

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

**CASE NO. 275 OF 2020**

**In the matter of:**

**M.S. Creative School, 2183, Kucha Agil Khan, Bazar Sita Ram, Old Delhi, Delhi – 110006.**

**... Petitioner**

**Versus**

**Assistant Director of Education (Act), Directorate of Education,  
Government of NCT of Delhi, Room No. 214-A, Old Secretariat, Delhi  
– 110 054.**

**... Respondent**

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

**ORDER**

**Date: 17.12.2025**

**Dr. Shahid Akhter, Member, NCMEI**

1. This petition has been received on 02.03.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to M.S. Creative School, 2183, Kucha Agil Khan, Bazar Sita Ram, Old Delhi, Delhi – 110 006.

2. Learned counsel for the petitioner filed an affidavit of Mr. Anwar Ahmed, Secretary of M S 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 copies of Trust Deed of M S Educational & Welfare Trust alongwith list of founding member of the Trust, Amended Trust Deed dated 15.02.2016 alongwith list of present of the Trust, notarized copy of latest Recognition Order dated 21.06.2024 issued by the Asstt. Director of Education, MCD, Delhi to the unaided petitioner institution and original resolution of the General Body of the Trust in favour of Mr. Anwar Ahmed, Secretary of M S Educational & Welfare Trust for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students strength as on Academic Year 2023-24, it is mentioned that out of total 206 students, all students were from the Muslim minority community, in the year 2024-25, it is mentioned that out of total 217 students, all students were from the Muslim minority community and in the year 2025-26, it is mentioned that out of total 262 students, all students were from the Muslim minority community. It is relevant to mention here that during the academic year 2023-24, out of the total 09 teachers, 08 teachers were from the Muslim minority community and 01 teacher was from the Sikh minority community, in the

academic year 2024-25, out of the total 09 teachers, 08 teachers were from the Muslim minority community and 01 teacher was from the Sikh minority community and in the academic year 2025-26, out of the total 08 teachers, 07 teachers were from the Muslim minority community and 01 teacher was from the Sikh minority community.

5. It is stated in the petition that on dated 17.10.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 18.10.2019 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 12.01.2022 and 03.11.2023, 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 08.08.2024. After service of letter/emails to the physical inspection committee dated 29.08.2024 and reminders dated 23.10.2024, 21.01.2025, 28.03.2025, 30.05.2025 and 11.09.2025, Deputy Director of Education, Zone -27 vide letter dated 14.10.2025 which was received by hand in the Commission's Office on dated 14.10.2025 but they have not given any adverse remarks. As per census of India report of 2011 percentage of Muslim minority community in the state of Delhi is 12.86%. As per the information supplied by petitioner institution in the academic year 2025-26, out of the total 262 students, all students were from the Muslim minority community, which is 100% the total student which is more than the state census of 2011 i.e. 12.86%.

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 M S 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 M S Educational & Welfare Trust which is managed and run by the members of the Muslim minority community. The aforesaid averments made in the petitioner find ample corroboration from the documentary evidence produced on behalf of the petitioner institution and the affidavit of Mr. Anwer 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 Delhi as per the census of 2011 is 12.86%.

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 17.10.2019 and petition for grant of MSC on dated 02.03.2020. 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 on dated 15.02.2016 of the said Trust 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 School, 2183, Kucha Agil Khan, Bazar Sita Ram, Old Delhi, Delhi – 110006 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 subserving the interests of the Muslim minority community.

13. Consequently, M.S. Creative School, 2183, Kucha Agil Khan, Bazar Sita Ram, Old Delhi, Delhi – 110006 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 **Wednesday, 17<sup>th</sup> day of December, 2025.**

**DR. SHAHID AKHTER  
MEMBER**

DSS