

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

**CASE NO. 64 OF 2025**

**In the matter of:**

**Sir Syed National School Saharanpur, Opp. Anant Cold Storage,  
Behat Road, Saharanpur, Uttar Pradesh- 247 001.**

**..... Petitioner**

**Versus**

**Additional Chief Secretary/ Principal Secretary/ Secretary, Basic  
Education Department, Government of Uttar Pradesh, Vidya  
Bhawan, Nishatganj, Lucknow, Uttar Pradesh- 226 007**

**..... Respondent**

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

**ORDER**

**Date: 11.03.2026**

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

1. This petition has been received on 23.04.2025 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Sir Syed National School Saharanpur, Opp. Anant Cold Storage, Behat Road, Saharanpur, Uttar Pradesh- 247 001.
2. Learned counsel for the petitioner filed affidavit of Mr. Salman Jafri, Secretary, Sir Syed Education Foundation and authorized representative of petitioner institution 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 one more affidavit of Mr. Salman Jafri 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 a notarized copy of Unique ID No.: DL/2017/0151315 of the petitioner Trust as given by the Niti Aayog Portal NGO Darpan, copy of the application dated 28.08.2024 submitted before the State Competent authority for NOC alongwith postal receipt and its tracking report, certified copy of Trust Deed alongwith founding member and Supplementary Trust Deed Dated 26.02.2018 of Sir Syed Education Foundation. notarized copy of The Certificate of Recognition issued by the District Basic Education Officer, Saharanpur granting affiliation to the unaided petitioner institution and original Resolution of the General Body of the Trust in favour of Mr. Salman Jafri, Secretary, "Sir Syed Education Foundation" for obtaining MSC from this Commission.
4. As per the information supplied by the petitioner unaided institution with regard to students' strength, it is mentioned that during the academic year 2022-23, out of the total 157 students, all students were from the Muslim minority

community. During the academic year 2023-24, out of the total 175 students, all students were from the Muslim minority community and during the academic year 2024-25, out of the total 197 students, all students were from the Muslim minority community. It is relevant to mention here that during the academic year 2022-23, out of 09 teachers, all teachers were from the Muslim Minority community, During the academic year 2023-24, out of 10 teachers, all teachers were from the Muslim Minority community and during the academic year 2024-25, out of 11 teachers, all teachers were from the Muslim Minority community.

5. It is stated in the petition that on dated 28.08.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 03.09.2024 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 05.05.2025, 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 05.08.2024. After service of letter/emails to the physical inspection committee dated 18.08.2025 and reminder dated 07.10.2025, Physical Inspection Committee, has sent letter dated 27.10.2025, which was received by hand in the Commission's Office on dated 31.10.2025 which was duly signed by members of the physical Inspection Committee wherein they have recommended to grant minority status certificate to the petitioner institution.

7. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Mr. Salman Jafri, Secretary, "Sir Syed Education Foundation" and authorized representative of petitioner institution.

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 the Sir Syed Education Foundation, 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. Salman Jafri, Secretary, "Sir Syed Education Foundation" and authorized representative of petitioner institution.

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 Uttar Pradesh as per the census of 2011 is 19.26%.

10. I have perused the Supplementary Trust Deed of the petitioner institution, which was registered before the Sub Registrar, Delhi, on dated 26.02.2018 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 28.08.2024 and petition for grant of MSC on dated 23.04.2025. 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 Supplementary Trust Deed dated 26.02.2018 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 Sir Syed National School Saharanpur, Opp. Anant Cold Storage, Behat Road, Saharanpur, Uttar Pradesh- 247 001 run by Sir Syed Education Foundation 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, Sir Syed National School Saharanpur, Opp. Anant Cold Storage, Behat Road, Saharanpur, Uttar Pradesh- 247 001 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, 11<sup>th</sup> day of March, 2026.**

**DR. SHAHID AKHTER  
MEMBER**

DSS