

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

Case No. 289 of 2024

In the matter of :-

**Darul Arquam Public School, Haat Maidan, Shajapur, District
Shajapur, Madhya Pradesh- 465 001.**

..... Petitioner

Vs

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

..... Respondent

Present: Mr. Iftekhhar Ahmed, Advocate for the petitioner.
None for the respondent.

ORDER

DATED:04.11.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 03.12.2024 by post through Mr. Iftekhhar Ahmed, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Darul Arquam Public School, Haat Maidan, Shajapur, District Shajapur, Madhya Pradesh- 465 001.
2. Learned counsel for the petitioner filed an affidavit of Mr. Mirza Moiz Baig, President of Peace Revalvals Education and Welfare 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. He has also filed affidavit stating therein 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.
3. Learned counsel for the petitioner has filed copy of Unique ID No.: MP/2024/0423862 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, original copy of application dated 21.05.2024 by hand to the State Competent Authority, notarized copy of Certificate of Registration of Peace Revalvals Education and Welfare Society, certified copy of Memorandum of Association along with founding member list of society, certified copy of rules and regulations of the society, certified copy of list of present members of the Society, notarized copy of recognition dated 31.05.2025 issued by the Commissioner, Lok Shikshan Sanchalaya, Madhya Pradesh granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Mr. Mirza Moiz Baig, President of Peace Revalvals Education and Welfare Society for obtaining MSC from this Commission.
4. As per the information supplied by the petitioner unaided institution with regard to students' strength, it is mentioned that during the academic year 2022-23, out of the total 351 students, all students were from the Muslim minority

community. During the academic year 2023-24, out of the total 410 students, all students were from the Muslim minority community and during the academic year 2024-25, out of the total 475 students, all students were from the Muslim minority community. It is relevant to mention here that during the academic year 2022-23, out of 23 teachers, all teachers were from the Muslim Minority community. During the academic year 2023-24, out of 25 teachers, all teachers were from the Muslim Minority community and during the academic year 2024-25, out of 27 teachers, all teachers were from the Muslim Minority community.

5. It is stated in the petition that on dated 21.05.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 21.05.2024 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. After service of registered notice / email dated 08.01.2025 and 14.08.2025, response has sent an email dated 05.03.2025 attaching therewith a copy of letter dated 04.03.2025 of Dy. Director, Backward Classes & Minority Welfare, Madhya Pradesh stating therein that due to non-receipt of application in the prescribed format, no action could be taken on the application of NOC. 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 28.04.2025. After service of letter/emails to the physical inspection committee dated 05.05.2025, Physical Inspection Committee, has sent letter dated 07.08.2025, which was received by post in the Commission's Office on dated 12.08.2025 which was duly signed by members of the physical Inspection Committee wherein they have recommended to grant minority status certificate to the petitioner institution.

7. 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 Peace Revalvals Education and Welfare 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. Mirza Moiz Baig, President of Peace Revalvals Education and Welfare 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 Madhya Pradesh as per the census of 2011 is 6.57%.

9. I have perused the Memorandum of Association of the petitioner Society which was registered before the Assistant Registrar of

Societies, Ujjain obtained on 26.03.2018, which is before filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 21.05.2024 and also petition for grant of MSC dated 03.12.2024. 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.

10. The Memorandum of Association dated 26.03.2018 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.

11. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Darul Arqam Public School, Haat Maidan, Shajapur, District Shajapur, Madhya Pradesh- 465 001 run by Peace Revalvals Education and Welfare 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.

12. Consequently, Darul Arqam Public School, Haat Maidan, Shajapur, District Shajapur, Madhya Pradesh- 465 001 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."

13. A minority status certificate be issued accordingly.

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

Signed, pronounced and published on **Tuesday, 04th Day of November, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS