

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS (NCMEI)**

Case No. 143 of 2021

In the matter of :-

**M.A.O. Junior High School, Jahanara Maidan, Jama Masjid, Agra,
Uttar Pradesh..**

..... **Petitioner**

V/s

**1. Additional Chief Secretary, Department of School Education,
Government of Uttar Pradesh, Bahu Khandi, Secretariat,
Lucknow, Uttar Pradesh – 226 001**

**2. Additional Chief Secretary, Basic Education Department,
Government of Uttar Pradesh, Bahu Khandi, Secretariat,
Lucknow, Uttar Pradesh – 226 001**

..... **Respondents**

**Present: Mr. Junais P., Advocate for the petitioner
None for the respondent**

ORDER

DATED 18.02.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 15.04.2021 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to M.A.O. Junior High School, Jahanara Maidan, Jama Masjid, Agra, Uttar Pradesh.
2. Learned counsel for the petitioner filed an affidavit of Mr. Akram Mustafa, Secretary of M.A.O Shiksha 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. He has filed separated affidavit stating therein 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 notarized copy of Unique ID No. : UP/2021/0273055 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 14.09.2019 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration of M.A.O Shiksha Samiti and Memorandum of Association, Rules and Regulations alongwith list of founding members of the Society and Amended Memorandum of Association dated 18.12.2018 alongwith list of present members of the Society, notarized copy of order dated 22.04.1965 issued by District Inspector of Schools, Agra granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Mr. Akram Mustafa, Secretary of M.A.O Shiksha Samiti in support 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 70 students, 36 students were from the Muslim minority community, 02 students were from the Buddhist minority community and 32 students were Hindu. In the year 2024-25, it is mentioned that out of total 78 students, 38 students were from the Muslim minority community, 05 students were from the Buddhist minority

community and 35 students were Hindu and in the year 2025-26, it is mentioned that out of total 75 students, 58 students were from the Muslim minority community, 02 students were from the Buddhist minority community and 15 students were Hindu. It is relevant to mention here that during the academic year 2023-24, out of the total 05 teachers, all teachers were from the Muslim minority community. In the academic year 2024-25, out of the total 05 teachers, all teachers were from the Muslim minority community and in the academic year 2025-26, out of the total 05 teachers, all teachers were from the Muslim minority community.

5. It is stated in the petition that on dated 14.09.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 18.09.2019 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 13.07.2021, 20.12.2022 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 06.12.2023. After service of letter/emails to the physical inspection committee dated 22.12.2023 and reminders dated 05.03.2024, 25.06.2024, 02.09.2024, 22.10.2024, 20.01.2025, 28.03.2025, 30.05.2025 and 11.09.2025, Physical inspection committee for sending Physical Inspection Report but the members of the said committee failed to send report to the Commission in terms of order dated 14.10.2025. Hence, the case was proceeded ex-parte against them. As per census of India report of 2011 Muslim minority community in the state of Uttar Pradesh is 19.26%. As per the information supplied by the petitioner institution in the Academic year 2025-26, out of the total 75 students, 58 students were from the Muslim minority community which is 77.33% the total student which is more than the state census of 2011 i.e. 19.26%..
7. Heard the Learned Counsel for the petitioner, perused the pleading of the petition, the documents filed by the petitioner and affidavit of Mr. Akram Mustafa, Secretary of M.A.O Shiksha Samiti.
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 Uttar Pradesh as per the census of 2011 is 19.26%.
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 M.A.O Shiksha 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. Akram Mustafa, Secretary of M.A.O Shiksha Samiti.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Senior Assistant Office, Deputy Registrar of Firms, Societies & Chits, Agra on dated 18.12.2018 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 14.09.2019 and petition for grant of MSC on dated 15.04.2021. 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 Memorandum of Association on dated 18.12.2018 of the petitioner Society 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 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.
12. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that M.A.O. Junior High School, Jahanara Maidan, Jama Masjid, Agra, Uttar Pradesh run by M.A.O Shiksha 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, M.A.O. Junior High School, Jahanara Maidan, Jama Masjid, Agra, Uttar Pradesh 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 **Wednesday, 18th Day of February, 2026.**

**DR. SHAHID AKHTER
MEMBER**

DSS