

Article 30(1) of the Constitution of India is a Fundamental Right. It provides that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

LIST OF CASES DECIDED BY THE SUPREME COURT OF INDIA ON RIGHTS OF MINORITY EDUCATIONAL INSTITUTIONS

SL.No	NAME OF THE CASE	DECISION IN BRIEF
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.
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. .
3	Sidhrajibhai v. State of Gujarat (AIR 1963 SC 540)	The Government orders '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.
4	S.Azeez Basha v. Union of India (AIR 1968 SC 662)	A Minority Institution/ University established by central law/statute of the Parliament cannot be considered as institute established by Minority community and therefore not entitled to claim benefits of Article 30.
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.
6	D. A. V. College v. State Of Punjab (AIR 1971 SC 1731)	i) 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. ii) A University can prescribe qualification for the academic staff but actual selection of teachers must remain in the hands of minority educational institution.,
7	St.Xaviers college v. State of Gujarat , (AIR 1974 SC 13890)	The Constitution of Selection Committee for appointment of academic staff of a Minority college must remain in the hands of the 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.
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.
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.
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 institutions for maintaining educational standards and excellence are not violative of Article 30(1).
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.
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.
14	State of Bihar v. Syed Asad Raza (AIR 1997 SC 2425)	State shall not in granting aid to educational institution, discriminate against any educational institution on the ground it is under the management of minority.
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.
16	Manager, St. Thomas U.P. School, Kerala v. Commr. and Secy. to G. Ed. Dept.,(AIR	Even a single philanthropic individual from the concerned minority community can establish a minority institution with his own means.

	2002(2)1226)	
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.
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
19	Brahmo Samaj Education Society v. State of West Bengal 2004(6) SCC	Appointment of Staff is the exclusive right of minority educational institutions.
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.
21	St. Stephen's college vs. University of Delhi and others. (WP(C)5226/2008 Decided on 21-8-2008 by Delhi H.C. -	The right of Minority educational institutions to appoint the head of the institutions cannot 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
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.
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.

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.
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.
26.	Satimbla Sharma vs. St. Pauls Senior Secondary School (2011) 13 SCC 760	Unaided private minority school over which the government has no administrative control because of their autonomy under Article 30(1) of the Constitution are not “State” within the meaning of Article 12 of the Constitution. Hence they are not subject to public law obligation of State under Article 14 and Article 39(d).
27.	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.

Website to be referred for future information -

- 1) www.indiakanon.com**
- 2) www.judis.nic.in**
- 3) www.supremecourtfindia.nic.in**