

Topic: Protection of The Interest Of Minorities Under Article 29

Name of the Case: State of Bombay v. Bombay education Society, AIR 1954 SC 561

Bench: Chief Justice Mehr Chand Mahajan, Justice S.R. Das, Justice Ghulam Hassan, Justice Natwarlal H. Bhagwati, Justice B. Junannandhadas

Fact of the case: An order issued by the Bombay government banning admission of those whose language was not English to school using English as a medium of instruction. The order was challenged before Supreme Court of India. The government argued that the order did not debar citizens from admission into English medium school only on the ground of religion, race, caste, language, but on the ground that such denial would promote the advancement of national language.

Ratio: The Supreme Court while rejecting the argument of government of Bombay pointed out that the argument overlooked the distinction between the object underlying the impugned order and the mode and manner adopted therein to achieve the object. The object underlying the order was laudable but even then its validity has to be judged by the method of its operation and its effect on the Fundamental Right guaranteed by Article 29 (2). The immediate ground for denying admission in English school to pupils whose mother tongue was not English was only language and so the order could not be upheld. Thus, discrimination in matter of admission on the basis of language was invalidated by Supreme Court under Article 29 (2).
