

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

CASE NO. 177 OF 2023

In the matter of:

S.S.A Inter College Saidpur, Ghazipur, Uttar Pradesh.

... Petitioner

Versus

**Additional Chief Secretary, Secondary Education Department,
Government of Uttar Pradesh, Bapu Bhawan, 7th Floor, Lucknow, Uttar
Pradesh – 226 001.**

... Respondent

Present: Mr. Shubham Singh, Advocate for the petitioner.
None for the respondent.

ORDER

Date: 20.11.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 07.07.2023 by hand through Mr. Shubham Singh, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to S.S.A Inter College Saidpur, Ghazipur, Uttar Pradesh.
2. Learned counsel for the petitioner filed the affidavit of Mr. Akhtar Ali, Secretary, Sir Saiyad Ahamad Shikshan Samiti, 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 a notarized copy of Unique ID No.: UP/2017/0166574 of the petitioner's society as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 24.02.2023 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, certified copy of Certificate of Registration, notarized copy of Memorandum of Association alongwith founding member of society, certified copy Amended Memorandum of Association & Amended Rules and Regulations alongwith list of Present members list of the society, notarized copy of Certificate of recognition order issued by the District Basic Education Officer, Ghazipur. He has also filed original Governing Body Resolution of the petitioner society issued in favour of Mr. Akhtar Ali, Secretary, Sir Saiyad Ahamad Shikshan Samiti to obtain minority status certificate from this Commission.
4. As per the information supplied by the unaided petitioner institution with regard to students' strength during the academic year 2021, it is mentioned that

out of the total 327 students, 192 students were from the Muslim minority community and 135 students were Hindu. In the year 2022, it is mentioned that out of the total 341 students, 201 students were from the Muslim minority community and 140 students were Hindu. In the year 2023, it is mentioned that out of the total 375 students, 178 students were from the Muslim minority community and 197 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of the total 20 teachers, 11 teachers were from the Muslim minority community and 09 teachers were Hindu. In the year 2021-22, out of the total 20 teachers, 11 teachers were from the Muslim minority community and 09 teachers were Hindu and in the year 2022-23, out of the total 20 teachers, 11 teachers were from the Muslim minority community and 09 teachers were Hindu.

5. It is stated in the petition that on dated 24.02.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 27.02.2023 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 06.06.2024, 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 05.09.2024, after service of letter/ email to the physical inspection committee dated 23.09.2024 and reminders dated 26.11.2024, 13.12.2024, 29.01.2025, 04.04.2025 and 08.05.2025, , Physical Inspection Committee, has sent letter dated 06.05.2025, which was received by post in the Commission's Office on dated 14.05.2025 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 the affidavit of Mr. Akhtar Ali, Secretary, Sir Saiyad Ahamad Shikshan 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 the Sir Saiyad Ahamad Shikshan 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 Mr. Akhtar Ali, Secretary, Sir Saiyad Ahamad Shikshan 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 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 Uttar Pradesh as per the census of 2011 is 19.26%.

10. I have perused the Memorandum of Association of the petitioner society, which was registered before the Asst-Registrar, Firms Societies and Chits on dated 08.02.2018 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 24.02.2023 and petition for grant of MSC on dated 07.07.2023. 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 Memorandum of Association on dated 08.02.2018 of the petitioner 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 the S.S.A Inter College Saidpur, Ghazipur, Uttar Pradesh run by the Sir Saiyad Ahamad Shikshan 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, S.S.A Inter College Saidpur, Ghazipur, Uttar Pradesh, 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 weeks from the date of order passed by this Commission then the petition failed 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 **Thursday, 20th day of November, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS