GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

CASE NO. 204 OF 2024

In the matter of:

Arqam Academy Senior Secondary School, Vill. & Post Fatehpur Taga, Dist. Faridabad, Haryana – 121 004.

… Petitioner

Versus

Principal Secretary, School Education Department, Room No. 37, 7th Floor, Haryana Civil Secretary, Sector – 1, Chandigarh – 160 001.

… Respondent

Present: Mr. Faiyyaz Ahmed Ansari, Advocate for the petitioner.
Mr. Kuldeep, for the respondent.

ORDER

Date: 04.11.2026

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 14.05.2024 by hand through Mr. Faiyyaz Ahmad Ansari, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to Arqam Academy Senior Secondary School, Vill. & Post Fatehpur Taga, Dist. Faridabad, Haryana – 121004.

2. Learned counsel for the petitioner filed an affidavit of Mr. Faiyyaz Ahmad Ansari, Secretary of Trust for Education and Welfare and authorized representative of petitioner institution 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 also filed separate affidavit of Mr. Akil Hussain 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. : DL/2023/0372069 of the petitioner Trust as given by the Niti Aayog Portal NGO Darpan, copy of application dated 30.11.2023 sent to the State Competent Authority alongwith postal receipt and its tracking report, notarized copies of Trust Deed alongwith list of founding members, Amended Trust Deed alongwith list of present members of the Trust for Education and Welfare, downloaded copy of order dated 15.07.2024 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 Society in favour of Mr. Faiyyaz Ahmad Ansari, Secretary of Trust for Education and Welfare 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 298 students, 178 students were from the Muslim minority community and 120 students were Hindu and the academic year 2023-24, it is mentioned that out of total 378 students, 255 students were from the Muslim minority community and 123 students were Hindu, In the academic year 2024-25, it is mentioned that out of total 424 students, 298 students were from the Muslim Minority community and 126 students were Hindu In and the academic year 2025-26, it is mentioned that out of

total 364 students, 274 students were from the Muslim Minority community and 90 students were Hindu and in the academic year 2026-27, it is mentioned that out of total 430 students, 322 students were from the Muslim Minority community and 108 students were Hindu. It is relevant to mention here that during the academic year 2022-23, out of the total 17 teachers, 09 teachers were from the Muslim minority community and 08 teachers were Hindu. It is relevant to mention here that during the academic year 2022-23, out of the total 17 teachers, 09 teachers were from the Muslim minority community and 08 teachers were Hindu. It is relevant to mention here that during the academic year 2022-23, out of the total 17 teachers, 09 teachers were from the Muslim minority community and 08 teachers were Hindu and the academic year 2023-24, out of the total 26 teachers, 10 teachers were from the Muslim minority community and 16 teachers were Hindu. In the academic year 2024-25, out of the total 26 teachers, 10 teachers were from the Muslim minority community and 16 teachers were Hindu. the academic year 2025-26, out of the total 26 teachers , 10 teachers were from the Muslim minority community and 16 teachers were Hindu and the academic year 2026-27, out of the total 27 teachers, 12 teachers were from the Muslim minority community and 15 teachers were Hindu

5. It is stated in the petition that on dated 30.11.2023, the petitioner institution has applied to the State Competent Authority for grant of NOC which was received by the State Competent Authority on 04.12.2023 and the same 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 application 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 25.07.2024, reply has been received vide letter dated 05.09.2024 which was received in the Commission's Office by post on 17.09.2024 from Superintendent P.S., for Director Secondary Education, Haryana stating therein that the petitioner institution has not send the case according to the guidelines of the minority issued by the Directorate of Secondary Education dated 14.08.2015 and they have directed the petitioner institution to send the matter again with all relevant documents related to minority status but the school has sent the incomplete report. He has further seeks time to file reply.

7. The petitioner has applied for grant of no objection certificate before the competent authority of the State Government on 30.11.2023, which was received by said authority on 04.12.2023 and the said application is still pending. The petitioner has waited sufficiently for a period of 90 days, before filing this petition.

8. The petitioner has already filed the proof of delivery of the letter dated 04.12.2023 to the respondent.

9. 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 NCMEI Act, 2004.

It needs to be highlighted that sub-section(3) of Section 10 of the NCMEI Act reads as under: -

> "(3) where within a period of ninety days from the receipt of the application under subsection(1) for the grant of no objection certificate,-
>
> (a) the competent authority does not granted such certificate; or
>
> (b) where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate, it shall be deemed that the Competent authority has granted a no objection certificate to the applicant.

(emphasis supplied)"

10. This Commission is functioning as per the NCMEI Act, 2004 read with the judicial pronouncements of the Apex Court for the purpose of declaration of MSC. Petitioner institution had applied for grant of NOC whereas the reply received from the respondent does not even murmured a single word with regard to the receipt and further process of the said application for NOC, which is duly received by the respondent, which is already taken on record. and several by post have been received from Superintendent P.S., for Director Secondary Education, Haryana all are already taken on record. 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 10.09.2024. After service of letter/emails to the physical inspection committee dated 25.09.2024 and reminders dated 09.01.2025, 22.03.2025 and 08.08.2025, Physical Inspection Committee, has sent letter dated 05.03.2025, which was received by post in the Commission's Office on dated 11.03.2025 which was duly signed by members of the physical Inspection Committee wherein they have not recommended to grant minority status certificate to the petitioner institution. As per census report of 2011 percentage of Muslim minority community in the state of Haryana is 7.03%. As per information supplied by petitioner institution that in the year 2024-25, out of the total 424 students, 298 students were from the Muslim minority community, which is 70.28%, which is more than the state census of 2011 i.e. 7.03%.

11. Respondent has sent letter dated 17.09.2024 stating therein that the reply by post may be treated as counter to the rejoinder filed by the learned counsel for the petitioner. In the reply filed by the respondent, it is stated against Point No. 2(iv) that the Society/Trust/ Company will undertake that a minimum of 50% students admitted will be from minority Communities. According to the 2011 census, the Muslim Population in Haryana was 7.03%.

12. Heard learned counsel for the petitioner, perused the pleadings, the documents filed by the petitioner and affidavit of Mr. Akil Hussain, President of Haji Kareem Khan Education and Welfare Society and authorized representative of petitioner institution.

13. 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 Haji Kareem Khan Education and Welfare Society 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. Akil Hussain, President of Haji Kareem Khan Education and Welfare Society and authorized representative of petitioner institution.

14. 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 06.07.2010) 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 Haryana as per the census of 2011 was 7.03%.

15. I have perused the Amended Trust Deed of the petitioner Trust, which was registered before the Registrar officer, South East Defence Colony on dated 16.03.2024 which is before the filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 30.11.2023 and petition for grant of MSC on dated 14.05.2024. 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.

16. The Amended Trust Deed on dated 16.03.2024 of the said Trust and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily the members of the Muslim minority community. In addition, the said fact 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 before this Commission.

17. Relying on the said unrebutted evidence produced on behalf of the petitioner, we find and hold that Arqam Academy Senior Secondary School, Vill. & Post Fatehpur Taga, Dist. Faridabad, Haryana – 121 004 run by Trust For Education And Welfare 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.

18. Consequently, Arqam Academy Senior Secondary School, Vill. & Post Fatehpur Taga, Dist. Faridabad, Haryana – 121 004 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."

19. A minority status certificate be issued accordingly.

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

Signed, pronounced and published on **Wednesday, 04th day of November, 2026**.

DR. SHAHID AKHTER
MEMBER

DSS