

were from the Muslim minority community and 02 teachers were Hindu, In the academic year 2022-23, out of the total 14 teachers, 12 teachers were from the Muslim minority community, 01 teacher was from the Christian minority community and 01 teacher was Hindu and in the academic year 2022-23, out of the total 14 teachers, 12 teachers were from the Muslim minority community, 01 teacher was from the Christian minority community and 01 teacher was Hindu.

5. It is stated in the petition that on dated 04.09.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 04.09.2023 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. After service of registered notice / email dated 19.03.2024 and 14.08.2025, Director, Primary Education, Department of School Education & Literacy, Government of Jharkhand has sent E-mail, which was received before the Commission's office on dated 09.07.2025 and again on 21.08.2025 which were taken on record. 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 15.10.2024. After service of letter/emails to the physical inspection committee dated 07.08.2024 and reminders dated 17.10.2024, 16.01.2025, 19.02.2025, 24.04.2025, 06.06.2025 and 22.07.2025, Physical inspection committee failed to send a proper reply to the Commission. Accordingly, the case was proceeded ex-parte against them. As per census report of 2011 percentage of Muslim minority community in the state of Jharkhand is 14.53%. As per the information supplied by the petitioner institution in the academic year 2023-24, out of the total 210 students, 190 students were from the Muslim minority community, which is 90.47 the total student which is more than the state census of 2011 i.e. 14.53%.
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit Mr. Mojahidul Islam, Secretary of Biru Miya Educational & 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 Jharkhand as per the census of 2011 is 14.53%.
9. 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 Biru Miya Educational & 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. Mojahidul Islam, Secretary of Biru Miya Educational & Welfare Society.

10. I have perused the Memorandum of Association of the petitioner institution which was registered before the Inspector General of Registration, Jharkhand, obtained on dated 23.03.2025 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 04.09.2023 and petition for grant of MSC on dated 04.04.2024. 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.
11. The Certified Copy of Memorandum of Association dated 23.03.2025 and all the documents produced by the petitioner institution clearly reflects that the beneficiaries of the petitioner institution are primarily the members of the Muslim minority community. In addition, the said facts 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.
12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Prim Rose Public School, Baragain, Ranchi, Jharkhand run by Biru Miya Educational & 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.
13. Consequently, Prim Rose Public School, Baragain, Ranchi, Jharkhand 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".
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 **Thursday, 09th Day of October, 2025.**

DR. SHAHID AKHTER
MEMBER

DSS