



P A Inamdar v. State of Maharashtra

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P A Inamdar v. State of Maharashtra

Citation: AIR 2005 SC 3226

Decided on: August 12, 2005

Presiding Judge (s): CJI Lahoti , Justice G.P. Mathur, Justice Tarun Chatterjee, Justice Balasubramanyan, Y.K. Sabharwal , D.M. Dharmadhikari and Justice Arun Kumar

Court : Supreme Court of India

Facts of the case: Inamdar , After the landmark judgment on Pai Foundation case regarding the right of minorities to set up educational institutions, several more questions were filed in Supreme Court on the subject. The constitutional issues in the cases such as *Islamic Academy of education, In Re. Kerala Education Bill* and such had to be discussed and reviewed.

Issue: The Supreme Court once again considered the status of minority educational institutions as per Article 30. Several issues such as the fundamental right to set up institutions , regulations to be imposed on these institutions were considered by the court. The Court was also requested to review previous judgments (T. M. Pai , Unnikrishnan) on this subject.

Judgment: To better understand and comprehend the question of law, the court adjudged the matter and laid down general outlines to be followed by the Central government. The objective behind the judgment was to bring more clarity to the previous judgments *T.M.A. Pai Foundation & Ors. vs. State of Karnataka & Ors* and *Islamic Academy of Education vs. State of Karnataka & Ors*. The Supreme Court in its judgment dealt with



the issues on reservation, admission, fees and regulations imposed by the state. Certain important aspects laid down by the court are :

1. On the subject of reservation , it was stated 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. It was observed that the State cannot insist on private educational institutions which receive no aid from the State to implement State's policy on reservation for granting admission on lesser percentage of marks, i.e. on any criterion except merit.
2. The judgment mentioned that the minority institutions are free to admit students of their choice. They enjoy absolute freedom to the level of undergraduate education and thereafter certain considerations will have to be taken into account for the technical and professional education imparted. Moreover, the State or the concerned university shall not interfere in the internal policy of minority institute.
3. On the matter of fee structure, it was noted that every institution is free to devise its own fee structure subject to the certain limitation. Due to the evil practices followed in many institutions, the government shall be permitted to regulate admission and fee to ensure a just practice is followed.
4. Minority institutions shall also have the right to reserve a certain amount of seats for their candidates as per the opinion of the Court.

Apart from the points put forth, the law laid down in the case of Pai foundation was also reiterated by the Court. The bench also stated that the law laid down in the case of Islamic Academy of Education case shall not overshadow or go against the rulings made in the Pai Foundation case. This case like the one before it gives a wider view of the rights under Article 30 of the Constitution.



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