

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

Case No. 279 of 2024

In the matter of :-

Kids Home School Khajrana, Indore Urban 2, Indore, Madhya Pradesh - 452016.

..... **Petitioner**

V/s

Secretary, Backward Classes and Minority Welfare Department, Government of Madhya Pradesh.

..... **Respondent**

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

ORDER

DATED 17.02.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 01.11.2024 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Kids Home School Khajrana, Indore Urban 2, Indore, Madhya Pradesh - 452016.
2. Learned counsel for the petitioner filed an affidavit of Mr. Abdul Hameed Khan, President of Assufa Educational and Welfare 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. He has also filed separate 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 copy of Unique ID No. : MP/2024/0450870 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, Original copy of application dated 03.04.2024 by hand to the State Competent Authority, Certified copies of Certificate of Registration of Assufa Educational and Welfare Society, Memorandum of Association alongwith list of founding members of the Society, Rules and Regulations and Amended Memorandum of Association, Amended Rules and Regulations alongwith list of present members of the Society, notarized copy certificate of recognition dated 24.04.2023 issued by District Education Centre granting affiliation for the period 01.04.2023 to 31.03.2026 to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Mr. Abdul Hameed Khan, President of Assufa Educational and Welfare Society.
4. As per the information supplied by the unaided petitioner institution with regard to students' strength as on 2023-24, it is mentioned that out of total 211 students, all students were from the Muslim minority community and in academic year 2024-25, it is mentioned that out of total 406 students, all students were from the Muslim minority community. It is relevant to mention here that in academic year 2023-24, out of total 12 teachers, all teachers were from the Muslim minority and in academic year 2024-25, out of total 27 teachers, all teachers were from the Muslim Minority community.

5. It is stated in the petition that on dated 03.04.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 03.04.2024 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 dated 25.11.2024, Commissioner, Backward Classes and Minority Welfare, Govt. of Madhya Pradesh vide an e-mail dated 20.12.2024 has sent a copy of the letter dated 20.12.2024, which was taken on record wherein they have stated that the petitioner application for Minority Status Certificate cannot be considered as he has not applied in prescribed format. 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 13.02.2025. After service of letter / email to the physical inspection committee dated, 21.02.2025 and reminders dated 29.04.2025, 06.08.2025 and 23.09.2025, Physical Inspection Committee, vide letter dated 16.09.2025, has sent Physical Inspection Report which was received by post in the Commission's Office on dated 23.09.2025 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.
7. Heard the learned counsel for the petitioner, perused the pleading of the petitioner, the documents filed by the petitioner and affidavit of Mr. Abdul Hameed Khan, President of Assufa Educational and Welfare 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 Madhya Pradesh as per the census of 2011 is 6.57%.
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 Assufa Educational and Welfare 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. Abdul Hameed Khan, President of Assufa Educational and Welfare Society.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Assistant Registrar, Firms, Societies, Chits, Indore, Madhya Pradesh on dated 27.03.2024 which is before filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 03.04.2024 and also petition for grant of MSC dated 01.11.2024. 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 Amended Memorandum of Association dated 27.03.2024 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 facts 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 Kids Home School Khajrana, Indore Urban 2, Indore, Madhya Pradesh – 452016 run by Assufa Educational and Welfare 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, Kids Home School Khajrana, Indore Urban 2, Indore, Madhya Pradesh - 452016 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 **Tuesday, 17th Day of February, 2026.**

**DR. SHAHID AKHTER
MEMBER**

DSS