

No. MEI-200/(268/00)/CE.3,
Higher and Technical Education Department,
Mantralaya Annexe, Mumbai-400 032,
Dated the 24th May, 2001.


GRANT OF MINORITY STATUS TO SIR SAYYED COLLEGE OF ARTS,
SCIENCE AND COMMERCE AT ROSHANGATE, AURANGABAD, RUN
BY THE RAHBER EDUCATIONAL CULTURAL AND WELFARE
SOCIETY, AURANGABAD, SHAKIR MANZIL, NEAR H.P.O. JUNA
BAZAR, AURANGABAD-431 001.

ORDER

The Rahber Educational Cultural & Welfare Society, Shakir Manzil, Near H.P.O. Juna Bazar, Aurangabad-431 001 had filed W.P. No. 4068/98 before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad, with pray to direct the Respondents i.e. the Govt. and Dr. Babasaheb Ambedkar Marathwada University and others to consider the Petitioners as minority institution and award all the benefits available to the minority institutions under Article 30(1) of the Constitution of India. The matter was on board on 8th January, 2001. The Hon'ble High Court has directed the Govt. to consider the application of the Petitioners dt.2.7.93 and decide the status of its institution, viz. whether it is a minority institution or not on merit. The Hon'ble High Court has further directed to give hearing of necessary parties within a period of 3 months.

2. As per the direction of the Court, the President of the Rahber Educational Cultural & Welfare Society, Aurangabad, was called for hearing with all the necessary papers on 7th April, 2001. The hearing was put before me. At that time, the Jt. Director of Higher Education and U.S.(Law) were present.

3. The President of the institution had submitted all the documents except copy of extract of Schedule I. The President of the institution had requested me to give some time for submitting the copy of the Schedule I. I had accepted the request of the President made as per his letter dt.7.3.2001 and adjourned the


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matter. Now, the President has submitted the copy of the extract of Schedule I before me.

4. On perusal of the papers, it is seen that the Rahber Educational Cultural & Welfare Society, Aurangabad, is running Sir Sayyed College of Arts, Science and Commerce at Roshangate, Aurangabad. The College is affiliated to Dr. Babasaheb Ambedkar Marathwada University, Aurangabad. The Society has been trying to get the minority status for its college from Dr. Babasaheb Ambedkar Marathwada University, Aurangabad, in the light of the guidelines which were provided by the Central Govt. as well as the State Govt. concerning the minority educational institutions under Article 30(1) of the Constitution of India.

5. The Society is established and administered by the persons belonging to the religious minority, viz. the Muslim community. The Society runs the aforesaid College at Aurangabad. Dr. Babasaheb Ambedkar Marathwada University, Aurangabad, has not given recognition to the said College as minority institution as per the provisions under Article 30(1) of the Constitution of India. The University informed the Society that they will have to follow the same procedure as followed by the other affiliated colleges since they have not received recognition as a minority institution. The University had directed the institution to request the Govt. directly and it does not have any authority to grant such recognition. As per the direction of the University, the Society has submitted a representation to the Govt. in Higher & Technical Education Deptt. on 8.2.2001 for getting approval as a minority institution and since then the application of the Society is pending in this respect. Meanwhile, the Rahber Educational Cultural & Welfare Society has filed W.P. No. 4068/98 before the Hon'ble High Court, Mumbai Bench at Aurangabad, with a request to direct the University and the Govt. to offer all the benefits available to the minority institution to the petitioner society and offer any appropriate relief which the petitioners are found entitled to.

6. The matter was on board on 8th January, 2001. The Hon'ble Court has passed Order to consider the application of the Petitioner dt. 2.7.93 and to decide the status of the institution, viz. whether it is a minority institution or not on merit.




YEMNCPA
Sir Sayyid

This exercise should be made after hearing all the necessary parties within a period of three months.

7. The President of Rahber Educational Cultural & Welfare Society, Aurangabad, has applied to the Govt. on 8.2.2001 and 7.4.2001, requesting to recognise and grant minority status to Sir Sayyed College of Arts, Science & Commerce.

8. The President had submitted - i) xerox copy of certificate of registration under the Societies Registration Act, 1860. This certificate was issued on 17.11.89 by the Asstt.Registrar of the Societies, Aurangabad. The registration number bearing Maha/Aua/193/89, ii) photo copy of the registration certificate issued under Public Trusts Act. This certificate bearing No. F.2051/Aurangabad is issued on 2nd January, 1992. Thus, there is no doubt that the Society is properly registered, iii) the constitution of the Society, Memorandum of Association. The constitution of the Society shows that the object of the Society is to establish, administer and manage institution for the educational, economic, social, cultural sports institution for the all-round development of the people of India and to establish the sports school and sports college for the promotion of sports and sportsmen, particularly for the people of Maharashtra State. The object of the Society is to construct the sports complex near Aurangabad with all facilities, such as, Stadium with full size Foot-ball, Hockey ground and Swimming Pool and other indoor games facilities, etc. iv) the list of the founder members, v) the list of the present members, vi) copy of the extract of Schedule I. It shows that the institution is established and administered by the minority community people, vii) copy of the rules and regulations. It shows that the President, the Honorary Secretary are the founder members of the Society and elected by all members. The office-bearers are not entitled for any monetary compensation unless the financial position improves. As per the rules and regulations of the Rahber Educational Cultural & Welfare Society, Aurangabad, the Managing Committee of the institution consists of 1 President, 1 Vice-President, 1 Secretary, 2 Jt.Secretaries, 1 Treasurer and 5 Members.


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3. A list of Founder members of the Managing Committee given by the President, Rahber Educational Cultural and Welfare Society, Aurangabad, is as follows :-

Sr.No.	Name of the Members	Address
1.	Prof.Mohd. Tilawat Ali S/o. Murad Ali	H.No. 9/2 Badwa Nawab Colony, Aurangabad.
2.	Sk.Jameel Ahmed Sk Pareed	Advocate, Near Ellora Lodge, Shahbazar, Aurangabad.
3.	Farhatulla Khan Samiullah	H.No. 4-9-16, Gowalipura Aurangabad.
4.	Fayyaz Ahmed Ziauddin	SRT-172/Labour Colony, Aurangabad.
5.	Muzaffar Hussain	Nawabpura, Aurangabad
6.	Syeda Afsarunissa Syed Shoukat Ali	Shakir Manzil, Junabazar, Aurangabad.
7.	Syed Mahmood Syed Ahmed	H.No. 5-17/42, Bada Takiya Nutan Colony, Aurangabad.
8.	Prof. Fahim Ahmed Omer Ahmed Siddiqui	Lecturer, NSB College, Banda Ghat, Nanded.
9.	Prof. Dr.S.A. Majeed Bedar	Lecturer, Maulana Azad College, Aurangabad.
10.	Nihal Ahmed Jane Alam	Near Madinat-ul-uloom High School, Nanded.
11.	Syeda Ashrafunissa Javeed Nasir	C/o. Akhter-uz-zaman Nasir Near Masjid Mohammedia Rasheed pura, Aurangabad.
12.	Dr.Mohd. Shamshuddin	Govt.Venerary Clinic, Jalna.
13.	Prof. Gulam Hussian Nabil Nadaf	H.No. 2-8-48, S.T.Colony, Fazilpura, Aurangabad
14.	Moiz Hussain Sk.Qamruddin Yezzi	Burhan Colony, Ghati, Aurangqabad.
15.	Syed Rahmat Ali, Advocate	Pani Base, Badi galli, Jalna.

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11. The rules and regulations of the institution clearly show that the institution is managed by the Governing Body consisting of members belonging to the minority religion i.e. the Muslim community. The constitution of the Society and the Memorandum of Association show that the Rehber Educational Cultural & Welfare Society, Aurangabad, serves and promotes the interests of the minorities both economically and socially and the institution is established and administered by the minority community. The Memorandum of Association shows that the Muslim community is being benefited and Muslim religious instructions are being imparted.

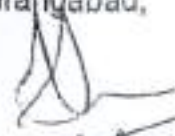
12. I have gone through the guidelines issued by the Minorities Commission regarding determination of the minority status, etc. of the institution. I find that the Rehber Educational Cultural and Welfare Society, Aurangabad, has fulfilled all the requirements for being declared as minority institution. It is seen that the applicant institute has been established and managed by the minorities. Therefore, this institute is given the status of minority institution for the purpose of running Sir Sayyed College of Arts, Science and Commerce at Aurangabad, subject to regulatory measures which will regulate the courses of studies, qualifications and appointments of teachers, the health and hygiene of the students, facility of library and laboratory and rules and regulations and the statutes laid down by the University from time to time.


(S.R. Joshi)

Deputy Secretary to the Government.

Copy to -

- 1) The Vice-Chancellor, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad.
- 2) The President, Rehber Educational Cultural & Welfare Society, Aurangabad.
- 3) The Principal, Sir Sayyed College of Arts, Science and Commerce, Aurangabad.
- 4) The Director of Education (Higher Education), Maharashtra State, Pune.
- 5) The Joint Director of Higher Education, Aurangabad Region, Aurangabad
- 6) The Government Pleader, High Court of Bombay, Bench at Aurangabad, Aurangabad.
- 7) The select file.


Principal
Sir Sayyed College
Aurangabad.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY Bench at A'bad.
WRIT PETITION No. 4068 OF 1998

(UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA)

1. Rahebar Educational Cultural & Welfare Society;
Roshangate; Aurangabad; through its President;
Shri Mohd Tilawat Ali s/o Murad Ali; age 54 Yrs;
occu: -ervice; Principal Sir Sayed College of Arts;
Commerce & Science P.B.No.89 Roshangate; A'bad;
2. Sir Sayed College of Arts, Commerce & Sciences; Roshangate;
A'bad through its Principal

VERSUS.

1. State of Maharashtra & ora;
To: R.2) The Director of Higher Education; Mah; State. Pune.
R.3) The Jt. Director Higher Education; A'bad Divn; Aurangabad
R.4) The Registrar; Dr. Babasaheb Ambedkar Marathwada
University; Aurangabad.
R.5) The Vice-Chancellor; Dr. Babasaheb Ambedkar Marathwada;
University; Aurangabad.
R.1) State of Maharashtra; Through G.P.H.C. Aurangabad.

WHEREAS the petitioner had filed the above Petition under Article 226 and 227 of the Constitution

India (a copy of which was served on you under this office No. — praying that

respondents be directed to consider the petitioners as minority
Institution & award all the benefits available to the minority
Honourable High Court may be pleased to grant relief under Article 30(1) of
Constitution of India.

and also praying for other reliefs as stated in the said petition;

AND WHEREAS rule and interim stay injunction was granted by this Court on 13.4.99

AND WHEREAS the said petition came up for final hearing before this Court

(CORAM : Khase & Bag a, JJ.) on 8/1/2001

AND UPON hearing Mr. S.A. Berlinge Adv for petitioners;
Mrs. J.P. Akolkar AGP for R.1 to 3;
S.C. Bora Adv for R.4 & 5

this Court has passed the following order :-

For the reasons stated in the accompanying
Judgment, the Court directs the respondent
No.1 to consider the application of the petitioners
dt 2.7.93 and to decide the status of this institution
namely ; whether it is minority institution or not on
merit. This exercise should be made after hearing
all the necessary parties within a period of
three months.

the Court accordingly makes absolute the
rule granted by it on 13.4.99."

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It is accordingly ordered that this order be punctually observed and carried into execution by concerned.

WITNESS **B.P. Singh**

this **8th** day of **January**

Esquire, Chief Justice at Bombay, amount **Two Thousand One.**

/// / /// / /// / /// / /// / /// / /// / /// /

By the Court.

[Signature]
/// / /// / /// / /// /

Dated this **30th** day of **Jan.** 19**20**

NOTE: This writ should be returned to this office after taking necessary note in your office register and after making an endorsement on the writ to that effect.

The record and proceedings in the matter are returned herewith. The accompanying receipt for the same may please be returned to this office duly signed.

No. D. D. _____ of 199

Copy forwarded with compliments for information to the
in continuation of High Court Stay Writ No.

High Court, Appellate Side,

Bombay, dated _____ 199

for Additional Register

Dr. Babasaheb Ambedkar Marathwada University

Office Telephones | 334431 to 334437
334467 - 334468
Registrar | (Off) 334104
(Res) 334703
Fax: 0240-334201 / 340481
Telegram: MARATHWADA
Web Site: www.university.ac.in
E-mail: university@bom.ac.in



UNIVERSITY CAMPUS,
AURANGABAD-431 004
(Maharashtra) INDIA

Date

Ref. No.

Acad/Affil/NSP-19/2000-001/M2 92-98

13-6-2001.

The Principal,
Sir Sayyed College of Arts,
Commerce and Science,
Roshan Gate,
AURANGABAD.

Subj:- Grant of Minority Status.

Sir,

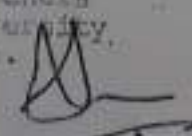
With reference to the subject cited above, I am to inform you that the Hon'ble Vice-Chancellor is pleased to grant your college the Minority Status in accordance with the Government Order No.MEI 2000/(268/00)/CE-3 dated 26th May 2001 subject to regulatory measures which will regulate the courses of studies, qualifications and appointments of teachers, the health and Hygiene of the students, facility of Library & Laboratory & rules and regulations and the statutes laid down by the University from time to time.

Therefore, your college will have to fulfil the norms laid down for affiliation, admissions, courses of study, qualifications of teachers, evaluation and examinations of students and other regulatory measures prescribed for maintenance of Standards of higher education.

However, the minority institution has the constitutional right to establish and to run educational institutions of its choice. So in accordance with the decisions given by the High courts and supreme court, of India subject to statutes, Ordinances, Rules and Regulations the Minority Institution has 1) Power to constitute Selection Committee of its own for Selection and appointments of teachers and non-teaching staff. (2) The Provisions of Reservation of posts for backward classes does not apply to the minority institutions.

But the Minority Institution has to follow the procedure of advertising the posts in National/State level news papers, constitution of Selection Committees having the required number of subject experts, Principal of the College, Head of the Department on the Selection Committee. After following the procedure, the Minority Institution can select and appoint duly qualified teachers non-teaching staff. However, the approval of the University shall be necessary for appointments of such teachers.

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Principal
Sir Sayyed College
Aurangabad.

Dr. Babasaheb Ambedkar Marathwada University

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E-mail : bamuaur@bam4.vsnl.net.in



UNIVERSITY CAMPUS,
AURANGABAD-431 004
(Maharashtra) INDIA

Ref. No.

Date

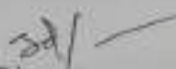
- 2 -

The Minority Institution can follow the admission procedure. The Vacant seats, if any can be filled in from all the non-minority Sections of the Society. Eligibility criteria laid down by the University shall be followed in respect of admissions to different courses. A copy of the letter dated 19-6-1997 issued by the Government of Maharashtra to the Nagpur University in respect of admission to 1st year required to be made by the minority Institutions according to the directions of the Hon'ble High Court, Mumbai is enclosed herewith for your information and necessary action while making the admissions for the academic year i.e. 2001-2002. As regards the affiliation/ extension of affiliation, you will have to obtain the permission to start new courses, new subjects, additional divisions etc by following the usual procedure and as per the provision in the Act, Statutes, Ordinances, Rules and Regulations.

Please acknowledge receipt of the same.

Encls:- As above.


Yours faithfully,


Director,
Board of College and
University Development.


- 1) ✓ Copy forwarded with compliments to the Chairman, Rahbar Educational Cultural & Welfare Society, Shakir Mansil, Near H.P.O. Juna Bazar, Aurangabad for information.
- 2) Copy forwarded with compliments to the Joint Director, Higher Education, Aurangabad Region Aurangabad for information & necessary action.

Copy for information & necessary action to:-

- 1) The Controller of Examination
- 2) The Deputy Registrar (Special Cell)
- 3) The Deputy Registrar, (Academic)
- 4) The Asstt-Superintendent, Eligibility Unit, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad.


Director,
Board of College and
University Development.

MB, ABE/:-
13-6-2001.


Principal,
Sir Sayyed College
Aurangabad.