

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

CASE NO. 364 OF 2023

In the matter of:

**Khalsa Public Junior High School, Village Ruriya, Tehsil Puranpur,
District Pilibhit, Uttar Pradesh- 262122.**

... Petitioner

Versus

**Additional Chief Secretary/ Principal Secretary/ Secretary, Basic
Education Department, Government of Uttar Pradesh.**

... Respondent

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

ORDER

Date: 04.11.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 11.12.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Khalsa Public Junior High School, Village Ruriya, Tehsil Puranpur, District Pilibhit, Uttar Pradesh - 262122.
2. Learned counsel for the petitioner filed an affidavit of Mr. Bhupender Singh, Account Officer/ Executive Member of Khalsa Public Vidhyalay Samiti and authorized representative of petitioner institution in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Sikh minority community. He has also filed affidavit stating therein that the petitioner institution shall not deny admission of eligible candidate of the Sikh 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 a notarized copy of Unique ID No.: UP/2021/0288292 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 13.12.2022 by post to the State Competent Authority along with postal receipt and its tracking report, notarized copy of Certificate of Registration of Khalsa Public Vidhyalay Samiti, notarized copy of Memorandum of Association and Rules & Regulations along with list of founding members of the Society, notarized copy of Amended Memorandum of Association dated 22.03.2021 along with list of present members of the Society, notarized copy of order dated 08.05.2013 issued by the Principal Secretary, Education Department, Uttar Pradesh granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Mr. Bhupender Singh, Account Officer/ Executive Member of Khalsa Public Vidhyalay Samiti 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 2020-21, out of the total 539 students, 58 students were from the Muslim minority community, 72 students were from the Sikh minority community and 409 students were Hindu. During the academic year 2021-22, out of the total 518 students, 47 students were from the Muslim minority community, 54 students were from the Sikh minority community and 417 students were Hindu and during the academic year 2022-23, out of the total 609 students, 78 students were from the Muslim minority community, 63 students were from the Sikh minority community and 468 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of 16 teachers, 02 teachers were from the Muslim Minority community, 02 teachers were from the Sikh Minority community and 12 teachers were Hindu. During the academic year 2021-22, out of 16 teachers, 02 teachers were from the Muslim Minority community, 02 teachers were from the Sikh Minority community and 12 teachers were Hindu and during the academic year 2022-23, out of 20 teachers, 02 teachers were from the Muslim Minority community, 02 teachers were from the Sikh Minority community and 16 teachers were Hindu.

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 same 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 application 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 12.01.2024, no reply /response has been received 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 03.04.2024. After service of letter/emails to the physical inspection committee dated 10.05.2024 and reminders dated 16.08.2024, 11.10.2024, 23.12.2024, 06.03.2025 and 07.05.2025, Physical Inspection Committee, has sent letter dated 24.02.2025, which was received by post in the Commission's Office on dated 21.05.2025 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. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Mr. Bhupender Singh, Account Officer/ Executive Member of Khalsa Public Vidhyalay Samiti and authorized representative of petitioner institution.

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 Sikh minority community and is being administered by Khalsa Public Vidhyalay Samiti which is managed and run by the members of the Sikh 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. Bhupender Singh, Account Officer/ Executive Member of Khalsa Public Vidhyalay Samiti and authorized representative of petitioner institution.

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 this Commission in Case No. 1320 of 2009 dated 06.07.2010) 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

minoritycommunity 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 Sikhminority community in the State of Uttar Pradesh as per the census of 2011 is 0.32%.

10. I have perused the Amended Memorandum of Associationof the petitioner institution, which was registered before the AssistantRegistrar, Bareilly on dated 22.03.2021 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 13.12.2022 and petition for grant of MSC on dated 11.12.2023. Soit 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 Associationdated 22.03.2021 of the said Society and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily the members of the Sikhminority community. In addition, the said fact 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 before this Commission.

12. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Khalsa Public Junior High School, Village Ruriya, Tehsil Puranpur, District Pilibhit, Uttar Pradesh - 262122 run by Khalsa Public Vidhyalay 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 Sikhminority community.

13. Consequently, Khalsa Public Junior High School, Village Ruriya, Tehsil Puranpur, District Pilibhit, Uttar Pradesh - 262122 is declared as 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."

14. 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, 04th day ofNovember, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS