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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13693/2021**

MS EDUCATIONAL AND WELFARE TRUSTPetitioner

Through: Mr. Jose Abraham, Mr. Pranjal
Kishore and Mr. Madiya Mushtaq,
Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Farman Ali, Ms. Usha Jamnal
and Mr. Krishan Kumar, Advocates
for UOI.
Mr. Santosh Kumar Tripathi,
Standing Counsel with Mr. Kartik
Sharma, Advocate for GNCTD.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
13.11.2024

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1. The Petitioner, MS Educational and Welfare Trust, has invoked Article 226 of the Constitution of India, 1950 urging that the Respondents cannot insist upon the production of a recognition letter/certificate from the State Government as a pre-requisite for the grant of Minority Status Certificate as the same is unconstitutional and contrary to law laid down by the Supreme Court in *Pramati Educational & Cultural Trust v. Union of India*,¹ that the Right to Education Act, 2009 is not applicable to Minority Educational Institutions.

¹ (2014) 8 SCC 1



2. On the other hand, the counsel for Respondents has drawn the attention of this Court to the order dated 27th August, 2020 passed by Government of India, National Commission for Minority Educational Institutions on the Petitioner's application seeking minority status, which is reproduced herein below:

“27.08.2020.

M S Creative School, C-4/88 A, Yamuna Vihar, (East), Delhi - 110053.

Vs.

Assistant Director of Education (ACT), Directorate of Education, Government of NCT of Delhi, Room No. 214-A, Old Secretariat, Delhi - 110054.

Present: Mr. B. Mathews, Advocate for the petitioner.

An application has been received by hand on 02.03.2020 for grant of minority status certificate to M S Creative School, C-4/88 A, Yamuna Vihar, (East), Delhi - 110053. It be registered.

It transpires from the petition that on 17.10.2019, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. Assistant Director of Education (ACT), Directorate of Education, Government of NCT of Delhi, Room No. 214-A, Old Secretariat, Delhi – 110054, which was received by the respondent on 18.10.2019. The said petition is still pending. The petitioner has waited sufficiently for a period of 90 days before filing this petition.

The petitioner has also filed the proof of delivery of the application by registered AD, to the respondent.

In this case, office has reported that recognition and society registration certificate is not filed with the petition and the application for NOC is posted from Supreme Court post office.

After perusal, office report regarding NOC application posted from Supreme Court post office, is ignored.

Learned Counsel for the petitioner has prayed for some time to file the updated affiliation certificate issued by the Central /State Examination Board. Time prayed for is allowed.

In the interest of justice, list on 04.11.2020.”

3. As per the aforementioned order, the Petitioner was required to furnish the



updated certificate issued by Central/ State Examination Board. On this aspect, counsel for the Petitioner is unable to show any such certificate. Moreover, Mr. Santosh Kumar Tripathi, Standing Counsel, who represents GNCTD also states that none of the documentation filed by the Petitioner suggest that the institutions run by the Petitioner trust is a recognised school.

4. In the absence of the Petitioner trust's institutions being a recognised school, in the opinion of the Court, the question urged by the Petitioner which perhaps has also been addressed to some extent to the counter affidavit filed by the Respondent No.1 and 2, need not be examined by this Court.

5. Accordingly, in absence of the Petitioner being a recognised educational institution, the Court is not inclined to entertain the present petition.

6. Dismissed.

SANJEEV NARULA, J

NOVEMBER 13, 2024

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