

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

Case No. 232 of 2024

In the matter of:-

Bright Home International School, Near Satsang Bhawan, Gangoh-Titron Road, Town Titron, Saharanpur, Uttar Pradesh- 247 343.

..... Petitioner

Vs.

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

..... Respondent

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

ORDER

DATED: 05.08.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 30.05.2025 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Bright Home International School, Near Satsang Bhawan, Gangoh-Titron Road, Town Titron, Saharanpur, Uttar Pradesh- 247 343.
2. Learned counsel for the petitioner filed an affidavit of Mohd. Anwar Khan, President of Bright Home Shiksha Samiti and the authorized representative of the applicant institution i.e. Bright Home International School, Near Satsang Bhawan, Gangoh-Titron Road, Town Titron, Saharanpur, Uttar Pradesh- 247 343 in support of the averments made in the petition.
3. Learned counsel for the petitioner has filed copy of Unique ID No.: UP/2015/0085609 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 09.10.2023 sent to the State Competent Authority i.e. Additional Chief Secretary, Secondary Education Department, Babu Bhawan, 7th Floor, Lucknow-226001 alongwith postal receipt and its tracking report, notarized copy of Certificate of Registration of Bright Home Shiksha Samiti, notarized copy of Memorandum of Association, Rules & Regulations, amended Memorandum of Association and amended Rules & Regulations dated 22.09.2018, notarized copy of the letter dated 24.08.2021 issued by CBSE granting affiliation to the petitioner institution for the period

01.04.2022 to 31.3.2027 and Board Resolution of the Society in favour of Mohd. Anwar Khan, President, Bright Home Shiksha Samiti for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students' strength, it is mentioned that during the academic year academic year 2021-22, out of total 179 students, 41 students were from the Muslim minority community and 138 students were Hindu. During the academic year 2022-23, out of total 202 students, 56 students were from Muslim minority community and 146 students were Hindu. During the academic year 2023-24, out of total 227 students, 64 students were from the Muslim minority community and 163 students were Hindu. It is relevant to mention here that during the academic year 2021-22, out of the total 14 teachers, 06 teachers were from the Muslim minority community and 08 teachers were Hindu. During the academic year 2022-23, out of the total 24 teachers, 08 teachers were from the Muslim minority community and 16 teachers were Hindu. In the year 2023-24, out of the total 30 teachers, 09 teachers were from the Muslim minority community and 21 teachers were Hindu.

5. It is stated in the petition that on dated 09.10.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 13.10.2023 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. Despite service of registered notice to the respondent dated 29.07.2024, 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 24.09.2024. After service of letter/email to the physical inspection committee dated 25.09.2024, 23.12.2024 and 6.3.2025, District Magistrate, Saharanpur vide letter

dated 19.04.2025 has sent Physical Inspection Report, which was received in the Commission's Office on dated 23.04.2025 wherein they have recommended to grant minority status certificate to the petitioner institution.

7. Heard the Learned Counsel for the petitioner and perused the documents filed by the petitioner and affidavit of Mohd. Anwar Khan, President of Bright Home Shiksha Samiti.

8. 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 Bright Home Shiksha Samiti 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 Mohd. Anwar Khan, President of Bright Home Shiksha Samiti.

9. 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%.

10. I have perused the amended Memorandum of Association of the petitioner Society which was registered on 22.09.2018, which is before filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 09.10.2023 and also petition for grant of MSC dated 30.05.2024. So, it is clear that the amendment in the Memorandum of Association of the petitioner Society has been done prior to filing application 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 22.09.2018 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 Bright Home International School, Near Satsang Bhawan, Gangoh-Titron Road, Town Titron, Saharanpur, Uttar Pradesh- 247343 run by Bright Home Shiksha Samiti 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, Bright Home International School, Near Satsang Bhawan, Gangoh-Titron Road, Town Titron, Saharanpur, Uttar Pradesh- 247 343 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.

DR. SHAHID AKHTER
MEMBER

MD