

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

**Case No. 78 of 2025**

**In the matter of :-**

**Gulshan Public J.H. School, 25/294, Patel Nagar, Jeoni Mandi, Agra,  
Uttar Pradesh- 282 004**

..... **Petitioner**

**V/s**

**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**

**DATED 10.03.2026**

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

1. This petition has been received on 20.05.2025 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Gulshan Public J.H. School, 25/294, Patel Nagar, Jeoni Mandi, Agra, Uttar Pradesh- 282 004.
2. Learned counsel for the petitioner filed an affidavit of Mr. Kalloo Ansari, Manager of Gulshan Public School 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.
3. Learned counsel for the petitioner has filed a copy of Unique ID No. : UP/2025/0626549 of the petitioner's Society as given by the Niti Aayog Portal NGO Darpan, copy of application dated 22.11.2024 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration of Gulshan Public School Samiti, Memorandum of Association and Rules & Regulations alongwith list of founding members of the Society and Amended Memorandum of Association dated 07.10.2024 alongwith list of present members of the Society, notarized copy of recognition order dated 01.01.1997 issued by the District Basic Education Officer, Agra granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Society in favour of Mr. Kalloo Ansari, Manager of Gulshan Public School Samiti 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 601 students, 188 students were from the Muslim minority community, 240 students were from the Buddhist minority community and 173 students were Hindu. In the year 2023-24, it is mentioned that out of total 633 students, 230 students were from the Muslim minority community, 253 students were from the Buddhist minority community and 150 students were Hindu and in the year 2024-25, it is mentioned that out of total 657 students, 258 students were from the Muslim minority community, 266 students were from the Buddhist minority community and 133 students were Hindu. It is relevant to mention here that during the academic year 2022-23, out of the total 16 teachers, 04 teachers were from the Muslim minority community, 04 teachers were from the Buddhist minority community and 08 teachers were Hindu. In the academic year 2023-24, out of the total 16 teachers, 04 teachers were from the Muslim minority community, 04

teachers were from the Buddhist minority community and 08 teachers were Hindu and in the academic year 2024-25, out of the total 20 teachers, 05 teachers were from the Muslim minority community, 06 teachers were from the Buddhist minority community and 09 teachers were Hindu.

5. It is stated in the petition that on dated 22.11.2024, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 25.11.2024 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/email dated 17.06.2025, 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 27.08.2025, After service of letter/emails to the physical inspection committee dated 13.11.2025 and reminders dated 18.09.2025 and 09.02.2026, 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 04.02.2026. 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 657 students, 258 students were from the Muslim minority community which is 39.26% 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 parties, the documents filed by the petitioner and affidavit of Mr. Kalloo Ansari, Manager of Gulshan Public School Samiti.
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 Gulshan Public School Samiti which is managed and run by majority members of the Muslim minority community. Out of 12 members, 08 member of the petitioner society are from 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. Kalloo Ansari, Manager of Gulshan Public School Samiti.
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 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%.
10. I have perused the Amended Memorandum of Association of the petitioner Society which was registered before the Senior Assistant, Office of Deputy Registrar of Firms, Societies and Chits, Agra on dated 07.10.2024 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 22.11.2024 and petition for grant of MSC on dated 20.05.2025. 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 Amended Memorandum of Association on dated 07.10.2024 for 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 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 Gulshan Public J.H. School, 25/294, Patel Nagar, Jeoni Mandi, Agra, Uttar Pradesh- 282 004 run by Gulshan Public School 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, Gulshan Public J.H. School, 25/294, Patel Nagar, Jeoni Mandi, Agra, Uttar Pradesh- 282 004 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 subject to the condition that the petitioner would file an affidavit or undertaking to the fact 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. If the petitioner institution fails to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.”
14. After compliance of the above order, 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, 10<sup>th</sup> Day of March, 2026.**

**DR. SHAHID AKHTER  
MEMBER**

DSS