

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

Case No. 264 of 2023

In the matter of :-

**A.G. Hashmi Degree College, Utraula, Balrampur, Uttar Pradesh –
271 604.**

..... **Petitioner**

V/s

**Additional Chief Secretary, Higher Education Department, Govt. of
Uttar Pradesh**

..... **Respondent**

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

ORDER

DATED 07.05.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 26.09.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to A.G. Hashmi Degree College, Utraula, Balrampur, Uttar Pradesh – 271 604.
2. Learned counsel for the petitioner filed affidavit of Mr. Arif Anwar Hashmi, Manager of Abdul Gaffar Hashmi Mahavidyalaya Shikshan Sansthan 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. Arif Anwar Hashmi 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. : UP/2018/0184290 of the petitioner Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 13.12.2022 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Certificate of Registration, Memorandum of Association, Rules and Regulations alongwith list of founding members, Amended Memorandum of Association alongwith list of present members of the Abdul Gaffar Hashmi Mahavidyalaya Shikshan Sansthan, notarized copy of recognition order dated 30.05.2022 issued by the Siddharth University, Kapilvastu granting permanent affiliation to the unaided petitioner institution and resolution of the General Body of the Society in favour of Mr. Arif Anwar Hashmi, Manager of Abdul Gaffar Hashmi Mahavidyalaya Shikshan Sansthan 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 2023-24, it is mentioned that out of total 582 students, 364 students were from the Muslim minority community and 218 students were Hindu. In the year 2024-25, it is mentioned that out of total 590 students, 354 students were from the Muslim minority community and 236 students were Hindu and in the year 2025-26, it is mentioned that out of total 650 students, 386 students were from the Muslim minority community and 264 students were Hindu. It is relevant to mention here that during the academic year 2023-24, out of the total 16 teachers, 11 teachers were from the Muslim minority

community and 05 teachers were Hindu. In the academic year 2024-25, out of the total 16 teachers, 11 teachers were from the Muslim minority community and 05 teachers were Hindu and in the academic year 2025-26, out of the total 16 teachers, 11 teachers were from the Muslim minority community and 05 teachers were Hindu.

5. It is stated in the petition that on dated 13.12.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 16.12.2022 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 16.11.2023, 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 12.12.2023. After service of letter/emails to the physical inspection committee dated 31.01.2024 and reminders dated 22.04.2024, 09.08.2024, 03.10.2024, 09.12.2024, 07.03.2025, 25.04.2025, 31.07.2025 and 13.10.2025, Physical inspection committee failed to send report to the Commission. Hence, the case was proceeded ex-parte against members of the said committee in terms of order dated 06.10.2025. 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 650 students, 386 students were from the Muslim minority community which is 59.38% 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. Arif Anwar Hashmi, Manager of Abdul Gaffar Hashmi Mahavidyalaya Shikshan Sansthan.
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 Abdul Gaffar Hashmi Mahavidyalaya Shikshan Sansthan 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. Arif Anwar Hashmi, Manager of Abdul Gaffar Hashmi Mahavidyalaya Shikshan Sansthan.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Deputy Registrar, Firms Society and chits, Ayodhya on dated 09.07.2019 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 13.12.2022 and petition for grant of MSC on dated 26.09.2023. 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 Amended Memorandum of Association dated 09.07.2019 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 A.G. Hashmi Degree College, Utraula, Balrampur, Uttar Pradesh – 271 604 run by Abdul Gaffar Hashmi Mahavidyalaya Shikshan Sansthan 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, A.G. Hashmi Degree College, Utraula, Balrampur, Uttar Pradesh – 271 604 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 **Thursday, 07th Day of MAY, 2026.**

**DR. SHAHID AKHTER
MEMBER**

DSS