GOVERNMENT OF BHARAT
NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

Misc. Case No. 15 of 2020

Asaf Ali, Secretary, Amanat Ali Inter College, Edalhatu, Bundu, Ranchi, Jharkhand.

Vs.

1. Secretary, Human Resource Development Department, Government of Jharkhand.
2. Director, Secondary Education, School Education & Literacy Department, Behind Project Bhawan, Post Dhurwa, District Ranchi, Jharkhand- 834 004.
3. President, Amanat Ali Inter College, At + PO Edalhatu, PS Bundu, District Ranchi, Jharkhand.
4. Principal, Amanat Ali Inter College, At + PO Edalhatu, PS Bundu, District Ranchi, Jharkhand.
5. Jharkhand Academic Council, Gyandeep Complex, Baragawan, Namkum, Ranchi, Jharkhand- 834 010.

(Respondents)

6. Al Momin Social and Educational Welfare Society, Ali Market Karbala Chowk, Ranchi-834 001 (Abid Ali), Secretary).

(Intervener)

Present: Mr. Shyam R. Agarwal, Advocate for the applicant.
Mr. Sajal Jain, Advocate for Respondent No. 3.
Mr. Deep Prabhu, Shashank Tiwari and Mr. Feroze Ahmed, Advocate for Respondent No. 4.
Ms. Suveni Bhagat, Advocate for Respondent No. 5 (Jharkhand Academic Council)
None for the remaining respondents.
Mr. Rahul Bhardwaj, Advocate for Mr. Shakil Ahmad, Secretary, Al Momin Social and Educational Welfare Society for intervener.

O R D E R

DATED: 05.11.2026

Dr. Shahid Akhter, Member, NCMEI

Being aggrieved by the order dated 01.04.2015 passed in Case No. 2397 of 2014 by the Commission granting minority status to the Amanat Ali Inter College, Edalhatu, Bundu, Ranchi, Jharkhand, the applicant Mr. Asaf Ali, Secretary, Amanat Ali Inter College, Edalhatu, Bundu, Ranchi, Jharkhand has filed an application on 01.10.2020 for its cancellation.

2. Sh. Asaf Ali, Secretary of the Amanat Ali Inter College, Bundu, stated in his application that the said college is running since 2005 and the Jharkhand Academic Council has granted permanent affiliation for the course of Arts, Science and Commerce in the year 2010 and 2012. He further stated that the Amanat Ali Inter College is located in Panchayat Edalhatu, Block Bundu, which is ST and OBC dominated area. The percentage of beneficiary Muslim students in the year 2010-2016 varied between 1.70 percent to 11.36 percent and there were no students in Urdu language/ literature in the said college.

3. For the last 15 years, till 28.7.2020, Mr. Abid Ali remained as Secretary of Amanat Ali Inter College, Bundu. Since last 15 years, he was the Secretary of Al-Momin Social and Educational Welfare Society, thereby controlling both the Society as well as the College. This enabled Mr. Abid Ali to commit severe financial irregularities.

4. Mr. Abid Ali, Secretary, Al-Momin Social and Educational Welfare Society has filed application dated 5.10.2021 stating therein that Jharkhand Academic Council issued a certificate JAC/3389/2015 dated 19.8.2015 stating that Amanat Ali Inter College is a minority educational institution as declared by the Commission in Case No. 2397 of 2014 on 1.4.2015 and Jharkhand Academic Council cannot constitute a governing body for the college as per the provision of Section 7.6 of Jharkhand Academic Council (Amendment) Act, 2006. In view of the above, Jharkhand Academic Council has no objection to the Constitution of the Governing Body of the college as per norms/bylaws of the society.

5. Surprisingly, without giving prior information Jharkhand Academic Council, Secretary has constituted a new Governing Body in the garb of power under Section 7.6 of Jharkhand Academic Council (Amendment) Act, 2006 and asked for the minority status certificate issued by the State Government denying to accept the minority status certificate issued by the Commission. Jharkhand Academic Council constituted a new Governing Body in Amanat Ali Inter College vide letter No. 1945 and 1946 dated 28.7.2020 without considering the previous certificate as well as the minority status certificate issued by National Commission for Minority Educational Institutions.

6. It is stated that constitution of governing body in an aided minority educational institution Amanat Ali Inter College, Edalhatu, Bundu, Ranchi by Jharkhand Academic Council appears to be contrary to the provisions of Section 7.6 of the Jharkhand Academic Council (Amendment) Act, 2006. Governing Body constituted by Jharkhand Academic Council, Secretary, Mr. Asaf Ali (self-made donor member) who represented to the Jharkhand Academic Council without giving any information to Al-Momin Social and Educational Welfare Society intentionally in his self-interest filed an application to the National Commission for Minority Educational Institution on 1.10.2020 for cancellation of minority status certificate issued in favour of Amanat Ali Inter College by the Commission.

7. It has also been stated that a Minority Status Certificate issued by the National Commission for Minority Educational Institutions is valid and it is not mandatory to get a Minority Status Certificate from the State Government after obtaining a minority status certificate from the NCMEI. The Parliamentary paramountcy has been provided for by Articles 246 and 254 of the Constitution. In view of the mandate of these Articles of the Constitution, the National Commission for Minority Educational Institutions Act, 2004, being a Central law shall prevail over the State law. The State Government cannot add, alter or amend any provision of the Act by issuing executive instructions.

8. Unless and until the minority status certificate granted to Amanat Ali Inter College by the NCMEI is not cancelled by the competent authority having jurisdiction, Amanat Ali Inter College, Edalhatu, Bundu, Ranchi is entitled to claim the constitutional protection of Article 30 of the Constitution and Rights in terms of Section 2(g) of the NCMEI Act, 2004. Hence, Governing Body constituted by the Secretary, Jharkhand Academic Council in Amanat Ali Inter College, Edalhatu, Bundu, Ranchi is liable to be cancelled.

9. Mr. Abid Ali, Secretary of Al Momin Social and Educational Welfare Society has submitted an application before the Commission to implead him as Intervener, which was accepted vide order dated 2.11.2021. He has again filed application dated 8.12.2025 to dismiss Misc. Case No. 15 of 2020 for cancellation of minority status certificate issued by the Commission.

10. It has been stated in the said application that the intervener society was registered under society's Registration Act with an aim and object to establish and administer educational institutions under the Society as Muslim minority institutions. That in furtherance in aim and object, intervener Society established Amanat Ali Inter College, Edalhatu, Bundu, Ranchi after due permission from the competent authority. After establishment of the institution by the intervenor Society in the year 2005, the intervener society was running the institution as a Minority institution with aim of benefiting the minority youth. In spite of the fact that the institution was being run as a Minority institution, Jharkhand Academic Council, Ranchi, being a State instrumentality, interfered with the administration of the institution and constituted the Governing Body/ Managing Committee on 3.3.2012 for running the institution.

11. Aggrieved by such interference, the intervener society approached the Hon'ble High Court of Jharkhand at Ranchi by filing Writ Petition being W.P.(C) No. 1901 of 2012 which was taken up and heard on 10.9.2012. The Hon'ble High Court of Jharkhand was pleased to set aside the constitution of governing body by Jharkhand Academic Council and was further pleased to grant liberty to the society to approach Jharkhand Academic Council for declaration of the institution as a Minority College. The society approached the State Government to get the institution declared as a minority institution so that no interference can be made in the institution established by the Society.

12. For recognition of the institution as Minority Institution, the intervener Society approached the authority of the State Government but failed to attract the attention of the cause. Therefore, taking shelter of the provisions enshrined under National Commission for Minority Educational Institutions Act, 2004, the intervener Society approached the NCMEI for acquiring minority status and after appreciation all the necessary evidence and facts produced before the Commission, Amanat Ali Inter College, Edalhatu, Bundu, Ranchi, Jharkhand was granted minority status certificate issued by this Commission in Case No. 2397 of 2014.

13. That on 28.7.2020, Jharkhand Academic Council has again constituted Governing Body/ Managing Committee in the institution for running the same in spite of the fact that the institution was declared as a Minority Institution by NCMEI which was duly communicated to the Jharkhand Academic Council,

which was duly deliberated by Jharkhand Academic Council by issuance of Certificate on 19.8.2015. Co-incidentally at the same time Mr. Asaf Ali (the then government servant) and the petitioner in Misc. Case No. 15 of 2020 was appointed as Secretary of Amanat Ali Inter College by Jharkhand Academic Council in 2020.

14. That without there being change in any circumstances and manner of running of the institution since the inception of the institution since 2005 as a Minority institution (duly admitted by Jharkhand Academic Council before the Hon'ble Jharkhand High Court in the year 2012), suspiciously in 28.7.2020, Jharkhand Academic Council constituted Governing Body/ Managing Committee and petitioner in the present case approached for cancellation of the minority status of the institution.

15. The constitution of the Governing Body/ Managing Committee by Jharkhand Academic Council in 28.7.2020 has also been made subject of a Writ Petition being W.P. (C) No. 2311 of 2020. Tenure of the Governing Body/ Managing Committee formed by Jharkhand Academic Council was of three years. During the pendency of the W.P. (C) NO. 23112 of 2020, the tenure of the said committee came to an end due to which the said writ petition became infructuous.

16. After expiry of the tenure of the governing body/ managing committee, Jharkhand Academic Council again formed a new governing body/ managing committee on 17.8.2023. The same was also challenged in the Hon'ble High Court of Jharkhand in W.P. (C) 5258 of 2023.

17. One of the main issues in the W.P.(C) No. 2311 of 2020 and W.P. (c) No. 5258 of 2023 is whether Jharkhand Academic Council has power to constitute the managing committee.

18. On 12.12.2025, learned counsel for the respondent no. 5 filed application alongwith relevant documents pertaining to the schedule of the fourth (winter) session of the Sixth Jharkhand Legislative Assembly and affidavit on behalf of the Secretary, Jharkhand Academic Council alongwith copy of letter dated 28.08.2020 and counter affidavit filed by JAC in WP(c) No. 5258/2023 before Hon'ble High Court of Jharkhand at Ranchi, which were taken on record.

19. On 16.02.2026, an application dated 10.02.2026 was received from the Secretary, Jharkhand Academic Council, Ranchi, wherein he sought exemption from personal appearance on the ground that the annual secondary and intermediate examination, 2026 is being conducted from 03.02.2026 to 23.02.2026. The affidavit of Sh. Jayant Kumar Mishra, Secretary, Jharkhand Academic Council, Ranchi is also annexed with the said application. The same letter also received through email on 11.02.2026, which were taken on record but on 19.02.2026. Sh. Jayant Kumar Mishra, Secretary, Jharkhand Academic Council, Ranchi, appeared before the Commission.

20. Sh. Jayant Kumar Mishra, Secretary, Jharkhand Academic Council, Ranchi in his affidavit stated that the institution in question does not want to be treated as a minority institution. The institution itself has submitted to the jurisdiction of the Jharkhand Academic Council which has from time to time provided all facilities to the college by treating it as a non-minority institution in view of the fact that the State of Jharkhand has never declared this institution as a minority institution. He has further stated JAC constituted the new governing body of Amanat Ali Inter College, Bundu as per law under section 7(6) of the Jharkhand Academic Council Act, 2002.

21. Jharkhand Academic Council is governed by Jharkhand Academic Council Act, 2002 and Jharkhand Academic Council (Amendment) Act, 2006.

22. **Section 7.6 of the Jharkhand Academic Council (Amendment) Act, 2006** reads as under: -

> "7.6 Power of the Council for constitution of Governing Body/Managing Committee of recognized Institutions.
>
> (1) There shall be Governing body/Managing Committee constituted by the Council for the management and administration of each recognized Intermediate (+2), Secondary, Madhyama (Sanskrit) and Madrasa Institution other than an Institution maintained by State Govt. or an institution administered by a minority community on the basis of religion or language. It shall consist of following members.
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> (i) Head of the institution Ex-officio Member.
> (ii) A representative of the Council to be nominated by the Council.

> (iii) A member of State Legislature, within whose constituency the institution in situated Ex-officio member.
> (iv) An officer of the State Govt. posted in the district not below the rank of a Sub-divisional officer nominated by the Deputy commissioner.
> (v) One member elected by and from amongst the teacher of the institution.
> (vi) One member to be elected by and from amongst donors as have donated at least Rs. 25,000/- to the institution.
> (vii) One member to be co-opted by the Governing Body/Managing Committee from amongst such educationists or persons reputed for Having academic interests who reside in the district, where the Institution is located.
> (viii) District Education Officer of the District ex-officio.
>
> (2) The term of office of the members of the Governing Body/Managing Committee other than the ex-officio members shall be three years and their powers and functions shall be such as may be prescribed by the rules.
>
> (3) No proceedings of the Governing Body/Managing Committee of the recognized Institution shall be invalid merely by the existence of vacancy or vacancies amongst its members.
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> (emphasis supplied)"

23. Mr. Abid Ali in his reply dated 08.12.2025 submitted that Jharkhand Academic Council has no power to constitute a managing committee in the said institution and Mr. Asaf Ali, applicant in the present case is not a competent and authorized person to give application for cancellation of Minority Status Certificate issued by the NCMEI to the said college.

24. It needs to be highlighted that Section 12C of the National Commission for Minority Educational Institutions Act (for short the Act) empowers the Commission to cancel the minority status certificate, granted by any authority or the Commission. Section 12C of the NCMEI Act reads as under: -

> "Section 12C. Power to cancel.—The Commission may, after giving a reasonable opportunity of being heard to a Minority Educational Institution to which minority status has been granted by an authority or Commission, as the case may be, cancel such status under the following circumstances, namely:-

> (a) if the constitution, aims and objects of the educational institution, which has enabled it to obtain minority status has subsequently been amended in such a way that it no longer reflects the purpose or character of a Minority Educational Institution;
>
> (b) if, on verification of the records during the inspection or investigation, it is found that the Minority Educational Institution has failed to admit students belonging to the minority community in the institution as per rules and prescribed percentage governing admissions during any academic year.
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> (emphasis supplied)"

25. The Hon'ble Supreme Court in Civil Appeal No. 3945 of 2018 in the matter of Sisters of St. Joseph of Cluny V/s. The State of West Bengal and Ors. (2018) 6 SCC 772 vide order dated 18.4.2018 has also held that:-

> "However, Section 10(1), which was introduced at the same time as Section 11(f) by the Amendment Act of 2006, carves out one facet of the aforesaid power contained in Section 11(f), namely the grant of a no objection certificate to a minority educational institution at its inception. Thus, any person who desires to establish a minority educational institution after the Amendment Act of 2006 came into force, must apply only to the competent authority for the grant of a no objection certificate for the said purpose. It is a little difficult to subscribe to Shri Hedge's argument that the said powers are concurrent. Harmoniously read, all applications, for the establishment of a minority educational institution after the Amendment Act of 2006 must go only to the competent authority set up under the statue. On the other hand, for the declaration of its status a minority educational institution at any state post establishment, the NCMEI would have the power to decide the question and declare such institution's minority status.
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> (emphasis supplied)."

26. During the pendency of the case, the Commission was of the view that physical inspection report may be obtained from the members of the physical inspection committee to ascertain as to whether the institution is catering to the needs of Muslim minority community. Accordingly, a committee consisting of following members was directed to submit the physical inspection report in respect of the above-said institution:-

1. Representative of the concerned District Collector (Chairperson)
2. Concerned District Education Officer (Member)
3. Concerned District Minority Welfare Officer/ Concerned District Social Welfare Officer (Member Secretary)

The Commission directed that the Committee shall submit a detailed inspection report covering the details of students and faculty for the last three academic sessions, so as to enable this Commission to take appropriate action in the matter. The requirement of investigation is on the lines of section 12C (b) of the NCMEI Act, 2004.

27. Physical Inspection report was received by post on 23.2.2026 from the Dy. Commissioner-cum-District Magistrate, Ranchi. A bare reading of the physical inspection report clearly states that the percentage of Muslim students in Amanat Ali Inter College, Bundu was 1.49% in the academic year 2023-24, 1.23% in the academic year 2024-25 and 1.19% in 2025-26, which is less than the State percentage of 14.53%.

28. On 23.02.2026, original physical inspection report received from the members of the physical inspection committee, wherein the said members have not recommended Commission to declare Amanat Ali Inter College, Bundu as a minority educational institution. It is also stated against column no. 13 of the said report that it has been found in the investigation that, along with the past two years, even at present, the number of minority students studying is low. The geographical location of this area is such that it is mainly inhabited by tribals, and the number of Muslims or other minority communities is particularly low here. In situations where the number of minority students is low, colleges do not offer courses in minority languages like Urdu, Persian, and Arabic, and there are no teachers available for these subjects either.

29. It was observed in P.A. Inamdar & Ors. Vs. State of Maharashtra & Ors. (2005) 6 SCC 537 that “it necessarily follows from the law laid down in T.M.A Pai Foundation Vs. Sate of Karntaka (2002) 8 SCC 481, 2005, 2005 (6) SCC 537 that to establish a minority institution the institution must primarily cater to the requirements of that minority of that State else it is character of minority institution is lost. However, to borrow the words of Chief Justice S.R. Dass in Kerala Educational Bill, “a sprinkling of that majority from the other State on the same footing as a sprinkling of non-minority students would be permissible and would not deprive the institution of its essential

character of being a minority institution, determined by reference to that State as a unit".

30. The Functions of the Commission as per Section 11 of the Act are as follows:-

> (a) Advise Central Government or any State Government on any question relating to the education of minorities that may be referred to it.
> (b) enquire, suo motu, or on a petition presented to it by any Minority Educational Institution, or any person on its behalf into complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice and any dispute relating to affiliation to a University and report its finding to the appropriate Government for its implementation;
> (c) intervene in any proceeding involving any deprivation or violation of the educational rights of the minorities before a court with the leave of such court;
> (d) review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation;
> (e) specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities;
> (f) decide all questions relating to the status of any institution as a Minority Educational Institution and declare its status as such;
> (g) to the appropriate Government for the effective implementation of programmes and schemes relating to the Minority Educational Institutions; and
> (h) do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission.
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> (emphasis supplied)."

31. The Commission is a quasi-judicial body and has been endowed with the powers of a Civil Court for the purpose of discharging its functions under the Act. The powers of the Commission includes: -

(1) If any dispute arises between a minority educational institution and a University relating to its affiliation to such University, the decision of the Commission thereon shall be final.

(2) The Commission shall, for the purposes of discharging its functions under the Act, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
(b) requiring the discovery and production of any document;
(c) receiving evidence on affidavits;
(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872,(1 of 1872) requisitioning any public record or document or copy of such record or document from any office;
(e) issuing commissions for the examination of witnesses or documents; and
(f) any other matter which may be prescribed.

32. Article 30(1) of the Constitution gives the minorities a fundamental right to establish and administer educational institutions of “their choice”. The rationale behind Article 30(1) of the Constitution is to give protection to minorities to run educational institutions of their choice. These rights are protected by a prohibition against their violation and are backed by a promise of enforcement. The prohibition is contained in Article 13, which bars the State from making any law or rule or regulation abridging or limiting any of the fundamental rights guaranteed under Chapter III of the Constitution and threatens to veto any law, rule or regulation found inconsistent with.

33. In the case of Ahmedabad St. Xavier College Society Vs. State of Gujarat AIR 1974 SC 1389, their lordships of the Supreme Court attributed the real reason for Article 30(1) of the Constitution “to the conscience of the nation that the minorities, religious as well as linguistic, are not prohibited from establishing and administering educational institutions of their choice for the purpose of giving their children the best general education to make them complete men and women of the country. The minorities are given this protection under Article 30 in order to preserve and strengthen the integrity and unity of the country. The sphere of general secular education is intended to develop the commonness of boys and girls of our country. This is the true spirit of liberty, equality and fraternity through the medium of education. If religious or linguistic minorities are not given protection under Article 30 to establish and administer educational institutions of their choice, they will feel isolated and separated. General secular education will open doors of perception and act as the natural light of mind for our countrymen to live in the whole.

34. It is beyond the pale of controversy that the Memorandum of Association of Al-Momin Social and Education Welfare Society clearly states that the beneficiaries of the petitioner institution are primarily the members of the Muslim minority community but the issue which arises for consideration is as to whether the institution in question is catering to the needs of Muslim minority students?

35. 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 Jharkhand as per the census of 2011 is 14.53%.

36. The right to establish educational institutions "of their choice" must, therefore, mean right to establish real institutions which will effectively serve the needs of their community. At present, the situation is such that the percentage of Muslim students in Amanat Ali Inter College, Bundu is less than the State percentage.

37. In this view of the case, the institute in question cannot claim that it is being run for the benefit of the Muslim minority community. Accordingly, the minority status certificate granted to Amanat Ali Inter College, Edalhatu (Bundu), Ranchi, Jharkhand in Case No. 2397 of 2014 is hereby cancelled. The management of the respondent institution is directed to surrender the original certificate of minority status granted by this Commission within one month from today. Inform all the authorities concerned about cancellation of the said certificate of minority status granted to the respondent institution by this Commission. Office is directed to make necessary changes in the 'List of Minority Educational Institutions granted Minority Status Certificate' on the website and other records.

38. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on Thursday**, 05th Day of November, 2026.**

DR. SHAHID AKHTER
MEMBER

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