

# SC ruling on admissions in minority institutions

**From Our Legal Correspondent**

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The Supreme Court today ruled that minority-aided educational institutions were entitled to prefer their community candidates but in no case such intake shall exceed 50 per cent of the annual admission.

The court also said the State may regulate the intake in this category with due regard to the need of the community in the area which the institution is intended to serve.

Mr. Justice K. Jagannatha Shetty, who delivered the judgment of the Bench, ruled that the minority institutions should make available at least 50 per cent of the annual admission to members of other communities. The admission of other community candidates shall be done purely on the basis of merit.

The Bench which included Mr. Justice M. H. Kania, Ms. Justice Fateema Beevi and Mr. Justice Yogeshwar Dayal allowed a writ petition filed by St. Stephen's College, Delhi claiming its right under Article 30(1) of the Constitution as a minority institution to give preference to Christian students in the matter of admission to various undergraduate courses in the faculties of arts, social sciences, mathematics and science.

Mr. Justice N. M. Kasliwal delivered a separate judgment.

**Appeals allowed:** The Bench also allowed appeals filed by the Allahabad Agriculture Institute,

Naini (U.P.) claiming its right to give preference to Christian students in the matter of admission to various courses run by it.

The Bench main judgment also held that St. Stephen's College — a minority institution — was not bound by the circulars issued by the Delhi University regarding admission of students in various undergraduate courses on the only basis of marks obtained by them in the qualifying examinations concerned.

The main judgment, while upholding the 'admission programme' of St. Stephen's College — on the basis of qualifying marks and 'interview' of the candidates concerned as assessed by a competent selection committee, said that it (the court) did not see any arbitrariness or any vice or lack of scientific basis in the interview or in the selection.

The majority judgment said the right of minorities to administer under Article 30 (1) of the Constitution "does not include the right to maladminister." Though the state has the right and duty to regulate all academic matters — which will serve the interests of students and teachers and to preserve the uniformity in standards of education among the affiliated institutions, such regulations, however, should not take away the "birthright of minorities to manage their educational institutions" and also should not have the effect of depriving the minorities of the right to educate their children in their own institutions.