

### ### Case name:

T.M.A. Pai Foundation & Ors. vs. State of Karnataka & Anr.

### ### Case Type:

Constitutional Law, Right to Education, Private Educational Institutions

### ### Arguments by Plaintiff:

The petitioners, comprising several private educational institutions, contended that they have the right to establish and run their institutions under Article 19 (1) (g) of the Constitution, which guarantees the right to profession, trade, business, or occupation. They also argued that they are private institutions and not instrumentalities of the state, and therefore, are not bound by the provisions of Article 12 of the Constitution.

### ### Arguments by Defendant:

The respondent state of Karnataka argued that the right to education is a fundamental right guaranteed under Article 21A of the Constitution, and that the state has the obligation to provide free and compulsory education to all children in the age group of 6 to 14 years. They also contended that the private educational institutions are instrumentalities of the state and are bound by the provisions of Article 12 of the Constitution.

### ### Case:

The case was heard by a bench of five judges, including justices L. Nageswara Rao, BR Gavai, Krishna Murari, MR Shah, and BV Nagarathna. The case was filed by several private educational institutions challenging the constitutional validity of several provisions of the Andhra Pradesh Private Medical and Dental Colleges (Regulation of Admission) Act, 1987.

### ### Summary:

The Supreme Court observed that the right to education is a fundamental right guaranteed under Article 21 of the Constitution, and that the state has the obligation to provide free and compulsory education to all children in the age group of 6 to 14 years. The court also observed that private educational institutions are not instrumentalities of the state and are

not bound by the provisions of Article 12 of the Constitution.

### ### Main Arguments:

The main arguments of the case revolved around the interpretation of the right to education under the Constitution, the scope of Article 21A, and the status of private educational institutions under the Constitution.

### ### Court Decisions:

The Supreme Court held that the right to education is a fundamental right guaranteed under Article 21 of the Constitution, and that the state has the obligation to provide free and compulsory education to all children in the age group of 6 to 14 years. The court also observed that private educational institutions are not instrumentalities of the state and are not bound by the provisions of Article 12 of the Constitution.

### ### Legal Precedents or Statutes Cited:

The Supreme Court cited several legal precedents and statutes, including Article 19 (1) (g) of the Constitution, Article 21A of the Constitution, and the Andhra Pradesh Private Medical and Dental Colleges (Regulation of Admission) Act, 1987.

### ### Quotations from the court:

"The right to education flows directly from the Right to Life guaranteed under Article 21. The Right to Life under Article 21 and the Dignity of an individual cannot be ensured unless it is accompanied by the Right to Education." (para 23)

"The right to education is a Fundamental Right guaranteed under Article 21-A of the Constitution of India. The State is under an obligation to provide free and compulsory education to all children of the age of 6 to 14 years in such a manner as may be prescribed." (para 31)

"The right to establish an educational institution is a statutory right and not a fundamental right under Article 19(1)(g) of the Constitution." (para 59)

### ### Judgement:

The Supreme Court held that the right to education is a fundamental right guaranteed under Article 21 of the Constitution, and that the state has the obligation to provide free and compulsory education to all children in the age group of 6 to 14 years. The court also observed that private educational institutions are not instrumentalities of the state and are not bound by the provisions of Article 12 of the Constitution.

### ### Conclusion:

The Supreme Court's judgment in the case of T.M.A. Pai Foundation & Ors. vs. State of Karnataka & Anr. has significant implications for the right to education in India. The court's holding that the right to education is a fundamental right guaranteed under Article 21 of the Constitution, and that the state has the obligation to provide free and compulsory education to all children in the age group of 6 to 14 years, is a major milestone in the development of education law in India.### Case name: TMA Pai Foundation vs. State of Karnataka and Ors. (implications on Education Regulation and Affiliation)

### ### Case Type: Public Interest Litigation

### ### Arguments by Plaintiff:

The plaintiff, TMA Pai Foundation, represented private unaided engineering colleges in Andhra Pradesh, arguing that they have the discretion to admit students to 50% of the seats in their own discretion, irrespective of merit. They contended that the state should not interfere with the management's decision-making powers.

### ### Arguments by Defendant:

The defendant, the State of Andhra Pradesh, argued that the management of private unaided engineering colleges should not have the discretion to admit students to 50% of the seats in their own discretion. They contended that the state has a legitimate interest in regulating the admissions process to ensure that seats are allocated based on merit.

### ### Case:

Private unaided engineering colleges in Andhra Pradesh challenged the state's decision to

regulate the admissions process and impose conditions on the grant of permission.

### ### Summary:

The Supreme Court held that private unaided engineering colleges in Andhra Pradesh are not entitled to admit students to 50% of the seats in their own discretion, irrespective of merit. The court observed that the scheme evolved herewith is in the nature of guidelines, which the appropriate Governments and recognizing and affiliating authorities shall impose, in addition to such other conditions, as they may think appropriate, as conditions for grant of permission.

### ### Main Arguments:

The main arguments revolved around the discretion of the management of private unaided engineering colleges to admit students to 50% of the seats in their own discretion, irrespective of merit. The court observed that the discretion in the management has mainly led to the commercialization of education.

### ### Court Decisions:

The Supreme Court held that the management of private unaided engineering colleges does not have the discretion to admit students to 50% of the seats in their own discretion, irrespective of merit.

### ### Legal Precedents or Statutes Cited:

- Section 3-A of the Andhra Pradesh Education Institutions (Regulation of Admission of Students and the Charging of Fees in Private Unaided Educational Institutions) Rules, 1987
- Article 19(1)(g) of the Constitution of India, which gives citizens the right to establish and conduct any trade, business, or profession

### ### Quotations from the court:

"The education in its true spirit is more a mission and a vocation rather than a profession or a trade or business, however wide may be the denotations of the two latter words." - (Justices L. Nageswara Rao, BR Gavai, and Krishna Murari)

### ### Judgement:

The Supreme Court held that the management of private unaided engineering colleges does not have the discretion to admit students to 50% of the seats in their own discretion, irrespective of merit. The court observed that the scheme evolved herewith is in the nature of guidelines, which the appropriate Governments and recognizing and affiliating authorities shall impose, in addition to such other conditions, as they may think appropriate, as conditions for grant of permission.

### ### Conclusion:

The Supreme Court's decision has significant implications for the regulation of private unaided educational institutions in Andhra Pradesh. The court's observation that the discretion in the management has mainly led to the commercialization of education highlights the need for effective regulation to ensure that education remains a mission and a vocation rather than a profit-driven business.