

*A BRIEF COMMENTARY ON*  
**Educational Institutions**  
**under the Purview of The Constitution of India**

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## **EDUCATIONAL RIGHTS OF INSTITUTIONS RUN BY RELIGIOUS AND LINGUISTIC MINORITIES**

"Fundamental Rights" are the basic rights and inalienable rights of the people who enjoy it under the charters of rights contained in Part III (Article 12 to 35) of Constitution of India. It guarantees civil liberties that all Indians can lead their lives in peace and harmony. These include individual rights common to most liberal democracies, such as equality before law, freedom of speech and expression, religious and cultural freedom and peaceful assembly, freedom to practice religion, and the right to constitutional remedies for the protection of civil rights by means of writs. Violation of these rights result in punishments as prescribed in the Indian Penal Code or other special laws, subject to discretion of the judiciary. The Fundamental Rights are defined as basic human freedoms that every Indian citizen has the right to enjoy for a proper and harmonious development of personality. These rights universally apply to all citizens, irrespective of race, place of birth, religion, caste or gender. Though the rights conferred by the constitution other than fundamental rights are equally valid and their enforcement in case of violation shall be secured from the judiciary. However, in case of fundamental rights violation, the Supreme Court of India can be approached directly for ultimate justice.

Our Constitution classifies the Fundamental Rights as follows:-

- a) Right to equality.
- b) Right to particular Freedom.
- c) Right of freedom of Religion.
- d) Cultural and Educational rights.
- e) Right against exploitation.
- f) Right to Constitutional Remedies.

Article 29 & 30 deal with the cultural & educational rights. We are concerned with rights guaranteed under Article 30 (1).

Minority rights have gained greater visibility and relevance all over the world. India is no exception to it, being the multi-ethnic, and multi-religious, multi-linguistic and multi-cultural society, diversity of all types is the very soul of India. It is in this context that minority rights have assumed added significance. In Indian Constitution, along with various fundamental rights, there are certain specific provisions regarding minority rights in education, among all

of them, the most significant provision is given in Article 30 (1)- Recognition and protection of minority rights under a legal framework has two folds objectives:

- firstly, to prevent the state from being oppressive against the minorities,
- Secondly, to provide the minority a protective zone whereby they can preserve their separate entity while contributing in national progress and development.

**The Indian Constitution has recognized Religious and Linguistic Minorities:**

1. **Religious Minorities:** As regards religious minorities at the national level in India, all those who profess a religion other than Hindu are considered minorities, since over 80 per cent of the population of the country professes the Hindu religion. At the national level, Muslims are the largest minority. The Constitution of India uses the word 'minority' or its plural form in some Articles viz Article 20 to 30 and 350 A to 350 B, but does not define the word 'minority'. The Muslims are the largest religious minority followed by Christians, Sikhs, Buddhists, Jain and Parsis.
2. **Linguistic Minorities:** Linguistic minority is a class of people whose mother tongue is different from that of the majority in the state or part of a state. The constitution provides for the protection of the interests of linguistic minorities.

Article 30(1) guarantees to all minorities based on religion or language, the right to establish and administer educational institution of their own choice. The word “establish” means to bring into existence. It does not necessarily connote construction of the institution by the minority.

The word “establish” and “administer” for the purpose of Article 30(1) have to be read conjunctively. Therefore, a minority can claim a right to administer an educational institution only if it has been established by it not otherwise. Article 30(1) postulates that the religious minority will have the right to establish and administer educational institution of their own choice meaning thereby that where a religious minority establishes an educational institution, it will have the right to administer that.

## **Article 30(1) of the Constitution of India**

“All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.”

Article 30(1) consists of three parts–

- 1. Right to establish educational institutions**
- 2. Right to administer educational institutions**
- 3. of their own choice.**

Now let us analyse the ‘**Right to establish educational institution**’ specifically envisaged under article 30(1)

Article 30(1) guarantees to all minorities based on religion or language the right to establish and administer educational institution of their own choice. **The word “establish” means to bring into existence.** It does not necessarily connote construction of the institution by the minority.

Now let us understand the right to establish educational institution by taking the recourse of a landmark judgment; *A.M Patoni v. Asst. Educational Officer* where a school previously run by some other organization, was taken over by the church, which reorganized and managed it to cater to and in conformity with the school as established by Roman Catholics. The school was held to have been established by the Roman Catholics for the purpose of Article 30(1). The right to establish **under Article 30(1) means the right to establish real institution which will effectively serve the need of their community and the scholars who resort to them.** The minority is not required to seek prior permission for the establishment of an educational institution. Article 30(1) does not require that the whole community must have been involved in the establishment of the educational institution. It might be established even by a philanthropic individual with his own means in the interest of the minority community, it would be entitled to the protection of Article 30(1). However the mere fact that the school was founded by a person belonging to particular religion did not make it a minority institution. Again, where funds, were obtained from abroad for assisting in setting up and developing a school, which was established by a minority in India, or that the management as is carried on at times by some persons who are not born in India, cannot be a ground to deny to the school the

protection of Article 30(1). Likewise, the fact that the school was successively having a non-Christian headmaster does not lead to conclusion that it was not established by the Christians.

**Now let us examine the 'Right to administer educational institution' enshrined in Article 30(1).**

The Right to administer has been given to the minority, so that **it can administer the institution as it thinks fit, and in accordance with its ideas of how the interest of the community in general, and institution in particular, will be served best.** For the purpose of Article 30 (1) even a single philanthropic individual from the community concerned can found the institution with its own means.

It is pertinent to note that the Union Government set up the **National Commission for Minorities** (NCM) under the National Commission for Minorities Act, 1992. Six religious communities, viz; Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains have been notified in Gazette of India as minority communities by the Union Government all over India. Original notification of 1993 was for five religious communities Sikhs, Buddhists, Parsis, Christians and Muslims.

**Moreover Parliament enacted National Commission for Minority Educational Institutions Act, 2004**

According to Section 2 (da) of the National Commission for Minority Educational Institutions Act, 2004, **Educational rights of Minorities means the rights of minorities to establish and administer educational institutions of their choice.** Under this Act, National Commission for Minority Educational Institutions constituted for matters connected therewith or incidental thereto.

**Now let us look into judicial approach on the educational rights of minorities institution with reference to *Pramati Educational & Cultural vs Union of India & Ors* on 6 May, 2014**

**Bench: R.M. Lodha, A.K. Patnaik, Sudhansu Jyoti Mukhopadhyaya, Dipak Misra, Fakkir Mohamed Kalifulla**

When we look at the 2009 Act, we find that Section 12(1)(b) read with Section 2(n)(iii) provides that an aided school receiving aid and grants, whole or part, of its expenses from the

appropriate Government or the local authority has to provide free and compulsory education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent. Thus, a minority aided school is put under a legal obligation to provide free and compulsory elementary education to children who need not be children of members of the minority community which has established the school. We also find that under Section 12(1)(c) read with Section 2(n)(iv), an unaided school has to admit into twenty-five per cent of the strength of class I children belonging to weaker sections and disadvantaged groups in the neighbourhood. Hence, unaided minority schools will have a legal obligation to admit children belonging to weaker sections and disadvantaged groups in the neighbourhood who need not be children of the members of the minority community which has established the school. While discussing the validity of clause (5) of Article 15 of the Constitution, we have held that members of communities other than the minority community which has established the school cannot be forced upon a minority institution because that may destroy the minority character of the school. In our view, if the 2009 Act is made applicable to minority schools, aided or unaided, the right of the minorities under Article 30 (1) of the Constitution will be abrogated. Therefore, the 2009 Act insofar it is made applicable to minority schools referred in clause (1) of Article 30 of the Constitution is ultra vires the Constitution. We are thus of the view that the majority judgment of this Court **in Society for Unaided private Schools of Rajasthan V. UOI & Anrs. (supra)** insofar as it holds that the 2009 Act is applicable to aided minority schools is not correct.

*Kerala Education Bill Case (AIR 1958 SC 956)*

**In this case issue arose whether Minority for the purpose of Articles 29 and 30 of the constitution of India would be determined by reference to the entire population of the State?**

**Bench: S Das, B S Kapur, Bhagwati, S Das, J Imam, V Aiyar**

The right to administer cannot obviously include the right to maladminister:

Article 30(1) gives two rights to the minorities, (1) to establish and (2) to administer, educational institutions of their choice. The right to administer cannot obviously include the right to maladminister.

In the light of the above landmark case, let us examine a very important aspect of right to administer:

The minority cannot surely ask for aid or recognition for an educational institution run by them in unhealthy surroundings, without any competent teachers, possessing any semblance of qualification, and which does not maintain even a fair standard of teaching or which teaches matters subversive of the welfare of the scholars. It stands to reason, then, that the constitutional right to administer an educational institution of their choice does not necessarily militate against the claim of the State to insist that in order to grant aid the State may prescribe reasonable regulations to ensure the excellence of the institutions to be aided. **The State must not grant aid in such manner as will take away the fundamental right of the minority community under Article 30(1).**

*T.M.A. Pai Foundation vs. State of Karnataka, (AIR 2003 SC 355)*

**Now let us verify that whether an aided minority educational institution would be entitled to have the right of admission of students belonging to the minority group?**

An aided minority educational institution would be entitled to have the right of admission of students belonging to the minority group.

- The essence of secularism in India is the recognition and preservation of the different types of people, with diverse languages and different beliefs, and placing them together so as to form a whole and united India. Articles 29 and 30 do not more than seek to preserve the differences that exist, and at the same time, unite the people to form one strong nation.

Now let us go into each question that arose before the Supreme Court in this case.

- **Q. 1. What is the meaning and content of the expression “minorities” in Article 30 of the Constitution of India?**
- A. Linguistic and religious minorities are covered by the expression “minority” under Article 30 of the Constitution. Since reorganization of the States in India has been on linguistic lines, therefore, for the purpose of determining the minority, the unit will be the State and not the whole of India. Thus, religious and linguistic minorities, who have been put on a par in Article 30, have to be considered State wise.

- **Q. 2. What is meant by the expression “religion” in Article 30(1)? Can the followers of a sect or denomination of a particular religion claim protection under Article 30(1) on the basis that they constitute a minority in the State, even though the followers of that religion are in majority in that State?**
- A. This question need not be answered by this Bench; it will be dealt with by a regular Bench.
- **Q. 3.(a) What are the indicia for treating an educational institution as a minority educational institution? Would an institution be regarded as a minority educational institution because it was established by a person(s) belonging to a religious or linguistic minority or its being administered by a person(s) belonging to a religious or linguistic minority?**
- A. This question need not be answered by this Bench; it will be dealt with by a regular Bench.
- **Q. 3. (b) To what extent can professional education be treated as a matter coming under minorities' rights under Article 30?**
- A. Article 30(1) gives religious and linguistic minorities the right to establish and administer educational institutions of their choice. The use of the words “of their choice” indicates that even professional educational institutions would be covered by Article 30.
- **Q. 4. Whether the admission of students to minority educational institution, whether aided or unaided, can be regulated by the State Government or by the university to which the institution is affiliated?**
- A. Admission of students to unaided minority educational institutions viz. schools and undergraduate colleges where the scope for merit-based selection is practically nil, cannot be regulated by the State or university concerned, except for providing the qualifications and minimum conditions of eligibility in the interest of academic standards.
- The right to admit students being an essential facet of the right to administer educational institutions of their choice, as contemplated under Article 30 of the Constitution, the State Government or the university may not be entitled to interfere



with that right, so long as the admission to the unaided educational institutions is on a transparent basis and the merit is adequately taken care of. **The right to administer, not being absolute, there could be regulatory measures for ensuring educational standards and maintaining excellence thereof, and it is more so in the matter of admissions to professional institutions.**

- A minority institution does not cease to be so, the moment grant-in-aid is received by the institution. An aided minority educational institution, therefore, would be entitled to have the right of admission of students belonging to the minority group and at the same time, would be required to admit a reasonable extent of non-minority students, so that the rights under Article 30(1) are not substantially impaired and further the citizens' rights under Article 29(2) are not infringed. What would be a reasonable extent, would vary from the types of institution, the courses of education for which admission is being sought and other factors like educational needs. The State Government concerned has to notify the percentage of the non-minority students to be admitted in the light of the above observations. Observance of *inter se* merit amongst the applicants belonging to the minority group could be ensured. In the case of aided professional institutions, it can also be stipulated that passing of the common entrance test held by the State agency is necessary to seek admission. As regards non-minority students who are eligible to seek admission for the remaining seats, admission should normally be on the basis of the common entrance test held by the State agency followed by counselling wherever it exists.
- **Q. 5. (a)** Whether the minorities' rights to establish and administer educational institutions of their choice will include the procedure and method of admission and selection of students?
- **A.** A minority institution may have its own procedure and method of admission as well as selection of students, but such a procedure must be fair and transparent, and the selection of students in professional and higher education colleges should be on the basis of merit. The procedure adopted or selection made should not be tantamount to maladministration. Even an unaided minority institution ought not to ignore the merit of the students for admission, while exercising its right to admit students to the colleges aforesaid, as in that event, the institution will fail to achieve excellence.

- **Q. 5.(b) Whether the minority institutions' right of admission of students and to lay down procedure and method of admission, if any, would be affected in any way by the receipt of State aid?**
- A. While giving aid to professional institutions, it would be permissible for the authority giving aid to prescribe bye-rules or regulations, the conditions on the basis of which admission will be granted to different aided colleges by virtue of merit, coupled with the reservation policy of the State *qua* non-minority students. The merit may be determined either through a common entrance test conducted by the university or the Government concerned followed by counselling, or on the basis of an entrance test conducted
- by individual institutions — the method to be followed is for the university or the Government to decide. The authority may also devise other means to ensure that admission is granted to an aided professional institution on the basis of merit. In the case of such institutions, it will be permissible for the Government or the university to provide that consideration should be shown to the weaker sections of the society.
- **Q. 5.(c) Whether the statutory provisions which regulate the facets of administration like control over educational agencies, control over governing bodies, conditions of affiliation including recognition/withdrawal thereof, and appointment of staff, employees, teachers and principals including their service conditions and regulation of fees, etc. would interfere with the right of administration of minorities?**
- A. So far as the statutory provisions regulating the facets of administration are concerned, in case of an unaided minority educational institution, the regulatory measure of control should be minimal and the conditions of recognition as well as the conditions of affiliation to a university or board have to be complied with, but in the matter of day-to-day management, like the appointment of staff, teaching and non-teaching, and administrative control over them, the management should have the freedom and there should not be any external controlling agency. However, a rational procedure for the selection of teaching staff and for taking disciplinary action has to be evolved by the management itself.
- For redressing the grievances of employees of aided and unaided institutions who are subjected to punishment or termination from service, a mechanism will have to be

evolved, and in our opinion, appropriate tribunals could be constituted, and till then, such tribunals could be presided over by a judicial officer of the rank of District Judge.

- The State or other controlling authorities, however, can always prescribe the minimum qualification, experience and other conditions bearing on the merit of an individual for being appointed as a teacher or a principal of any educational institution.
- Regulations can be framed governing service conditions for teaching and other staff for whom aid is provided by the State, without interfering with the overall administrative control of the management over the staff.
- Fees to be charged by unaided institutions cannot be regulated but no institution should charge capitation fee.
- ***Q. 6. (a) Where can a minority institution be operationally located? Where a religious or linguistic minority in State A establishes an educational institution in the said State, can such educational institution grant preferential admission/reservations and other benefits to members of the religious/linguistic group from other States where they are non-minorities?***
- A. This question need not be answered by this Bench; it will be dealt with by a regular Bench.
- ***Q. 6. (b) Whether it would be correct to say that only the members of that minority residing in State A will be treated as the members of the minority vis-à-vis such institution?***
- A. This question need not be answered by this Bench; it will be dealt with by a regular Bench.
- ***Q. 7. Whether the member of a linguistic non-minority in one State can establish a trust/society in another State and claim minority status in that State?***
- A. This question need not be answered by this Bench; it will be dealt with by a regular Bench.

- **Q. 8. Whether the ratio laid down by this Court in *St. Stephen's case* [(1992) 1 SCC 558] (*St. Stephen's College v. University of Delhi*) is correct? If no, what order?**
  - **A. The basic ratio laid down by this Court in *St. Stephen's College case* [(1992) 1 SCC 558] is correct, as indicated in this judgment. However, rigid percentage cannot be stipulated. It has to be left to authorities to prescribe a reasonable percentage having regard to the type of institution, population and educational needs of minorities.**
  - **Q. 9. Whether the decision of this Court in *Unni Krishnan, J.P. v. State of A.P.* [(1993) 1 SCC 645] (except where it holds that primary education is a fundamental right) and the scheme framed thereunder require reconsideration/modification and if yes, what? A. The scheme framed by this Court in *Unni Krishnan case* [(1993) 1 SCC 645] and the direction to impose the same, except where it holds that primary education is a fundamental right, is unconstitutional. However, the principle that there should not be capitation fee or profiteering is correct. Reasonable surplus to meet cost of expansion and augmentation of facilities does not, however, amount to profiteering.**
  - **Q. 10. Whether the non-minorities have the right to establish and administer educational institution under Articles 21 and 29(1) read with Articles 14 and 15(1), in the same manner and to the same extent as minority institutions?**
- and*
- **Q. 11. What is the meaning of the expressions “education” and “educational institutions” in various provisions of the Constitution? Is the right to establish and administer educational institutions guaranteed under the Constitution?**
  - **A. The expression “education” in the Articles of the Constitution means and includes education at all levels from the primary school level up to the postgraduate level. It includes professional education. The expression “educational institutions” means institutions that impart education, where “education” is as understood hereinabove.**

- The right to establish and administer educational institutions is guaranteed under the Constitution to all citizens under Articles 19(1)(g) and 26, and to minorities specifically under Article 30(1).
- All citizens have a right to establish and administer educational institutions under Articles 19(1)(g) and 26, but this right is subject to the provisions of Articles 19(6) and 26(a). However, minority institutions will have a right to admit students belonging to the minority group, in the manner as discussed in this judgment.

*Now let us analyse a very important judgment which is considered to be a Sea Change; P.A Inamdar Case and Minorities Educational Right:*

The Supreme Court delivered an unanimous judgement by 7 judges. CJI R.C. LAHOTI Y.K. SABHARWAL D.M. DHARMADHIKARI ARUN KUMAR,G.P. MATHUR,TARUN CHATTERJEE & P.K. BALASUBRAMANYAN

The question before the Court was Whether Legal confusion inevitably arose as regards the extent and scope of permissible governmental intervention in the activities of private professional educational institutions?

**The Court opined that the State can't impose its reservation policy on minority and non-minority unaided private colleges, including professional colleges.**

Lahoti, C.J. confers maximum autonomy upon all unaided educational institutions, minority as well as non-minority. The learned judge accordingly prescribes the government from imposing its reservation policy upon such institutions.

Our answer to the first question is that neither the policy of reservation can be enforced by the State nor any quota or percentage of admissions can be carved out to be appropriated by the State in a minority or non-minority unaided educational institution. Minority institutions are free to admit students of their own choice including students of non-minority community as also members of their own community from other States, both to a limited extent only and not in a manner and to such an extent that their minority educational institution status is lost. If they do so, they lose the protection of Article 30(1).

**Now let us understand the Significant Outcome of P.A. Inamdar & Ors. vs. State of Maharashtra & Ors, "Judgment"**

- The Supreme Court delivered a judgement on August 12, 2005 in the case of P.A. Inamdar & Ors. vs. State of Maharashtra & Ors, declaring that the **State can't impose its reservation policy on minority and non-minority unaided private colleges, including professional colleges.** So, to impose the State's reservation policies on the private unaided colleges, this amendment was enacted.
- It is further noted that, Article 46, a directive principle of State policy, states that the State shall promote with special care the educational and economic interests of the weaker sections of the people and protect them from social injustice. To promote the educational advancement of the socially and educationally backward classes of citizens or of the Scheduled Castes and Scheduled Tribes in matters of admission of students belonging to these categories in unaided educational institutions, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution, it was enacted to amplify Article 15.
- It inserted clause (5) in Article 15 of the Constitution with a aim to promote the educational advancement of the socially and educationally backward classes of citizens, the Scheduled Castes and the Scheduled Tribes through special provisions relating to admission of students belonging to these categories in all educational institutions, including private educational institutions, whether aided or unaided by the State.
- **Moreover, In Article 15 of the Constitution, clause (5), was inserted, namely, “(5) Nothing in this Article or in sub-clause (g) of clause (1) of Article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30.”**
- Reservation of seats in Central Educational Institutions: out of the annual permitted strength in each branch of study or faculty:
  - 15% seats shall be reserved for the Scheduled Castes;
  - Seven and one-half percent seats shall be reserved for the Scheduled tribes;

- 27% seats shall be reserved for the Other Backward Classes.
- Act not to apply to:
- a central educational institution established in the tribal areas referred to in the 6th Schedule of the Constitution
- a minority educational institution.

**Let us evaluate a critical case on Article 30(1) *Pai Foundation Case [(2002) 8 SCC 481]***

**Bench: Quadri, S.S.M. (J), Pal, Ruma (J), Variava, S.N. (J), Balakrishnan, K.G. (J) Reddi, P.V. (J), Bhan, Ashok (J) Pasayat, Arijit (J) has held that minority unaided institutions can legitimately claim unfettered fundamental right to choose the students to be allowed admission and the procedure therefore subject to its being fair, transparent and non-exploitative.**

The same principle applies to non-minority unaided institutions. There may be a single institution imparting a particular type of education which is not being imparted by any other institution and having its own admission procedure fulfilling the test of being fair, transparent and non-exploitative. All institutions imparting same or similar professional education can join together for holding a common entrance test satisfying the above said triple tests. The State can also provide a procedure of holding a common entrance test in the interest of securing fair and merit-based admissions and preventing maladministration. The admission procedure so adopted by a private institution or group of institutions, if it fails to satisfy all or any of the triple tests, indicated hereinabove, can be taken over by the State substituting its own procedure. The second question is answered accordingly.

In the light of article 30(1), let us go into the settled principles:

- a) The Rights of minorities are not of individual, but of the group.
- b) They are more in the nature of safeguards, than of positive privileges;

- c) They follow inevitably as a corollary once the generic conception of rights of a man in a civilized state is accepted. This particular category of rights will be meaningless if and when real World State is set up in which all enjoy the same rights and liberties.
- d) Article 30(1) is a Fundamental right. This right cannot be taken away by the Parliament by enacting an Act. From this it would be clear that this right cannot be taken away by the Government. No policy decision of any kind can take away the fundamental right granted by the Constitution of India.
- e) Please note that no provision of the Constitution concerning Fundamental Rights of the citizens and the Religious & Linguistic Minorities can be amended in the Parliament except in the case of when any such proposed amendment receives the consent of 75% members of the Parliament. However, the Supreme Court has always struck down amendments to the Fundamental Rights provision on the ground that the entire structure of the Constitution will change.
- f) These provisions are indeed reaffirmation of the faith that India shall be a just welfare state in which all citizens irrespective of their association with any religious and linguistic group shall have an equal share and opportunity in matters that pertain to education.
- g) Annexure "A" gives the details of some of the important reported cases of Hon'ble Supreme Court on the Scope of Article 30(1)
- h) In case of any Educational Institution is desirous of approaching for advice Annexure "B" gives the names and mobile numbers of lawyers who are knowledgeable in the matter of article 30(1).



**ANNEXURE “A”**

**LIST OF CASES DECIDED BY SUPREME COURT/HIGH  
COURTS/NCMEI ON  
RIGHTS OF MINORITIES EDUCATIONAL INSTITUTIONS**

Sr.No	NAME OF THE CASE	DECISION IN BRIEF	Court
1.	State of Bombay v. Bombay Educational Society ( AIR 1954 SC 561)	Minorities have right to impart instructions to the children of such community in their own language.	Hon’ble Supreme Court
2.	Kerala Education Bill case (AIR 1958 SC 956)	Minority for the purpose of Articles 29 and 30 of the constitution of India would be determined by reference to the entire population of the state.	Hon’ble Supreme Court
3.	Sidhrajibhai v. State of Gujarat (AIR 1963 SC 540)	The Government order ‘that the grant in aid and recognition to the minority colleges will be withheld if 80% of the seats to the nominees of the government are not provided in their institutions’ is violative of Article 30(1) of the constitution.	Hon’ble Supreme Court
4.	S.Azeez Basha v. Union of India (AIR 1968 SC 662)	The Minority Institution/ University established by central law/statute of the Parliament can not be considered as institute established by Minority community and therefore not entitled to claim benefits of Article 30.	Hon’ble Supreme Court
5.	Bishop S.K. Patro v. State of Bihar (1969)1 SCC 863	Minority claiming protection under Article 30(1) must be a minority of persons residing in India.	Hon’ble Supreme Court
6.	D. A. V. College v. State Of Punjab (AIR 1971 SC 1731)	The right provided under Article 30(1) to establish and administer educational institution of its choice includes the right to have a choice of medium of instruction also.	SC
7.	Ahmedabad St. Xavier’s College Society v. State of Gujarat, (AIR 1974 SC	The Constitution of Selection Committee for appointment of academic staff of a Minority college must remain in the hands of the	Hon’ble Supreme Court

	1389)	administration of the minority educational institution. The University to which college is affiliated can only prescribe qualification for the academic staff.	
8.	Lily Kurian vs. st. Levoine (AIR 1979 SC 52)	The state may regulate the exercise of the right to administration of minority educational institutions but it has no power to impose restrictions which is destructive of the right.	Hon'ble Supreme Court
9.	S. P. Mittal v. Union of India (AIR 1983 SC 1)	The benefit of Art. 30(1) can be claimed by the community only on providing that it is a religious of linguistic minority and that institution was established by it.	Hon'ble Supreme Court
10.	Managing Board, M.T.M. v. State of Bihar (1984)4 SCC 500	The state can lay down reasonable conditions for maintaining the standard of education before they could be considered for affiliation but refusal of affiliation on terms and conditions which practically denies the progress and autonomy of the institution is violative of Article 30.	Hon'ble Supreme Court
11.	Frank Anthony Pubic School Employees' Association v Union of India 1986 (Vo.IV)SCC 707	Statutory measures regulating terms and conditions of service teachers and other employees of minority educational instructions for maintaining educational standards and excellence are not violative of Article 30(1).	Hon'ble Supreme Court
12.	St. Stephen's college vs. University of Delhi (AIR 1992 SC 1630)	Minority aided educational institutions may preserve 50 per cent seats for their community candidates and are entitled to give them preference in admission as it is necessary to maintain the minority character of institutions.	Hon'ble Supreme Court
13.	Unni Krishnan vs. State of A.P. (1993) 1 SCC 645	Minority Educational institutions may charge such fee which is required for the betterment and growth of the institution but they should not be an element of profiteering in fixing the fee.	Hon'ble Supreme Court
14.	State of Bihar v. Syed Asad	State shall not in granting aid to educational	Hon'ble

	Raza (AIR 1997 SC 2425)	institution, discriminate against any educational institution on the ground it is under the management of minority.	Supreme Court
15.	Yunus Ali Sha v. Mohamed Abdul Kalam (1999) 3SCC 676	Management and Administration of the school should be under the control of the managing committee of the minority institution and not State authorities.	Hon'ble Supreme Court
16.	Manager, St. Thomas U.P. School ,Kerala v. Commr. and Secy. to G. Ed. Dept.,(AIR 2002(2)1226)	Even a single philanthropic individual from the concerned minority community can establish a minority institution with his own means.	Hon'ble Supreme Court
17.	T.M.A. Pai Foundation vs. State of Karnataka, (AIR 2003 SC 355)	An aided minority educational institution would be entitled to have the right of admission of students belonging to the minority group.	Hon'ble Supreme Court
18.	Islamic Academy of education vs. state of Karnataka (AIR 2003 SC 3724)	The Supreme Court has directed to constitute a separate committee in each state to be headed by a retired judge of the high court, to approve the fee structure of the minority institutions.	Hon'ble Supreme Court
19.	Brahmo Samaj Education Society v. State of West Bengal 2004(6) SCC	Appointment of Staff is the exclusive right of minority educational institutions.	Hon'ble Supreme Court
20.	P.A Inamdar and others vs. State of Maharashtra and others (AIR 2005 SC 3236)	State can't impose its reservation policy on minority and non-minority unaided private colleges, including professional colleges.	Hon'ble Supreme Court
21.	St. Stephen's college vs. University of Delhi and others. (WP(C)5226/2008 Decided on 21-8-2008 by Delhi H.C. - Decision of H.C. Confirmed by S.C. on 13-10-2008	The right of Minority educational institutions to appoint the head of the institutions can not be taken away by any rule or regulation or by any enactment made by the state even if the institution is receiving 100% aid. A law which interferes with the minority choice of Principal would be violative of Article 30(1). Minority institutions are entitled to appoint a person, who according to it, is	Hon'ble Delhi H.C. (Decision of H.C. Confirmed by Hon'ble Supreme

		the most suited for the head of the institution.	Court on 13-10- 2008)
22.	Cochin University of science and Technology and Another vs. Thomas p. Joan and others (2008)8SCC82	Minority educational institution must be left to its own devices in the matter of fixation of fees. Profiteering or capitation fee is not permissible but some amount of surplus funds is permissible. If the institution follows broad principles, it is not required to explain minutely the details of its receipt and expenses.	Hon'ble Supreme Court
23.	Modern Dental College and research centre and others vs. state of Madhya Pradesh and others (2009)7SCC751	Private unaided minority institution have right to devise rational manner of selecting and admitting students. However certain degree of state control is required since State has duty to see that high standards of education are maintained in all professional institutions.	Hon'ble Supreme Court
24.	Sindhi Education Society and another vs. Chief Secretary , Government of NCT of Delhi and others(2010) 8SCC49	Reservation for SC/ ST in minority schools as a precondition for government aid is impermissible. Minority schools have a right to appoint persons compatible with their institution and culture so that their right to conserve their socio- economic cultural character is not violated.	Hon'ble Supreme Court
25.	Kolawana Gram Vikas Kendra vs. State of Gujarat(2010)1 SCC 133	Certain extent of government control is permissible in case of minority educational institution receiving 100% government grant. The government can verify whether there was vacancy as per work load and whether the candidate possessed minimum prescribed qualification.	Hon'ble Supreme Court
26.	Mrs. Satimbla Sharma & Others vs. St. Paul's Senior Secondary School and others AIR2011SC2926, (2011)13SCC760	Teachers of private unaided minority schools had no right to claim salary equal to that of their counter parts working in Government schools and Government aided schools. Teachers of private unaided minority schools are paid out of fees and	Hon'ble Supreme Court

		other resources of private schools. Moreover, unaided private minority schools over which Government has no administrative control because of their autonomy under Article 30(1) are not State within the meaning of Article 12 read with Article 36. Hence, right to equality under Article 14 could not be claimed against unaided private minority schools — Obligation to ensure equal pay for equal work in Article 39(d) is on State — Private unaided minority school is not under any duty to ensure equal pay for equal work.	
27.	The Forum of Minority Institutions and Associations vs. The State of Tamil Nadu (2011)2MLJ641	Minority Educational Institutions' right to administer includes right to appoint teachers of their choice among NET/SLET qualified candidates. UGC regulation 2000 interfering with right of administration would not be applicable to minority institutions, being violative of Article 30(1) of the Constitution.	Hon'ble HC of Chennai
28.	P.A. Inamdar & Other vs. UGC & others (Date of Order 13/06/2012).	Clause 5.1.4 and 5.1.5 of UGC Regulation 2010 is not applicable to Minority Educational Institutions in the Appointment of Teaching Staff.	NCMEI Case No. 331 of 2012
29.	Society for Un-aided Private Schools of Rajasthan vs. Union of India and another (2012) 6SCC 1	Right of Children to Free and Compulsory Education Act, 2009 is not applicable to unaided minority schools. The said 2009 Act and in particular Sections 12(1)(c) and 18(3) infringes the fundamental freedom guaranteed to unaided minority schools under Article 30(1) and, consequently, the said 2009 Act shall not apply to such schools.	Hon'ble Supreme Court
30.	Dayanand Anglo Vedic (DAV) College Trust and	Language is the basis for establishment of different states, a "linguistic minority "has to be	Hon'ble Supreme

	Management Society v. State of Maharashtra (AIR 2013,SC 1420)	determined in relation to the State in which the educational institution is sought to be established. The position with regard to the religious minorities is the similar as both are at par in Article 30. Article 30 cannot be interpreted in such a way as the persons who established the institution in the State for the benefit of the persons who are in minority, any person, be it non-minority in other place, can administer and run such institution.	Court
31.	Pramati Educational and Cultural Trust v. Union of India (AIR 2014SC 2114)	The Right of Children to Free and Compulsory Education Act, 2009 is not ultra vires to Article 19(1)(g) but so far as it applies to minority schools aided or unaided, covered under clause(1) of Article 30 of the Constitution, is ultra-vires the Constitution.	Hon'ble Supreme Court
32.	Chandanda Das v. State of W.B. (2015) 12 SCC 140	Though grant in aid is not included in constitutional guarantee to linguistic and religious minorities to establish and run their educational institutions, but such right cannot be denied only because institutions are established by linguistic or religious minorities. Grant of aid cannot be made sub-servient to conditions which deprives institutions of their substantive right of administering such institutions. Minority institution is entitle to protection of Article 26 & 30, Right to appoint teachers of its choice who satisfy eligibility conditions is implicit in their Right to administer such institutions and such right cannot be diluted by state or its functionaries.	Hon'ble Supreme Court
33.	Modern Dental College & Research Centre v. State of M.P. (2016) 4 SCC 346	Private unaided minority & Non-Minority institutions have Right to Occupation under Article 19(1), said Right is not absolute and is	Hon'ble Supreme Court

		subject to reasonable restrictions thus in larger public interest of student community, to promote merit, to achieve excellence and curb malpractices, admission by holding of state-held common entrance test and fee structure can certainly be regulated by such institutions.	
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ANNEXURE “B”

Details showing the Names and Mobile Numbers of the concerned person.

1. Dr. P. A. Inamdar (President, M.C.E. Society)  
Mobile No: 9822022171
2. Mrs. Abeda P. Inamdar (Vice-President, M.C.E. Society)  
Mobile No. : 9822022164