

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

Case No. 295 of 2023

In the matter of :-

Darul Ma Arif Chenimari, Vill. Chenimari Bill, P.O. Pub Baralimari, Dist. Nagaon, Assam – 782124.

..... **Petitioner**

V/s

Joint Secretary, Department of Higher Education, Government of Assam, Assam Secretariat, Block C, Secretariat Complex, Dispur, Guwahati, Assam

..... **Respondent**

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

ORDER

DATED 26.03.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 16.10.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Darul Ma Arif Chenimari, Vill. Chenimari Bill, P.O. Pub Baralimari, Dist. Nagaon, Assam – 782124.
2. Learned counsel for the petitioner filed an affidavit of Mr. Ahmed Ali, President of Darul Ma' Arif Chenimari, 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.
3. Learned counsel for the petitioner has filed copy of Unique ID No. : AS/2018/0200822 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 19.12.2020 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copy of Trust Deed alongwith members of the trust, notarized copy of the Certificate of recognition is issued by the Director, Secondary Education, Assam dated 29.05.2023, class 1st to 12th STD. for the period of 2 years to the petitioner institution and resolution of the General Body of the Trust in favour of Mr. Ahmed Ali, President of Darul Ma' Arif Chenimari, 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 2020-21, it is mentioned that out of total 180 students, all students were from the Muslim minority community, In the year 2021-22, it is mentioned that out of total 190 students, all students were from the Muslim minority community and in the year 2022-23, it is mentioned that out of total 204 students, all students were from the Muslim minority community. It is relevant to mention here in the academic year 2020-21, out of the total 14 teachers, all teachers were from the Muslim minority community, In the academic year 2021-22, out of the total 14 teachers, all teachers were from the Muslim minority community and in the academic year 2022-23, out of the total 14 teachers, all teachers were from the Muslim minority community.

5. It is stated in the petition that on dated 19.12.2020, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 22.12.2020 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. Despite service of registered notice / email dated 05.01.2024, 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 01.02.2024. After service of letters/emails to the physical inspection committee dated 12.03.2024 and 25.06.2024, Physical Inspection Committee, Additional District Commissioner, Education Department, Nagaon has sent a letter dated 31.07.2024 physical inspection report which was received in the Commission's Office on dated 07.08.2024 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 petition, the documents filed by the petitioner and affidavit of Mr. Ahmed Ali, President of Darul Ma' Arif Chenimari.
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 Assam as per the census of 2011 is 34.22%.
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 The Trust of Darul Ma' Arif Chenimari 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. Ahmed Ali, President of Darul Ma' Arif Chenimari.
10. I have perused the Trust Deed of the petitioner institution which was registered before the Deputy Registrar, Nagaon, Assam on dated copy of which was obtained on 10.04.2018 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 19.12.2020 and petition for grant of MSC on dated 16.10.2023. 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 Trust Deed dated 10.04.2018 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 Darul Ma Arif Chenimari, Vill. Chenimari Bill, P.O. Pub Baralimari, Dist. Nagaon, Assam – 782124 run by Darul Ma' Arif Chenimari 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, Darul Ma Arif Chenimari, Vill. Chenimari Bill, P.O. Pub Baralimari, Dist. Nagaon, Assam – 782124, 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 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 failed 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 **Wednesday, 26th Day of March, 2025.**

**DR. SHAHID AKHTER
MEMBER**

DSS