

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

**CASE NO. 276 OF 2020**

**In the matter of:**

**M.S. Creative, Khasra No. 346/136, Plot No. 114, 115 & 126, D-11,  
West End, Zakir Nagar, South Delhi District, Delhi-110025.**

**... 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:** 03.02.2026

**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, Khasra No. 346/136, Plot No. 114, 115 & 126, D-11, West End, Zakir Nagar, South Delhi District, Delhi-110025.

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 and also filed undertaking stating 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.

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 17.10.2019 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Trust Deed dated 7.11.2013 of MS Educational & Welfare Trust alongwith list of founding member of the Trust, Amended Trust Deed dated 15.02.2016 alongwith list of trustees of the Trust, notarized copy of order dated 13.7.2018 issued by National Institute of Open Schooling (NIOS) granting accreditation to the petitioner institutions as a Study Centre of NIOS, Notarized copy of Notification dated 9.5.2025 issued by Director (SSS), National Institute of Open Schooling (NIOS) regarding extension of open Basic Education (OBE) programme beyond 31.3.2025 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 petitioner unaided institution with regard to students, it is stated that as on 1.6.2019, out of 642 students, all the students were from the Muslim 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, 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 12.04.2022. After service of letter/emails to the physical inspection committee dated 10.5.2022 and reminders dated 16.8.2022, 6.10.2022, 11.4.2023, 14.8.2023, 8.1.2024, 18.6.2024, 2.9.2024, 23.10.2024, 20.1.2025, 26.3.2025, 29.5.2025 and 11.9.2025, District Social Welfare Officer (South), Office of the District Magistrate (South East), New Delhi has sent physical inspection report which was received by post on 13.10.2025 wherein they have not recommended for grant of minority status certificate.

7. It is stated in the physical inspection report that in the academic year 2023-24, it is mentioned that out of total 397 students, all students were from the Muslim minority community, in the year 2024-25, it is mentioned that out of total 426 students, all students were from the Muslim minority community and in the year 2025-26, it is mentioned that out of total 434 students, all students were from the Muslim minority community. 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 and also supplied by the physical inspection committee, in the academic year 2025-26, out of the total 434 students, all students are from the Muslim minority community, which is 100% the total student which is more than the state census of 2011 i.e.12.86%.

8. Heard learned Counsel for the petitioner and perused the pleading of the parties, the documents filed by the petitioner and affidavit of Mr. Anwar Ahmed, Secretary of MS Educational & Welfare Trust.

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 MS 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.

10. 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%.

11. 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.

12. The Amended Trust Deed 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.

13. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that M.S. Creative, Khasra No. 346/136, Plot No. 114, 115 & 126, D-11, West End, Zakir Nagar, South Delhi District, Delhi-110025 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.

14. Consequently, M.S. Creative, Khasra No. 346/136, Plot No. 114, 115 & 126, D-11, West End, Zakir Nagar, South Delhi District, Delhi-110025 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.

15. A minority status certificate be issued accordingly.

16. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on Tuesday, 3<sup>rd</sup> day of February, 2026.

**DR. SHAHID AKHTER  
MEMBER**

MD