

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

CASE NO. 262 OF 2020

In the matter of:

**M S Creative English School, Vanjarpatti Naka, Bhiwandi, Thane,
Maharashtra.**

... Petitioner

Versus

- 1. Deputy Secretary, Minorities Development Department
Government of Maharashtra, Room No. 715, Mantralaya
(Annexe), Mumbai-32.**
- 2. Joint Secretary, Minorities Development Department,
Government of Maharashtra, Room No. 715, Mantralaya
(Annexe), Mumbai-32**

... Respondents

Present: Mr. Jose Abraham, Advocate for the petitioner.
None for the respondent.

ORDER

Date: 11.11.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 28.02.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to M S Creative English School, Vanjarpatti Naka, Bhiwandi, Thane, Maharashtra - 421308.
2. Learned counsel for the petitioner filed an affidavit of Mr. Anwar Ahmed, Secretary of MS Educational & Welfare Trust 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.: TS/2019/0244888 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 02.02.2019 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Trust Deed dated 06.11.2013 of MS Educational & Welfare Trust alongwith list of founding member of the Trust, notarized copy of Supplementary Trust Deed dated 15.02.2016 alongwith list of present member of the Trust, notarized copy of Recognition Order dated 04.07.2018 issued by the Education Officer(Primary) Zilla Parishad Thane to the unaided petitioner institution and original resolution of the General Body of the Trust in favour of

Mr. Anwar Ahmed, Secretary of MS Educational & Welfare Trust for obtaining MSC from this Commission.

4. As per the information supplied by the unaided petitioner institution with regard to students strength as on 01.06.2019, it is mentioned that out of the total 636 students, all students are from the Muslim minority community. It is relevant to mention here that out of total 32 teachers, all teachers are from Muslim Minority community.

5. It is stated in the petition that on dated 02.02.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 04.02.2019 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 28.08.2020 and 11.11.2020, 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 10.02.2022. After service of letter/emails to the physical inspection committee dated 16.02.2022 and reminders dated 11.05.2022, 01.09.2022, 28.10.2022 and 21.12.2022, Physical Inspection Committee, has sent letter dated 09.05.2023, which was received by post in the Commission's Office on dated 16.05.2023 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 the Learned Counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Mr. Anwar Ahmed, Secretary of MS Educational & Welfare Trust.

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 MS Educational & Welfare Trust 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. Anwar Ahmed, Secretary of M S Educational & Welfare Trust.

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 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 Maharashtra as per the census of 2011 is 11.54%.

10. I have perused the Amended Trust Deed of the petitioner institution, which was registered before the Joint Sub-Registrar, Banjarahills on dated 15.02.2016 which is before the filing of NOC application U/s 10 of the NCMEI

Act, 2004 dated 02.02.2019 and petition for grant of MSC on dated 28.02.2020. 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 Amended Trust Deed dated 15.02.2016 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 Muslim minority 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 un rebutted evidence produced on behalf of the petitioner, we find and hold that M S Creative English School, Vanjarpatti Naka, Bhiwandi, Thane, Maharashtra – 421308 run by M S Educational & Welfare Trust 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, M S Creative English School, Vanjarpatti Naka, Bhiwandi, Thane, Maharashtra - 421308 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 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.

Signed, pronounced and published on **Tuesday, 11th day of November, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS