to the applicant, decide every application filed under sub-section (1) as expeditiously as possible and grant or reject the application, as the case may be.”

Where within a period of 90 days from the receipt of the application, if the competent authority does not grant NOC or application has been rejected but not communicated to the applicant, it shall be deemed that NOC has been granted and the applicant can file an application for grant of MSC straightaway to this Commission. Any person aggrieved by the order of refusal to grant NOC by the competent authority may prefer an appeal to this Commission under section 12A of NCMEI Act, 2004”.

9. Heard the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Mr. Mohabbat Ali, Secretary/ Manager of Qaumi Education Society.

10. 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 Qaumi Education 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. Mohabbat Ali, Secretary/ Manager of Qaumi Education Society.

11. 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 NCT of Delhi as per the census of 2011 is 12.86%.

12. I have perused the Amended Memorandum of Association of the petitioner Society which was registered on 14.02.2023, which is before filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 08.07.2024 and also petition for grant of MSC dated 15.10.2024. So, it is clear that the amendment in the Memorandum of Association of the petitioner Society 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.

13. The Amended Memorandum of Association dated 14.02.2023 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.

14. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Qaumi Sr. Sec. School, 6526, Shahi Idgah, New Delhi- 110 055 run by Qaumi Education 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.

15. Consequently, Qaumi Sr. Sec. School, 6526, Shahi Idgah, New Delhi- 110 055 is declared as an aided 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.

16. After compliance, a minority status certificate be issued accordingly.

17. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 26th Day of August, 2025.**

DR. SHAHID AKHTER
MEMBER

MD