

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

Case No. 69 of 2025

In the matter of :-

Crescent Public School, Kailashpur, District Saharanpur, Uttar Pradesh.

-----Petitioner

V/s

**Additional Chief Secretary, Secondary Education Department,
Bapu Bhawan, Lucknow, Uttar Pradesh**

..... Respondent

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

ORDER

DATED 23.09.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 07.05.2025 by hand through Mr. Junais P., Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Crescent Public School, Kailashpur, District Saharanpur, Uttar Pradesh - 247001.
2. Learned counsel for the petitioner filed affidavit of Mr. Saad Ali Khan, Managing Trustee of Khan Bahadur Maqsood Ali Khan Memorial Educational and Social Trust 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. He has also filed separate affidavit of Mr. Saad Ali Khan 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/2018/0196990 of the petitioner Trust 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, certified copies of Trust Deed alongwith list of founding Trustee of the Trust, Amended Trust Deed dated 15.10.2024 alongwith list of present Trustee of Khan Bahadur Maqsood Ali Khan Memorial Educational and Social Trust, notarized copy of order dated 30.06.2023 issued by the Deputy Secretary/Joint Secretary(AFF.), CBSE granting affiliation to the unaided petitioner institution and original resolution of the General Body of the Trust in favour of Mr. Saad Ali Khan, Managing Trustee of Khan Bahadur Maqsood Ali Khan Memorial Educational and Social Trust and the authorized representative of the applicant institution 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 482 students, 434 students were from the Muslim minority community and 48 students were Hindu. In the academic year 2023-24, it is mentioned that out of total 628 students, 543 students were from the Muslim minority community and 85 students were Hindu and in the academic year 2024-25, it is mentioned that out of total 758 students, 668 students were from the Muslim minority

community and 90 students were Hindu. It is relevant to mention here that during the academic year 2022-23, out of the total 20 teachers, 10 teachers were from the Muslim minority community, 01 teacher was from the Sikh minority community and 09 teachers were Hindu. In the academic year 2023-24, out of the total 28 teachers, 16 teachers were from the Muslim minority community, 01 teacher was from the Sikh minority community and 11 teachers were Hindu and in the academic year 2024-25, out of the total 33 teachers, 17 teachers were from the Muslim minority community, 01 teacher was from the Christian minority community, 01 teacher was from the Sikh minority community and 14 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. 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 21.05.2025, 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 13.08.2025. After service of letters/emails to the physical inspection committee dated 02.09.2025 and reminder dated 17.10.2025, 27.01.2026, 20.03.2026 and 11.05.2026, Physical Inspection Committee, vide letter dated 12.05.2026 has sent Physical Inspection Report which was received by post in the Commission's Office on dated 15.05.2026 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 and same report received through e-mail.
7. Heard the learned counsel for the petitioner, perused the pleading of the parties, the documents filed by the petitioner and affidavit of Khan Bahadur Maqsood Ali Khan Memorial Educational and Social Trust.
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 Khan Bahadur Maqsood Ali Khan Memorial Educational and Social Trust 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 Khan Bahadur Maqsood Ali Khan Memorial Educational and Social Trust 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 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 Trust Deed of Khan Bahadur Maqsood Ali Khan Memorial Educational and Social Trust, which was registered before Office of Deputy Registrar, Saharanpur, Uttar Pradesh Dated 15.10.2024, 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 07.05.2025. 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 Trust Deed dated 15.10.2024 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 Crescent Public School, Kailashpur, District Saharanpur, Uttar Pradesh - 247001 run by Khan Bahadur Maqsood Ali Khan Memorial Educational and Social Trust 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, Crescent Public School, Kailashpur, District Saharanpur, Uttar Pradesh - 247001 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, 23rd Day of September, 2026.**

DR. SHAHID AKHTER
MEMBER

DSS