

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

Case No. 109 of 2023

In the matter of :-

**Shaheed Udham Singh Inter College, Rampur Kalan, Khutar,
Shahjahanpur, Uttar Pradesh – 242 405.**

..... **Petitioner**

V/s

**Additional Chief Secretary, Department of Secondary Education,
Government of Uttar Pradesh**

..... **Respondent**

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

ORDER

DATED 21.07.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 31.03.2023 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Shaheed Udham Singh Inter College, Rampur Kalan, Khutar, Shahjahanpur, Uttar Pradesh – 242 405.
2. Learned counsel for the petitioner filed an affidavit of Mr. Harvail Singh, Manager of Shaheed Udham Singh Shiksha 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 Sikh minority community. He has filed one more affidavit of Mr. Harvail Singh stating therein that the petitioner institution shall not deny admission of eligible candidate of the Sikh 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/2019/0243424 of the petitioner Society as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 02.11.2022 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 dated 31.08.2022 alongwith Amended Rules & Regulations and list of present members of Shaheed Udham Singh Shiksha Samiti, notarized copy of recognition order dated 24.01.2013 issued by the Regional Secretary, Board of Secondary Education, Bareilly granting affiliation to the unaided petitioner institution and resolution of the General Body of the Society in favour of Mr. Harvail Singh, Manager of Shaheed Udham Singh Shiksha 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 2020-21, it is mentioned that out of total 750 students, 100 students were from the Muslim minority community, 300 students were from the Sikh minority community and 350 students were Hindu. In the year 2021-22, it is mentioned that out of total 814 students, 105 students were from the Muslim minority community, 309 students were from the Sikh minority community and 400 students were Hindu and in the year 2022-23, it is mentioned that out of total 1200 students, 350 students were from the Muslim

minority community, 450 students were from the Sikh minority community and 400 students were Hindu. It is relevant to mention here that during the academic year 2020-21, out of the total 20 teachers, 05 teachers were from the Sikh minority community and 15 teachers were Hindu. In the academic year 2021-22, out of the total 22 teachers, 06 teachers were from the Sikh minority community and 16 teachers were Hindu and in the academic year 2022-23, out of the total 35 teachers, 13 teachers were from the Sikh minority community and 22 teachers were Hindu.

5. It is stated in the petition that on dated 02.11.2022, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 07.11.2022 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 dated 22.11.2023, 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 14.12.2023. After service of letters/emails to the physical inspection committee dated 30.01.2024 and reminders dated 25.04.2024, 04.03.2025 and 14.05.2025, Physical Inspection Committee, vide letter dated 18.04.2024 has sent Physical Inspection Report, which was received by post in the Commission's Office on dated 29.04.2024, 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 petition, the documents filed by the petitioner and affidavit of Mr. Harvail Singh, Manager of Shaheed Udham Singh Shiksha Samiti.
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 Sikh minority community in the State of Uttar Pradesh as per the census of 2011 is 0.32%.
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 Sikh minority community and is being administered by Shaheed Udham Singh Shiksha Samiti which is managed and run by the members of the Sikh 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. Harvail Singh, Manager of Shaheed Udham Singh Shiksha Samiti.
10. I have perused the Amended Memorandum of Association of the petitioner institution which was registered before the Sub Registrar, Firms Societies and Chits, Bareilly on dated 31.08.2022 which is before the filing of NOC applications U/s 10 of the NCMEI Act, 2004 dated 02.11.2022 and petition for grant of MSC on dated 31.03.2023. 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 31.08.2022 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 Sikh 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 unrebutted evidence produced on behalf of the petitioner, we find and hold that Shaheed Udham Singh Inter College, Rampur Kalan, Khutar, Shahjahanpur, Uttar Pradesh – 242405 run by Shaheed Udham Singh Shiksha 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 Sikh minority community.
13. Consequently, Shaheed Udham Singh Inter College, Rampur Kalan, Khutar, Shahjahanpur, Uttar Pradesh – 242405 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, 21st Day of JULY, 2026.**

**DR. SHAHID AKHTER
MEMBER**

DSS