

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

**Case No. 170 of 2024**

**In the matter of :-**

**Adam Public School, Vill. & Post Sarkara, Chakrajmal, District  
Bijnor, Uttar Pradesh- 246761.**

..... **Petitioner**

**V/s**

**Additional Chief Secretary, Basic Education Department,  
Government of Uttar Pradesh.**

..... **Respondent**

**Present: Mr. Faiyyaz Ahmed Ansari, Advocate for the petitioner  
None for the respondent**

**ORDER**

**DATED 21.01.2026**

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

1. This petition has been received on 16.04.2024 by hand through the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Adam Public School, Vill. & Post Sarkara, Chakrajmal, District Bijnor, Uttar Pradesh- 246 761.
2. Learned counsel for the petitioner filed an affidavit of Mr. Sirajuddin Nadwi, President of Falah-E-Aam Society 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/2022/0310325 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 03.05.2023 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration of Falah-E-Aam Society and Memorandum of Association, Rules and Regulations alongwith list of founding members of the Society and Amended Memorandum of Association dated 30.03.2022 alongwith list of present members of the Society, notarized copy of order dated 05.01.2024 issued by District Basic Education Officer, Bijnor granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Mr. Sirajuddin Nadwi, President of Falah-E-Aam Society 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 2022-23, it is mentioned that out of total 217 students, 112 students were from the Muslim minority community and 105 students were Hindu, In the year 2023-24, it is mentioned that out of total 285 students, 160 students were from the Muslim minority community and 125 students were Hindu and in the year 2024-25, it is mentioned that out of total 305 students, 180 students were from the Muslim minority community and 125 students were Hindu. It is relevant to mention here that during the academic year 2022-23, out of the total 10 teachers, 04 teachers were from the Muslim minority community and 06 teachers were Hindu, In the academic year 2023-24, out of the total 14 teachers, 06 teachers were from the Muslim minority community and 08 teachers were Hindu and in the academic year 2024-25, out of the total 14

teachers, 04 teachers were from the Muslim minority community and 10 teachers were Hindu.

5. It is stated in the petition that on dated 03.05.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 10.05.2023 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 27.05.2024, 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 20.08.2024. After service of letter/emails to the physical inspection committee dated 04.09.2024 and reminders dated 04.11.2024, 30.01.2025 and 04.04.2025, Physical Inspection Committee, vide letter dated 10.07.2025, has sent Physical Inspection Report which was received by post in the Commission's Office on dated 15.07.2025 which was duly signed by all the members of the physical Inspection Committee wherein they have recommended to grant minority status certificate to the petitioner institution. Hence, the case is proceed ex-parte against them in terms of order dated 15.07.2025. As per census of India report of 2011 percentage of Muslim minority community in the state of Uttar Pradesh is 19.26%. As per the information supplied by Physical Inspection Committee in the academic year 2024-25, out of the total 305 students, 180 students were from the Muslim minority community, which is 59.01% 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. Sirajuddin Nadwi, President of Falah-E-Aam 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 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 Falah-E-Aam 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. Sirajuddin Nadwi, President of Falah-E-Aam Society.
10. I have perused the Memorandum of Association of the petitioner institution which was registered before the Sub - Registrar, Firms Societies and Chits, Moradabad on dated 30.03.2022 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 03.05.2023 and petition for grant of MSC on dated 16.04.2024. 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 Memorandum of Association on dated 30.03.2022 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that Adam Public School, Vill. & Post Sarkara, Chakrajmal, District Bijnor, Uttar Pradesh- 246 761 run by Falah-E-Aam 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, Adam Public School, Vill. & Post Sarkara, Chakrajmal, District Bijnor, Uttar Pradesh- 246 761 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, 21<sup>st</sup>**  
**Day of January, 2026.**

**DR. SHAHID AKHTER**  
**MEMBER**

DSS