15

EDUCATION LAW

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I INTRODUCTION

EDUCATION IN India has long been recognised as both a constitutional promise and a developmental necessity. Anchored in the vision of the framers of the Constitution, the right to education has progressively evolved from a directive principle to a justiciable right under article 21A, with the enactment of the Right of Children to Free and Compulsory Education Act, 2009. The field of education law, however, is not confined to this singular right. It extends to issues of regulation, governance, federalism, minority rights, reservations, professional education, digital learning, and the overarching pursuit of equity and quality. In this sense, education law reflects the tension between the State's obligation to guarantee access and the individual's entitlement to dignity, development, and choice.

The year 2024 has been particularly significant in the landscape of Indian education law. *First,* the implementation of the National Education Policy (NEP) 2020 has continued to shape reforms in school, higher, and professional education. Questions concerning curricular flexibility, language policy, vocationalisation, and digital inclusion have been central to debates on equity and accessibility.

Second, the Supreme Court and the high courts have adjudicated on critical issues ranging from reservations in admissions, regulation of private institutions, recognition of minority educational rights, to the obligations of state governments in maintaining adequate infrastructure and teacher recruitment. The judiciary, thus,has once again emerged as a pivotal actor in balancing individual rights with systemic constraints.

Third, 2024 has witnessed continuing challenges in the governance of higher education, with disputes concerning the autonomy of universities, the role of regulatory bodies such as the University Grants Commission and the National Medical Commission, and the state's authority to legislate within the framework of cooperative federalism. These issues highlight the delicate balance between

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centralisation and decentralisation in the management of education, a sector constitutionally situated in the Concurrent List.[1]

Fourth, technological change and digitalisation have raised fresh questions of access, privacy, and accountability. The expansion of online education, catalysed by the pandemic years, now requires robust legal frameworks to address disparities in access, the quality of online pedagogy, and the regulation of ed-tech platforms. Alongside, concerns relating to the inclusivity of disabled students and the State's obligations under the Rights of Persons with Disabilities Act, 2016, continue to inform legal debates.

Finally, education law in 2024 reflects broader socio-political contestations. Debates over the content of curricula, the regulation of private schools, the scope of affirmative action, and the rights of religious and linguistic minorities illustrate how education remains central to the project of nation-building. These disputes underscore that education is not merely a policy field but a constitutional arena where equality, liberty, and fraternity are continuously negotiated.

This survey, therefore, maps key judicial decisionsin 2024 to capture the trajectory of education law in India. It highlights the evolving jurisprudence, the tensions between rights and regulation, and the challenges of realising education as both a constitutional guarantee and a democratic good.

II AFFIRMATIVE ACTION AND INCLUSIVE EDUCATION

Ambedkar, the chief architect of the Constitution, while replying to the debate during the final reading of the Constitution,[2] made an emotive and spell-binding speech in which he reflected on the reality of Indian society. He said:[3]

> On the 26th of January 1950, we are going to enter into a life of contradictions. In politics, we will have equality and in social and economic life, we will have inequality. In politics, we will be recognizing the principle of one man, one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. He was therefore very categorical that "...we must not be content with mere political democracy. We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy.

1 Entry 25, Concurrent List. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.

2 On Nov. 25, 1949.

3 CAD, Vol. XI, Sixth Reprint, P-979, Lok Sabha Secretariat, New Delhi, 2014.

The Constitution of independent India, therefore, made elaborate provisions to establish social democracy on Indian soil in order to ground the political democracy on it. From the perspective of social democracy, the most prominent among them are provisions which relate to substantive equality under article 14, for the advancement of socially and educationally backward classes (SEBC), including women under article 15 and for the reservation in appointments under article 16. These provisions are meant to bring social democracy by providing representation to socially backward classes in educational, economic and political life. The idea was that through certain measures under the equality clause, the SEBCs could neutralise caste based entrenched power structures of exclusion and sit on policy tables as equals to influence decisions concerning the shape and form of our common future.

The performance of the Supreme Court with respect to the equality clause, therefore, is the key yardstick to assess its role in promoting or, for that matter, arresting the march of social democracy. How has the Supreme Court responded to the schemes framed under articles 14, 15 and 16 for the upliftment of socially backward classes, men, women and children? Has the apex court facilitated the implementation of these schemes by interpreting relevant provisions of the constitution with the spirit of social democracy imbued in them? Amongst all the institutions of power, the constitution designated the judiciary as the guardian of fundamental rights and assigned it a significant role in upholding constitutional values. Under the constitutional scheme of things, the judiciary, through its judgments, is expected to elevate the constitutional ideals and values beyond their regime-sponsored and expedient versions. Some of the important judgments under this head in the year 2024 are as follows:

II 1 SUB-CLASSIFICATION WITHIN RESERVED CATEGORIES (SC/ST) UPHELD

In *State of Punjab* v. *Davinder Singh,*[4] a seven-judge constitution bench comprising DY Chandrachud, CJI, B.R. Gavai, Vikram Nath, Bela M. Trivedi, Pankaj Mithal, Manoj Misra, and Satish Chandra Sharma, JJ., by a majority of 6:1,addressed the issue whether Scheduled Castes (SCs) can be further sub-categorized for reservation benefits. The Punjab Government's decision to earmark 50% of SC-reserved vacancies for Balmikis and Mazhabi Sikhs was challenged, ultimately bringing the issue before a seven-judge constitution bench. This case is though related to reservation in services, but the apex court has laid the principle of sub-classification and the power of the state *vis-à-vis* sub-classification with respect to both articles 15(4) and 16(4).

In 1975, the Punjab Government split 25% SC reservation into two halves, one for Balmikis/Mazhabi Sikhs and the other for the remaining SC groups. This continued until the Supreme Court's five-judge bench ruling in *E.V. Chinnaiah* v. *State of Andhra Pradesh*,[5] which struck down the sub-classification of SCs as

4 2024 SCC OnLine SC 1860.

5 (2005) 1 SCC 394.

unconstitutional and set aside a similar law passed by the government of Andhra Pradesh treating them as a homogenous group under Article 341.[6] The Supreme Court decision in *E.V. Chinnaiah* can be divided into two key parts.

First, that state governments cannot categorise any group of people as the Scheduled Castes. As per Article 341, this power solely belongs to the President.

Second, that the Scheduled Caste category as a whole (as determined under article 341) is one "homogenous" group. This meant that any sub-classification within a homogenous group would result in persons from the same class being treated differently,thereby violating the right to equality.

Following this, the High Court Punjab and Haryana invalidated the 1975 notification in 2006. After the *Chinnaiah* ruling, the Punjab Government enacted the *Punjab Scheduled Caste and Backwards Classes (Reservation in Services) Act, 2006*. Section 4(5) of this Act revived the policy of giving "first preference" to Balmikis and Mazhabi Sikhs, reserving half of the SC quota seats for them before allotment to other SC groups. However, on 29 March 2010, the High Court of Punjab and Haryana invalidated this provision, citing the *Chinnaiah* judgment, which prompted the State to appeal before the Supreme Court. Punjab argued that *Chinnaiah* misapplied *Indra Sawhney* v. *Union of India*, which had allowed sub-classification within OBCs, and that the principle should also extend to SCs.

In 2014, the matter was referred to a constitution bench. By 2020, a five-judge bench led by Justice Arun Mishra considered whether *Chinnaiah* was consistent with constitutional provisions. It noted that preferential treatment is part of equality, sub-classification promotes adequate representation, and even within SCs, the 'creamy layer' concept,as recognized in *Jarnail Singh* v. *Lacchmi Narain Gupta* (2018), justified differentiation. The bench emphasized that Articles 341, 342, and 342A (dealing with SCs, STs, and SEBCs) are *parimateria* and must be interpreted alike. If sub-classification is valid for SEBCs, it cannot be barred for SCs and STs. However, as *Chinnaiah* was decided by a coordinate five-judge bench, only a larger bench could revisit it. Thus, the issue was referred to a seven-judge bench in 2020. The bench deliberated on two key questions:

i. Whether sub-classification can be permitted for SCs and STs, as it was upheld for SEBCs.

ii. Whether state legislatures have the competence to introduce such sub-classification?

Originally, in the *M.R. Balaji Case*,[7] sub-classification of backward classes was held to be unconstitutional, having been based solely on the caste, which was questioned in the judgment of *K.C. Vasanth Kumar* v. *State of Karnataka*.[8]

6 Art. 341 of the Indian Constitution empowers the President to specify castes, races, or tribes as Scheduled Castes (SC) for various states and union territories. This designation is made after consulting with the Governor of the concerned state.

7 1962 SCC OnLine SC 147.

8 1985 Supp SCC 714.

Then came the judgment of the *Indra Sawhney Case*, wherein three principles emerged from the view of the majority with respect to sub-classification:

(a) Sub-categorisation within a class is a constitutional requirement to secure substantive equality if there is a distinction between two sections of a class.

(b) Sub-classification must not lead to the exclusion of one of the categories in the class. A model that provides sufficient opportunities to all categories of the class must be adopted.

(c) Sub-classification within a class must be on a reasonable basis. Justice Sawant held that the distinction between the categories must be substantial. Justice Jeevan Reddy held that the sub-categorisation must be reasonable.

The court further held that, as erroneously held in the *E.V. Chinnaiah* judgment,[9]the *Indra Sawhney*[10] judgment never intended to exclude sub-classifications within the Scheduled Castes. As at two places in the judgment, the observations were limited to be operative for OBCs, not being extended to the Scheduled Castes and the Scheduled Tribes, since the question did not arise. In the context of the permissibility of sub-classification under article 16(4), it was held in the Indra Sawhney judgment that Scheduled Castes and Scheduled Tribes are admittedly included in the backward classes under article 16(4). However, the principle of sub-classification was given judicial assent affirmatively by the majority for ensuring that substantive equality is fulfilled. The very same principle will apply to the SC's if the social positions of the constituents amongst the castes/ groups are not comparable or heterogeneous.

The Supreme Court revisited the *Chinnaiah case* and clarified that sub-classification within SCs is permissible under articles 14, 15 and 16 of the Constitution of India, provided that the class is not homogenous for the law. Thus, the State, in exercise of the power under Articles 15(4) and 16(4), can further classify the Scheduled Castes if:

(a) There is a rational principle for differentiation, and (b) the rational principle has a nexus with the purpose of sub-classification.

The court emphasized that article 341 does not create a homogeneous class, and that sub-classification does not violate it unless it gives exclusive benefits to certain scheduled castes groups over all reserved seats. This decision aligns with the broader principles established in *Indra Sawhney* v. *Union of India*[11] and acknowledges the scheduled castes as a socially heterogeneous class, allowing states to further classify them under articles 15(4) and 16(4) if justified.

On the issue related creamy layer in SC/ST

In the judgment allowing sub-classification of scheduled castes, Justice B.R. Gavai expressed the need to exclude the 'creamy layer' among the scheduled

9 (2005) 1 SCC 394.

10 1992 Supp (3) SCC 217.

11 AIR 1993 SC 477.

castes from the reservation benefits meant for the SC categories. At present, the concept of 'creamy layer' applies only to the reservation for Other Backwards Classes.

Justice Gavai referred to Justice B P Jeevan Reddy's opinion in *Indra Sawhney*,[12] wherein he illustrated that if a member of a designated backward class becomes a member of IAS or IPS or any other All India Service, his status in society rises; he is no longer socially disadvantaged. His children would get a full opportunity to realise their potential, and in such a situation, his children are not to be given the benefit of reservation. By giving them the benefit of reservation, other disadvantaged members of that backward class may be deprived of that benefit. Justice Gavai observed that:

> The education facilities and the other facilities that would be available to a child of a parent of the first category would be much higher, maybe the facilities for additional coaching would also be available; the atmosphere in the house will be far superior and conducive for educational upliftment. Onthe contrary, the child of a parent of the second category would have only the bare minimum education; the facilities of coaching, etc., would be totally unavailable to him. He will be living in the company of his parents, who do not have an education and have not even been in a position to guide such a child. Putting the children of the parents from the Scheduled Castes and Scheduled Tribes who, on account of the benefit of reservation, have reached a high position and ceased to be socially, economically and educationally backwards, and the children of parents doing manual work in the villages in the same category would defeat the constitutional mandate.

Justice Gavai observed that the Constitution acknowledges the scheduled castes and the scheduled tribes as the most disadvantaged groups in society. Therefore, the criteria for excluding individuals from affirmative action in these categories cannot be identical to those applied to other classes. He emphasized that the State should develop a specific policy to identify and exclude the "creamy layer" within SCs and STs from such benefits, as this alone would ensure the realization of true equality envisioned by the Constitution.

Dissenting opinion of Justice Bela Trivedi

Justice Bela M. Trivedi, the sole dissenter in the seven-judge bench, ruled that creating sub-classifications within the SC/ST communities is impermissible, affirming that *E.V. Chinnaiah* remains good law. She noted that since the constitution bench in *E.V. Chinnaiah* had already settled the issue after examining earlier decisions, including *Indra Sawhney v. Union of India*,[13] and after significant judicial deliberation, it should not have been questioned. Referring the matter to a

12 AIR 1993 SC 477.

13 (1992) Supp (3) SCC 217.

larger bench in *State of Punjab* v. *Davinder Singh*[14] without offering adequate, let alone compelling reasons for departing from precedent, amounted to disregarding the established doctrines of precedent and *stare decisis*.

Justice Trivedi observed that the three-judge bench in *Davinder Singh* referred the matter to a larger bench without offering any, let alone sufficient, reasons for disagreeing with the Constitution Bench ruling in *E.V. Chinnaiah*. She emphasized that a judgment settled by a Constitution Bench and followed for 15 years was unsettled by a three-judge bench through a brief and perfunctory order lacking justification. Referring to *Pradip Chandra Parija* v. *Pramod Chandra Patnaik*,[15] she noted that judicial discipline requires smaller benches to adhere to decisions of larger benches. If a two-judge bench finds a three-judge bench decision fundamentally flawed, it must refer the case to a three-judge bench with clearly stated reasons, rather than bypassing precedent without explanation.

Justice Trivedi stated that:

> The doctrines of precedents and stare decisis are the core values of our legal system. Time and again, it has been emphasized that when a decision is rendered by this Court, it acquires a reliance interest, and society organizes itself based on such legal order. When substantial judicial time and resources are spent on the references by the Constitution Benches, the same should not be further referred to the larger bench by a smaller bench, in a casual or cavalier manner, and without recording the reasons for disagreement.

Citing a series of judgments on the issue, Justice Trivedi underscored that the principles of binding precedent, *stare decisis*, and judicial propriety mandate that decisions of a larger bench must be followed by a smaller bench. If a smaller bench doubts or disagrees with a larger bench ruling, it may refer the matter for reconsideration, but only after clearly stating reasons—such as where the earlier decision is demonstrably erroneous or where the circumstances underlying it have significantly changed. In the present case, according to Justice Trivedi the three-judge bench referred *E.V. Chinnaiah* to a larger bench without offering any justification and did so in a casual and cavalier manner, despite the constitution bench ruling having stood settled for fifteen years. Such a reference, she maintained, ought not to have been entertained by the subsequent five-judge bench for placing the matter before a seven-judge bench.

Justice Trivedi, examining article 341 and Constituent Assembly debates on this provision, held that the President's role is confined to notifying the castes or tribes deemed to be scheduled castes or scheduled tribes for a state or Union Territory. Once such a notification is issued under article 341(1), only Parliament has the authority to amend it by adding or removing any caste, race, or tribe. The provision was inserted to avoid burdening the Constitution with exhaustive lists, while ensuring that the finality of the Presidential List could not be altered by

14 (2020) 8 SCC 65.
15 (2002) 1 SCC 1.

subsequent executive notifications. Thus, the notified list under article 341 is conclusive, and only Parliament can make any modification.

Justice Trivedi held that states without any express empowerment lack the authority to divide, sub-classify, or regroup castes within the Scheduled Castes, or to reserve quotas for particular groups from the SC quota. While such sub-classification may not formally add to or delete any caste from the Presidential List, it effectively alters the notification under article 341(1), which Clause (2) prohibits. Since all castes listed are deemed SCs, granting preference to some within that category would deprive others of equal benefits. She concluded that such State action amounts to reverse discrimination, violates article 14, and interferes with article 341.[16]The issue of sub-classification of SCs in the context of article 341 was neither raised nor argued in Indra Sawhney and *Jarnail Singh*, and thus it would be a fallacy to hold that the law laid down in *E.V. Chinnaiah* did not align with *Indra Sawhney* and *Jarnail Singh*.

II.2 Quantified disabilities*per se* will not disentitle a candidate with a benchmark disability from being considered for admission to educational institutions

Omkar Ramchandra Gond v. *Union of India*[17] is an important case that significantly shaped the discourse on inclusive education and the rights of persons with disabilities in India. Omkar Ramchand Gond, who had a speech and language disability assessed at 44–45% by the Disability Certification Centre, cleared NEET (UG) 2024[18] and sought admission under the PwD and OBC categories. However, under the National Medical Commission (NMC) norms,[19] he was declared ineligible to pursue medical education.

Aggrieved Omkar approached the High Court of Bombay, arguing that the Medical Council of India/NMC lacked the authority to prescribe eligibility norms that nullify the benefits guaranteed under the RPwD Act.[20] He also challenged the disability certificate, which disqualified him solely on the ground of disability exceeding 40%, without further assessment. He sought interim relief to be allowed to participate in the centralized admission process for MBBS without being

16 (2018) 10 SCC 396.

17 [2024] 10 S.C.R. 673.

18 NEET is National Eligibility cum Entrance Test, a single-level national exam conducted for medical aspirants enabling them to seek admissions to medical courses across different medical institutes of the country.

19 According to the NMC guidelines the students having 40% permanent disability were prohibited from pursuing the MBBS course. And according to Appendix H-1 of the Graduate Medical Regulations, 1997 amendment 2019, the candidates with less than 40% of benchmark disability could pursue MBBS courses but were ineligible for the 5% PwD Reservation which was provided under section 32 of the RPwD Act, 2016. While candidates with more than 40% were not eligible for the course at all.

20 The Rights of Persons with Disabilities Act , 2016 was passed by the Indian Parliament to give effect to the United Nations Convention on the Rights of Persons with Disabilities. It replaced Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

constrained by the certificate issued by Sir J.J. Group of Hospitals, Mumbai. However, the high court denied his plea.

As the counselling process neared, Omkar appealed to the Supreme Court, seeking urgent relief. The apex court directed that a seat be reserved for him and constituted a special Medical Board to assess whether his disability genuinely hindered his ability to pursue medical education. The court framed the following key issues:

i. Whether the Medical Council of India/NMC could prescribe eligibility conditions in a manner that effectively negates the benefits of the RPwD Act?

ii. Whether the disability certificate disqualifying him from pursuing MBBS solely because his disability exceeded 40% valid?

iii. Whether a quantified disability of 44–45% alone should disqualify him from admission under the PwD quota for MBBS?

The apex court stated that Article 41 of the Constitution[21] imposes a duty on the state to guarantee the right to education for all individuals, including those with disabilities. The court also observed that there are certain sections of the Rights of Persons with Disability Act, 2016, *viz.*, section 2(m),[22] section 2(r),[23] section 2(y),[24] section 3[25] and section 32,[26] enacted to give effect to the right of persons with disability, impose several obligations upon the state to empower such persons by ensuring equality, accessibility, and protecting them from discrimination. The court also determined that treating all candidates having benchmark disability above 40% as ineligible without considering the Medical Board's opinion of whether they can or cannot take the course would treat unequal's equally, and this would be a violation of the right to equality under article 14 of the Constitution.

21 Art. 41: The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

22 Sec.2 (m) defines inclusive education as a system in which normal and disabled students' study together and a teaching system/method is adopted which suits each student.

23 Sec.2 (r): Person with benchmark disability is someone who has at least 40% of a disability that has not been measurable, and includes someone who has a disability that has been measurable, as certified by the authority.

24 Sec.2 (y) Reasonable accommodations are necessary and appropriate modifications and adjustments that ensure that people with disabilities have equal access to their rights with others without imposing disproportionate or undue burdens in a particular case.

25 Section 3: Equality and non-discrimination – The appropriate government shall ensure that people with disabilities have right to equality, live with dignity, and be respected for their integrity, just like everyone else. Discrimination based on disabilities is prohibited unless it is demonstrated that the act or omission is proportionate to achieving a legitimate aim.

26 Section 32: The Government higher education institutions and other higher education institutions that receive government aid must reserve a minimum of 5% of seats for individuals with benchmark disabilities.

In fact, the "One Size Fits All" theory in deciding eligibility of persons with disability to avail the benefit of reserved seats was questioned first in *Ravinder Kumar Dhariwal* v. *Union of India,*[27] wherein this Court had observed:

> Since disability is a social construct dependent on the interplay between mental impairment with barriers such as social, economic and historical among other factors, the one-size-fits-all approach can never be used to identify the disability of a person. Disability is not universal but is an individualistic conception based on the impairment that a person has, along with the barriers that they face. Since the barriers that every person faces are personal to their surroundings — interpersonal and structural, general observations on "how a person ought to have behaved" cannot be made.

The Supreme Court, relying on previous rulings, *viz. Sunanda Bhandare Foundation* v. *Union of India*,[28] *Ravinder Kumar Dhariwal* v. *Union of India*[29] *Lieutenant Colonel Nitisha* v. *Union of India*[30] *Jeeja Ghosh* v. *Union of India*[31] and *Avni Prakash* v. *National Testing Agency, (NTA)*[32] and considering the favourable report from medical board granted admission to the appellant for the MBBS course and issued following directions:

(i) The mere percentage of a benchmark disability cannot, by itself, disqualify a candidate from admission to educational institutions. Eligibility will depend on the opinion of the Disability Assessment Board, which must determine whether the candidate can pursue the chosen course despite the quantified disability. Until the NMC revises its regulations, the notification dated 13.05.2019 and Appendix H-1 must be read in line with this judgment.

(ii) Disability Assessment Boards must clearly state whether a candidate's disability does or does not hinder their ability to pursue the course. If the Board finds a candidate ineligible, it must provide specific reasons.

(iii) Until the NMC issues new regulations pursuant to the Ministry of Social Justice and Empowerment's communication dated 25.01.2024, Disability Assessment Boards must take into account the guiding principles laid down in that communication while forming their opinions.

(iv) Until an appellate body is set up, any adverse decision of the Disability Assessment Board may be challenged and will be subject to judicial review. In such cases, the Court should refer the candidate to a premier medical institution with the necessary expertise for an independent assessment, and relief should be granted or denied based on that institution's opinion.

27 (2023) 2 SCC 209.
28 (2014) 14 SCC 383.
29 (2023) 2 SCC 209.
30 (2021) 15 SCC 125.
31 (2016) 7 SCC 761.
32 (2023) 2 SCC 286.

This landmark decision emphasizes a nuanced, case-by-case assessment of disabilities in educational settings, reinforcing the principles of inclusion and equal opportunity for persons with disabilities.

II.3 Differently abled studentsare entitled to free of cost hostel accommodation as a right within the JNU campus

High Court of Delhi *in Sanjeev Kumar Mishra* v. *Jawaharlal Nehru University*[33] a petition filed by a 100% visually disabled student, pursuing his M.A. in Sociology at the Jawaharlal Nehru University (JNU), challenging non-allotment of hostel in campus held that the petitioner, as a differently abled individual, was entitled to free of cost hostel accommodation within the university campus.

The court contended that institutional policies must align with the mandate of the RPWD Act to ensure equal access to educational opportunities for all individuals. The court remarked that:

> The provisions of the RPWD Act would have overarching priority over all provisions of the JNU Hostel Manual. Enforcement of the provisions of the Hostel Manual can only, therefore, be said to be lawful if it is in sync with the mandate of the RPWD Act. The JNU must be acutely conscious of its obligations under the RPWD Act, and the law that has developed in that regard, while implementing the provisions of its Hostel Manual — or, for that matter, while taking any other executive or administrative decision.

The court remarked

> Law always leans towards reasonableness. If, for example, the JNU were to be flooded with differently abled students, and the influx was such that it was unreasonable to expect the JNU to accommodate everyone, no law, including the RPWD Act, would obligate the JNU to do so. But, for that, the JNU would have to place empirical data on the table to make out a case of the impossibility — or even impracticability — of compliance with the mandate of the RPWD Act. No empirical data whatsoever has been provided by the JNU to indicate that it would be unreasonable to expect the JNU to provide hostel accommodation to the petitioner. Sans any such data, the plea cannot sustain.
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> The court directed Jawaharlal Nehru University to provide all necessary facilities to the petitioner, including hostel accommodation and any other entitlements afforded to differently abled students, until the completion of the petitioner's master's degree course in Sociology.

II.4 Five per cent reservation under the Rights of Persons with Disabilities Act, 2016, applies to self-financing institutions

33 2024 SCC OnLine Del 1362, decided on Feb 2,2025.

The Division Bench of High Court of Delhi in a contempt proceeding in *Sarthak Jha* v. *Govt of NCT of Delhi.*[34] Directed the University as well as the state government to ensure that in all educational institutions, the statutory provisions governing the field under the Rights of Persons with Disabilities Act, 2016 (RPWD Act) are followed, and 5% reservation is provided to especially abled persons. The court rejected the GGSIPU's[35] argument that the RPWD Act which provides 5% reservation, does not apply to self-financing institutions like Vivekanand Institute of Professional Studies. The court quashed the GGSIPU's communications denying the petitioner's admission under the PWD category, and held his admission to be regular. It further directed that the respondent shall make all possible endeavour for filling up the seats meant for especially abled persons by providing reservation to all categories of especially abled persons."

II.5 Proof or mode of production of required documents is directory, not mandatory, as long as the candidate possesses the necessary qualifications

The High Court of Judicature at Bombay in *Shahid Akeel Shaikh* v. *Union of India*[36] held that the petitioner, who suffered from a 40% locomotor disability, should not be denied admission to the MBBS course at the Government Medical College, Kudal, Sindhudurg, under the PwD-OBC (PH) quota, despite his inadvertent error of not selecting the PwD category in his NEET application. The bench of Justice M.S. Sonak and Justice Kamal Khata relied on the principle that proof or mode of production of required documents is directory, not mandatory, as long as the candidate possesses the necessary qualifications. The error was found to be bona fide and unintentional, without the petitioner deriving any undue advantage. The court directed the authorities to confirm the petitioner's provisional admission under the PwD-OBC (PH) quota, which had already been granted by the State Common Entrance Test Cell.

II.6 No justification in restricting reasonable accommodation only to those suffering from disabilities

In another progressive ruling, the Madurai bench of High Court of Madras in *Monisha* v. *The National Testing Agency.*[37] Allowed a writ petition filed by a student who sought permission to appear in the NEET (UG) Exam 2024 by wearing a diaper. The said student was undergoing treatment for LETM/NMO/Spectrum Disorder/Neurogenic Bladderon OPD basis. Her doctor certified that she had a lack of urine control and that she needs to wear a diaper continuously, which also has to be frequently changed. She therefore requested the authorities to permit her to appear in the examination while wearing a diaper, with permission to change it once or twice as required by her medical condition. However, as her representation

34 W.P. (C) 12027/2023, CM Appl. 47177/2023 and CM Appl. 25829/2024. DoJ May 24, 2024.

35 Guru Gobind Singh Indraprastha University (GGSIPU).

36 W. P. No. 11807 of 2024. DoJ 20.09. 2024.

37 2024 SCC OnLine Mad 956. WP (MD) No. 9920 of 2024. DoJ Apr. 26, 2024.

remained unanswered, she was compelled to file the writ petition before the Madurai Bench.[38] A Single Bench of Justice G.R. Swaminathan held that:

> There is no justification in restricting the principle of reasonable accommodation only to those suffering from disabilities recognised by the RPwD Act, 2016. All persons having disability have special needs. That does not mean the disabled, as defined in the statute alone, have special needs. Beneficial principles and doctrines have to be expansively construed and applied.

II.7 No deserving student from a marginalized community should be abandoned: Supreme Court orders admission of a Scheduled Caste student to IIT Dhanbad

A Bench comprising CJI D.Y. Chandrachud, Justice J.B. Pardiwala, and Justice Manoj Misra, exercising its powers under Article 142 of the Constitution,[39] in *Atul Kumar* v. *The Chairman (Joint Seat Allocation Authority)*,[40] directed the admission of a Scheduled Caste student to IIT Dhanbad, emphasizing that a deserving candidate from a marginalized background who had fulfilled all requirements for admission must not be left stranded.

The petitioner, a meritorious scheduled caste student, had appeared for JEE (Advanced) 2024, securing an All-India schedule caste rank of 1455 and was allotted a seat in Electrical Engineering at IIT Dhanbad. He disclosed that his father was a daily wage labourer and the family lived below the poverty line. The deadline for online reporting, including fee payment and document submission, was 5 p.m. on June, 24 2024. His parents arranged the money, but his payment failed to process as the portal closed at the deadline despite his diligent efforts.

The bench ordered the creation of a supernumerary seat for the petitioner, who was unable to process his online fee payment before the portal closed, despite making six earnest attempts to log in and successfully upload his documents. The bench observed:

> The petitioner logged in on 24 June 2024 between 15.12 hours and 16.57 hours, on as many as six occasions. This evidently indicates that he was making earnest efforts to log into the portal. There is no conceivable reason why the petitioner would not have done so if he

38 The petitioner, a 19-year-old aspiring to appear in NEET (UG) 2024, sought a special accommodation due to her medical condition. At the age of four, she had suffered severe burn injuries from a hot oil accident, and was undergoing treatment for LETM/NMO Spectrum Disorder and Neurogenic Bladder. Her doctor certified that she lacked bladder control and required the continuous use of diapers, which needed to be changed frequently. She therefore requested permission to sit for the exam wearing a diaper and to be allowed one or two changes as required. With no response from the authorities to her representation, she approached the court by way of a writ petition.

39 Art. 142 of the Indian Constitution grants the Supreme Court extraordinary discretionary powers to pass any decree or order necessary to ensure "complete justice" in any matter pending before it.

40 [2024] 10 S.C.R. 150.

> had the wherewithal to pay the fees of Rs 17,500. A talented student like the petitioner who belongs to a marginalized group of citizens and has done everything to secure admission should not be left in the lurch.

II.8 Maharashtra government and medical college directed to pay 1 Lakh compensation to the student for wrongful cancellation of MBBS admission

In the landmark case *Vansh S/o Prakash Dolas* v. *Ministry of Education and Ministry of Health and Family Welfare*,[41] the Supreme Court examined crucial questions relating to admissions in state medical colleges. The appellant, Vansh Dolas from Maharashtra, contested the cancellation of his MBBS admission under the State quota. His admission was revoked by the concerned college (respondent no. 6) without notice or hearing, despite his eligibility as an OBC (Non-Creamy Layer) candidate and being the son of a BSF Head Constable.

The dispute centred on the interpretation of Clause 4.8 of the NEET UG-2023 Information Brochure, which provides an exception for children of Central Government employees posted outside Maharashtra. Vansh argued before the High Court that his admission cancellation was arbitrary and illegal, as he was entitled to this exception. However, the High Court dismissed his plea, holding that since he had not chosen the "Children of Defence Personnel (DEF)" category while filling his application, he could not raise such a claim later due to the bar under Clause 9.4.4 of the Brochure. Dissatisfied, he approached the Supreme Court.The Apex Court ruled that until necessary amendments are made in the admission rules following category of candidates will remain eligible for admission under the Maharashtra State quota:

i. Candidates domiciled in Maharashtra who pass SSC/HSC from recognized institutions;
ii. Whose parents are domiciledin Maharashtra and employed in the Central Government, defence, or paramilitary forces (CRPF, BSF, etc.);
iii. And are posted outside Maharashtra on the date of document verification.

Accordingly, the Court directed that Vansh be granted admission in the OBC category (domicile of Maharashtra, child of Central Government employee) for the MBBS course commencing in 2024. An additional seat was to be created for him to ensure that the State quota for other NEET UG-2024 candidates remained unaffected. The bench further directed:

> "We also direct respondent No.6-College and respondent No.5- State of Maharashtra to pay compensation to the tune of Rs1 lakh(Rs. 50,000/- each) to the appellant for the deprivation of one year and harassment on the account of illegal and arbitrary cancellation of his admission."

41 [2024] 3 S.C.R. 705.

III. RIGHT TO EDUCATION

The Right to Education in India has evolved from a Directive Principle under Article 45[42] to a fundamental right under Article 21A[43] through the 86th Constitutional Amendment, 2002. This transformation was significantly shaped by judicial intervention. In *Mohini Jain* v. *State of Karnataka,*[44] the Supreme Court first recognised education as a fundamental right implicit in Article 21[45], and in *Unnikrishnan* v. *State of Andhra Pradesh,*[46] it affirmed the State's obligation to provide free education up to the age of 14. These rulings laid the groundwork for constitutional amendment and the enactment of the Right of Children to Free and Compulsory Education Act, 2009. Subsequently, the Court in cases like *Society for Unaided Private Schools* v. *Union of India,*[47] upheld the Act's validity, reinforcing education as central to human dignity and democracy. Thus, constitutional courts have been instrumental in expanding and concretizing the right to education in India.Some of the important judgments rendered by constitutional courts in the year 2024 are as follows:

III.1 SC endorsed Bombay HC Ruling nullifying 25% quota relief to private schools when Govt schools are nearby

Association of Indian Schools v. *State of Maharashtra & Ors.*[48] was a special leave petition to challenge the judgement passed by the Bombay High Court which struck down the Maharashtra government's amendment notification exempting private unaided schools from providing the 25% quota in Class I or Pre-school for children of disadvantaged sections, if there is a government-run or aided school within 1 km radius of that private school.

The Right of Children to Free and Compulsory Education Act, 2009, mandates every school to reserve 25% of its seats for children from disadvantaged and weaker sections of society. Students admitted under this quota are given concessions on their school fees, for which the state government reimburses private schools. Section 12(1)(c) places this obligation upon private unaided schools, too.

The Supreme Court noted that the Bombay High Court order was a well-reasoned order that did not need to be interfered with and that, in addition to a right to education, students need to have the choice of good education. Reserving 25% quota in private unaided schools ensures that students from disadvantaged groups get the same opportunities and can be assimilated into the mainstream.

42 The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

43 The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

44 AIR 1992 SC 1858.

45 Article 21: Protection of Life and Personal Liberty. No person shall be deprived of his life or personal liberty except according to procedure established by law.

46 AIR 1993 SC 217.

47 (2012) 6 SCC 1.

48 Special Leave to Appeal (C) No.17770/2024. DoJ 09.08. 2024.

The SLP was dismissed, and the judgment of the Bombay High Court was made final.

III.2 Schools are required under the RTE Act 2009 to reserve at least 25% of seats in their entry-level class for students from EWS/DG/CWSN categories

The petitioner, a Scheduled Caste student, falls within the category of a "child belonging to the disadvantaged group" under Section 2(d)[49] of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act). Under Section 12(1)(c), the respondent school is required to reserve at least 25% of seats in its entry-level class—here, KG/Pre-Primary—for students from EWS/DG/CWSN categories. The petitioner applied through the Directorate of Education (DoE) for admission in 2023–24, and after the computerized draw of lots on 14 March 2023, was allotted a seat in the respondent school. However, the school refused admission, prompting the petitioner to file this writ petition. Relying on earlier rulings in *Jai* v. *Directorate of Education*, *Arpit* v. *Adriel High School*, and *Deepak Raj v. Principal Apeejay School*, the Delhi High Court in *Yash Through his Father Sushil* v. *Directorate of Education and Another* held that the petitioner's admission as a DG category student must be regularized. Accordingly, the provisional admission granted earlier was confirmed as permanent, and the respondent school was directed to continue providing education and all entitlements under the RTE Act.

III.3 Access to free textbooks, writing materials, and uniforms is not only a statutory entitlement under the RTE Act and Rules but also an integral part of the fundamental right to education under Article 21A of the Constitution

In a Public Interest Litigation (PIL) entitled *Social Jurist, A Civil Rights Group*v.*Government of NCT of Delhi and Others*[50] it was alleged that 2,69,488 students in Directorate of Education schools under GNCTD[51] and 3,83,203 students in MCD-run schools were being denied statutory entitlements such as uniforms, textbooks, stationery, school bags, and scholarships guaranteed under the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), the Delhi School Education Act, 1973, and the Delhi RTE Rules, 2011. The petitioners argued that the failure of GNCTD and MCD to provide these benefits in time is arbitrary, unethical, and violates the fundamental right to education under Article 21-A of the Constitution. They further contended that under Rule 8 of the RTE Rules, all students in GNCTD and MCD schools must receive free textbooks, writing materials, and uniforms, but instead, authorities were depositing cash in students' accounts instead of these benefits.

49 Sec.2 (d) "child belonging to disadvantaged group" means 5[a child with disability or] a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economic, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification;

50 2024 SCC OnLine Del 336.

51 Government of National Capital Territory of Delhi.

The Delhi High Court strongly criticized the GNCTD for its failure to act promptly, noting that such inaction reflects indifference to the plight of MCD school students and amounts to a wilful violation of their fundamental rights. The Court emphasized that access to free textbooks, writing materials, and uniforms is not only a statutory entitlement under the RTE Act and Rules but also an integral part of the fundamental right to education under article 21A of the Constitution. It ruled that administrative or political hurdles—such as the unavailability of the Chief Minister, lack of a Standing Committee, disputes over aldermen appointments, pending judgments, or issues under the Delhi Municipal Corporation Act—cannot obstruct schoolchildren from receiving these benefits without delay. Accordingly, the Court directed the MCD Commissioner to immediately meet the expenses required, unconstrained by the 5 crore expenditure limit, subject to statutory audit. A fresh status report was ordered to be filed by 14 May 2024, with the matter listed for hearing on 15 May 2024.

IV. MINORITY RIGHTS

The development of minority rights in India has been deeply shaped by constitutional provisions and judicial interpretation. The Constitution guarantees minorities the right to conserve their culture, language, and script (Articles 29–30),[52] while also ensuring equality and non-discrimination. Over time, the Supreme Court and High Courts have played a pivotal role in defining the scope and content of these rights, especially in the field of education. Landmark judgments such as *T.M.A. Pai Foundation* v. *State of Karnataka*[53] and *P.A. Inamdar* v. *State of Maharashtra*[54] clarified the autonomy of minority educational institutions while balancing it with regulatory oversight. The courts have consistently emphasized that minority rights are not privileges but essential constitutional safeguards to preserve pluralism and dignity in a diverse democracy. Thus, constitutional courts remain central to mediating the tension between State regulation, social justice measures, and the autonomy of minority communities. Year 2024 witnessed landmark rulings upholding minority rights.

IV.1 Minority Status of Aligarh Muslim University Upheld

In the landmark case *Aligarh Muslim University* v. *Naresh Agarwal*,[55] a seven-judge Constitution Bench led by Chief Justice Dr. D.Y. Chandrachud overturned the five-judge decision in *S. Azeez Basha* v. *Union of India*.[56] The earlier judgment had held that an institution created through a statute—such as Aligarh Muslim University (AMU)—could not claim minority status. According

52 Articles 29 and 30 of the Constitution of India safeguard the cultural and educational rights of religious and linguistic minorities. Article 29 ensures the protection of the language, script, and culture of any section of citizens, while Article 30 confers upon linguistic and religious minorities the right to establish and administer educational institutions of their choice.

53 (2002) 8 SCC 481.

54 2005 (6) SCC 537.

55 2024 SCC OnLine SC 3213.

56 1967 SCC OnLine SC 321.

to *Azeez Basha*, since AMU was established by an Act of Parliament,[57] it was not entitled to the protections under Article 30 of the Constitution of India.

In the present case, the majority opinion was authored by CJI Chandrachud, with Justices Sanjiv Khanna, J.B. Pardiwala, and Manoj Misra concurring. Justices Surya Kant, Dipankar Datta, and Satish Chandra Sharma wrote separate dissenting opinions, each presenting different perspectives. Importantly, the Bench refrained from giving a conclusive ruling on AMU's minority status. Instead, it directed that a smaller, regular bench would determine this status by applying the criteria laid down by the seven-judge Bench.

The first key issue considered was whether the two-judge Bench in *Anjuman-e-Rahmaniya* v. *District Inspector of School*[58] was legally competent to refer the question of minority status to a larger Bench, given that *Azeez Basha* had already been decided by a five-judge Bench. CJI Chandrachud examined this question, noting that while smaller Benches cannot "overrule" larger Bench decisions, they are permitted to "doubt" them and request a reference to the Chief Justice for the constitution of a larger Bench, as laid down in *Central Board of Dawoodi Bohra Community* v. *State of Maharashtra*.[59] He concluded that the two-judge Bench in *Anjuman-e-Rahmaniya* had not disagreed with *Azeez Basha* but had merely expressed doubt about its correctness, making the reference valid.

Justice Surya Kant, however, disagreed. He argued that there was little difference between "doubting" and "disagreeing" with a precedent, and therefore the two-judge Bench lacked the authority to refer the matter, thereby undermining the Chief Justice's prerogative as the "master of the roster." Justice Sharma endorsed this view, holding that the reference was illegal. At the same time, Justice Kant upheld the 2019 reference made by a three-judge Bench led by then CJI Ranjan Gogoi. Justice Datta too raised concerns, cautioning that permitting such referrals could allow even a two-judge Bench to question doctrines as foundational as the Basic Structure Doctrine by escalating them to a 15-judge Bench. He went further to term the 2019 reference itself as invalid since it was rooted in the *Anjuman-e-Rahmaniya* order.

(a) Indicia for Minority Institution under Article 30

Delivering the majority opinion, CJI Chandrachud relied on *T.M.A. Pai* v. *State of Karnataka,*[60] which recognized that the right of every citizen to establish and administer educational institutions flows from Article 19(1)(g). He emphasized that while minority institutions can be regulated under Article 19(6), such regulation must not erode their minority character, as that would infringe Article 30. Building on this, he identified the indicia for determining a minority institution's character.

The first principle he laid down was that the terms "incorporation" and "establishment" are not interchangeable. "Incorporation" denotes the conferral

57 Aligarh Muslim University Act 1920.
58 W.P.(C) No. 54-57 of 1981.
59 (2005) 2 SCC 673.
60 (2002) 8 SCC 481.

of legal existence, whereas "establishment" refers to the actual founding of the institution. Although the preamble of the Aligarh Muslim University Act, 1920, states it was enacted to "establish and incorporate" AMU, the Chief Justice clarified that Parliament cannot be considered to have *established* a university merely because the statute uses that language. CJI then outlined three tests to determine minority status:

(i) Tracing the genesis of the institution – identifying the origins and idea behind the institution and the role of minority community members in its conceptualization.

(ii) Purpose of establishment – determining whether the institution was intended to serve the interests of a minority community.

(iii) Implementation of establishment – examining who provided resources such as funds and land.

(b) Article 30 appliesto both pre-and post-constitution era institutions

CJI D.Y. Chandrachud clarified that Article 30 of the Constitution applies to institutions set up both before and after the Constitution came into force. He noted that restricting its scope only to post-Constitution institutions would "dilute and weaken" the constitutional protection intended for minorities. Respondents had argued that since the concept of "minority" did not formally exist during the colonial period, Aligarh Muslim University (AMU) could not claim minority status. Rejecting this contention, CJI Chandrachud held that pre-Constitution institutions are equally entitled to minority rights under Article 30. Justice Surya Kant agreed with this view, while Justice Satish Chandra Sharma maintained that rights could not exist before the Constitution's commencement.

IV.2 Constitutional validity of the U.P. Madarsa Education Act 2004 affirmed, with the exclusion of clauses regulating higher education degrees

The U.P. Madarsa Education Act, 2004,which came into effect on 3-9-2004, was enacted to address administrative challenges in Madarsas, enhance academic standards, and provide improved facilities to students by establishing a State Board of Madarsa Education. Under Section 9, the Board's functions include prescribing curricula, granting degrees and diplomas, conducting examinations, recognizing institutions, and facilitating research and training across various levels of education. The Act came under judicial scrutiny when a writ petition raised issues of teacher appointment and, more broadly, the Act's compatibility with the constitutional principle of secularism. On 22-3-2024, the Allahabad High Court struck down the Act as unconstitutional, directing the State to integrate Madarsa students into regular schools and ensure adequate facilities for children aged 6–14. However, in April 2024, the Supreme Court stayed the High Court's ruling, observing that while the State has a legitimate role in maintaining educational standards, the Madarsa Act was regulatory in nature and could not be invalidated on the grounds applied by the High Court.

In a significant ruling, *Anjum Kadari* v. *Union of India*a three-judge Bench of the Supreme Court comprising CJI Dr. D.Y. Chandrachud, and Justices J.B.

Pardiwala and Manoj Misra upheld the constitutional validity of the *U.P. Board of Madarsa Education Act, 2004* (Madrasa Act). The Court held that the Act aligns with the State's positive obligation to ensure that students studying in recognised madrasas acquire adequate competence to effectively participate in society and secure a livelihood.

The Bench further clarified that Article 21-A of the Constitution and the Right to Education Act, 2009 must be harmoniously construed with the rights of religious and linguistic minorities under Article 30 to establish and administer educational institutions of their choice. Accordingly, the Madrasa Education Board, with the approval of the State government, may frame regulations to ensure that minority institutions provide secular education of requisite quality without compromising their minority character. The Court also held that the Madrasa Act falls within the legislative competence of the State legislature under Entry 25 of List III.The following principles emerged from the apex court ruling:

(i) Basic Structure doctrine cannot be applied to invalidate ordinary legislation

The Court clarified that ordinary statutes can be invalidated only if they exceed legislative competence or violate constitutional provisions, particularly Part III. They cannot be struck down for violating the Basic Structure, since concepts like democracy, federalism, or secularism are undefined. The Allahabad High Court erred in treating basic structure as a ground to invalidate a statute; any such invalidation must be tied to explicit constitutional provisions.

(ii) The right of minorities to administer educational institutions includes the right to manage the affairs of the institution

Minority institutions have the right to administer and manage their affairs in line with community needs. However, this right is not absolute: they must ensure proper standards of education. The right to administer does not extend to maladministration.

(iii) The State has an interest and can enact regulatory measures to promote efficiency and excellence of educational standards

The State has a legitimate interest in ensuring minority institutions meet educational standards comparable to other institutions. Regulations aimed at efficiency and excellence are valid, provided they are reasonable, further education, and maintain quality. The Court further explained that the State may impose regulation as a condition for grant of aid or recognition which must satisfy the three tests: *first;*it must be reasonable and rational; *second;* it must be conducive to making the institution an effective vehicle of education for the minority community or other persons who resort to it; and *third;* it must be directed towards maintaining the excellence of education and efficiency of administration to prevent it from falling standards.

(iv) Legislative Scheme of the Madarsa Act to regulate the standard of education in Madarsas recognized by the Board for imparting Madarsa education

The Act was enacted to regulate standards in recognized Madrasas, ensuring students could obtain valid degrees and certificates. Recognition depends on meeting prescribed standards of staff, curriculum, equipment, and infrastructure. Failure of the Madarsas to maintain the standards of education will result in the withdrawal of their recognition. The Court further noted that the Madarsa Act allows the Board to prescribe curriculum and textbooks, conduct examinations, qualifications of teachers, and standards of equipment and buildings geared to ensure the maintenance of standards of education in Madarsas.

(v) The Madarsa Act is reasonable

The Act is reasonable as it enhances academic quality in Madarsas, secures students' access to higher education and employment, and promotes substantive equality for minorities. Balancing articles 21-A and 30, the Court held that article 21-A imposes a constitutional obligation on the State to impart elementary and basic education, which in turn led to the enactment of the RTE Act. Article 30(1) guarantees the right to establish and administer educational institutions of their choice to religious and linguistic minorities. The constitutional scheme allows the State to strike a balance between two objectives of ensuring the standard of excellence of minority educational institutions and preserving the right of the minority to establish and administer its educational institutions.

The Allahabad High Court wrongly held the Act unconstitutional under Article 21-A because

(i) the RTE Act excludes minority institutions,

(ii) Article 30 protects Madarsas' right to impart religious and secular education, and

(iii) The Board and the state government havethe power to ensure educational standards.

(vi) Provisions of the Madrasa Act in conflict with the UGC Act enacted under Entry 66, List I

At the same time, the Court struck down provisions of the Madrasa Act that sought to regulate higher education degrees such as *Fazil* and *Kamil*, ruling that they conflicted with the *UGC Act, 1956*, which derives authority from Entry 66 of List I. Consequently, the three-judge Bench overturned the earlier decision of the Allahabad High Court's Division Bench, which had struck down the Madrasa Act as unconstitutional on grounds of violating the principle of secularism, articles 14, 21, and 21-A of the Constitution, and section 22 of the *UGC Act*.[61]

V. ADMINISTRATION OF EDUCATIONAL INSTITUTIONS

The governance of educational institutions in India is shaped by a blend of constitutional provisions, statutory enactments, regulatory frameworks, and judicial pronouncements. In addition to this, multiple regulatory bodies—such as the University Grants Commission (UGC), All India Council for Technical Education

61 *Anshuman Singh Rathore*v. *Union of India*, 2024 SCC OnLine All 857 decided on 22-03-2024.

(AICTE), National Medical Commission (NMC), the Bar Council of India, and other professional councils oversee higher education, while state and central boards regulate school education. Significant powers are also vested in the university/college and school administration. The Supreme Court and High Courts have played a pivotal role in defining the autonomy of educational institutions while balancing it with the need for state regulation. Constitutional courts frequently adjudicate matters relating to fee structures, admission policies, faculty and teachers' appointments, and institutional recognition. Their interventions have consistently emphasized transparency, fairness, and merit-based admissions, while at the same time preventing unwarranted governmental interference. Judicial oversight ensures that institutions uphold quality standards, adhere to constitutional values, and operate within the legal framework, striking a balance between institutional autonomy and accountability. Some significant rulings delivered in 2024 are as follows:

V.1 A Writ Petition should not be rejected solely based on futility arising from delay rendering relief impossible

The case of *Manoj Kumar* v. *Union of India*[62] was an appeal by the appellant seeking appointment as a primary school teacher pursuant to a vacancy notification issued by Pt. Deendayal Upadhyaya Institute for the Physically Handicapped. The appellant challenged the Delhi High Court Division Bench judgment, which had dismissed his writ appeal against the order of the Single Judge rejecting his writ petition.

The appellant had participated in the recruitment process for the post of primary school teacher, for which the minimum qualification prescribed was senior secondary along with a two-year diploma or certificate course in Elementary Teacher Education (ETE)/IBT or a Bachelor of Elementary Education (B.El.Ed.). Additionally, candidates were required to have passed the secondary level with Hindi as a principal subject. While the original advertisement mandated an interview as part of the process, this requirement was subsequently withdrawn after the recruitment began. In its place, a revised criterion was introduced, whereby additional marks were awarded for essential and extra qualifications. A total of 10 marks were earmarked for additional qualifications, with the following breakup:

S. No.	Particulars	Marks
1.	Marks for Additional Qualification (Maximum)	10
(a)	Postgraduate Diploma	5
(b)	Postgraduate Degree	6
(c)	Master of Philosophy/Professional Qualification in the field	7
(d)	Doctor of Philosophy	10

62 [2024] 2 S.C.R. 409.

Following the declaration of results, the appellant challenged the calculation of aggregate marks, terming it 'illegal and arbitrary.' On approaching the Delhi High Court for relief, his plea was declined, with the Court relying on *University Grants Commission* v. *Neha Anil Bobde (Gadekar)*, which emphasized that judicial interference in academic matters should remain minimal. Justices P. Sri Narasimha and Sandeep Mehta observed:"

> "If a citizen alleges arbitrariness in executive action, the High Court must examine the issue, of course, within the context of judicial restraint in academic matters. While respecting flexibility in executive functioning, courts must not let arbitrary action pass through."

The Court explained that the clauses of the vacancy advertisement reserving flexibility in the selection process "cannot be read to invest the Institute with unbridled discretion to pick and choose candidates by supplying new criteria to the prescribed qualification." The Supreme Court set aside the decision of the High Court and held that:

> "The inherent difficulty in bridging the time gap between the illegal impugned action and restitution is certainly not rooted in deficiencies within the law or legal jurisprudence but rather in systemic issues inherent in the adversarial judicial process."

The Court also took note of the fact that the Institute for which the advertisement was issued was closed and remarked:

> "This is an unfortunate situation where the Court finds that the action of the respondent was arbitrary, but the consequential remedy cannot be given due to subsequent developments."

The Court to this effect held:

> "We think that while the primary duty of constitutional courts remains the control of power, including setting aside of administrative actions that may be illegal or arbitrary, it must be acknowledged that such measures may not singularly address repercussions of abuse of power."

The Court noted that the temporal gap between the impugned illegal or arbitrary action and its subsequent adjudication by the courts introduced complexities in the provision of restitution.

The Court provided a monetary compensation of Rs. 1,00,000/- to the appellant as an alternative restitutory measure, stating that "it is incumbent upon the courts to address the injurious consequences arising from arbitrary and illegal actions." Accordingly, the Supreme Court allowed the appeal.

V.2 The Khalsa University (Repeal) Act, 2017, singled out the Khalsa University amongst other private Universities, and no reasonable classification has been made out

Khalsa University and Ors. v. *The State of Punjab and Ors.*[63] is an appeal that arose from the final judgment of the Punjab and Haryana High Court, which dismissed a writ petition filed by Khalsa University and the Khalsa College Charitable Society challenging *theKhalsa University (Repeal) Act, 2017*.

The Khalsa College Charitable Society, founded in 1892, had sought to establish Khalsa University under the Punjab Private Universities Policy, 2010. A Letter of Intent was issued in 2011, and subsequently, the Punjab Legislature enacted the *Khalsa University Act, 2016*, enabling the creation of Khalsa University in Amritsar. The university became operational in the academic session 2016–2017. However, following a change in the State Government, the Punjab Legislature enacted the *Khalsa University (Repeal) Act, 2017*, citing the need to safeguard the heritage value of Khalsa College, Amritsar.

Challenging the repeal, the appellants argued before the High Court that it was arbitrary, discriminatory, and violative of Article 14, since Khalsa University alone was targeted, while other universities established under the same 2010 policy were unaffected. The High Court rejected these claims, prompting the appellants to move to the Supreme Court. The core issues before the Court were:

(i) whether legislation directed at a single entity—here, Khalsa University—could withstand constitutional scrutiny. The question also arose whether the State's classification of Khalsa University for repeal bore a reasonable nexus with the stated objective of preserving heritage.

(ii) whether the repeal of the 2016 Act was arbitrary and unconstitutional under article 14

The Division Bench,Comprising Justices B.R. Gavai and K.V. Viswanathan, observed that the impugned legislation specifically targeted Khalsa University out of 16 private universities in Punjab, without any valid or reasonable basis for such differentiation. Consequently, the Court struck it down, holding that the Act was discriminatory and in violation of article 14 of the Constitution.

(a) On the Issue of differential treatment ofa single entity

The Court reiterated that legislation concerning a single entity or undertaking is permissible if it rests on reasonable classification connected to the objective sought. Such special treatment must be justified by relevant material, emergent circumstances, or legislative deliberation. Generally, there is a presumption of validity, and the burden lies on the party who attacks on validity.

In the present case, the impugned Act is a single entity legislation which repealed the Khalsa University Act, 2016, thereby shutting down Khalsa University. The only justification cited in the Statement of Objects and Reasons (SOR) was that Khalsa College, Amritsar, being an icon of Khalsa heritage, might lose its character and glory due to the establishment of Khalsa University. However, the University argued that it was arbitrarily singled out among 16 private universities without justification, and also highlighted regional discrimination since more

63 2024 SCC OnLine SC 2697.

universities were located in Malwa and Doaba than in Majha. The Court found no evidence of compelling circumstances, parliamentary debate, or material to support the repeal.

The Court noted that no material was placed on record as to what was the compelling and emergent situation to enact a law which could affect the Khalsa University. No material was placed on record to show that there were any discussions prior to the Impugned Act being passed, or as to what material was placed and taken into consideration by the competent legislature. Relying on *Charanjit Lal Chowdhury* v. *Union of India*,[64] the Court held that the State had failed to refute the charge of discrimination.

(b) On the Issue of Manifest Arbitrariness

The court relied on *Shayara Bano* v. *Union of India*[65] to apply the doctrine of "manifest arbitrariness," holding that legislation passed capriciously, irrationally, or without adequate reasoning would violate article 14. The Court noted that Khalsa College (1892) alone was a heritage institution, while other affiliated colleges were of later origin with no resemblance to the heritage building. Moreover, the University had given assurances that Khalsa College would remain untouched. Hence, the ground that Khalsa University would overshadow or damage Khalsa College's heritage was unfounded. Accordingly, the Court ruled that the impugned Act was based on a non-existent rationale, suffered from manifest arbitrariness, and amounted to discriminatory treatment in violation of Article 14 of the Constitution.

V.3 Students cannot be abandoned to an uncertain future. The Supreme Court ordered the university to return the medical students' original documents upon payment of the required amounts

The case of *Sahil Bhargava* v. *State of Uttarakhand*[66] involved a dispute related to the fixation of the fees for the undergraduate medical degree course offered by the college in the state of Uttarakhand. The petitioners are students who were granted admission in 2018 to the undergraduate medical degree course. The students completed the course in 2023. The original fee when the students took admission was Rs. 5 lakhs per annum for the all-India quota seats and Rs. 4 lakhs per annum for the state quota seats. A fee dispute arose after the Admission and Fee Regulatory Committee fixed fees for the academic years 2019-2022, which were later applied retrospectively to the 2018-2023 batch. The committee fixed the fees for the batch 2019–2022 at Rs 13.22 lakhs per annum for the all-India quota and Rs 9.78 lakhs per annum for the state quota. The Petitioners challenged the demand for higher fees and sought to obtain their degrees without any additional payment. The Uttarakhand High Court directed fee payment in instalments while allowing students to begin internships and posted the matter for March 2025. The Petitioners appealed to the Supreme Court.

64 AIR 1951 SC 41.
65 (2017) 9 SCC 1.
66 (2024) 9 SCR 408.

The bench of Chief Justice Dr. D.Y. Chandrachud, Justice J.B. Pardiwala and Justice Manoj Misra directed:

> "That, conditional on the petitioners depositing an amount of Rs 7.50 lakhs each with the second and third respondents over and above the amounts which have already been deposited, they shall be entitled to a return of their original documents submitted at the time of obtaining admission."

This is subject to the condition that the petitioners shall file an undertaking to pay the balance amount if they are called upon to do so at the final disposal of the pending writ petitions.

V.4 As no systemic breach was found in the conduct of NEET (UG) 2024, ordering a re-examination would entail severe consequences for over two million candidates

The case of *Vanshika Yadav* v. *Union of India*[67] concerned the validity of the National Eligibility-cum-Entrance Test (NEET-UG) conducted by the National Testing Agency (NTA) for admissions to undergraduate medical and dental programmes for the year 2024. The examination was held on 5 May 2024, and the results were declared on 4 June 2024.[68] Controversy arose on the very day of the examination when an FIR was registered alleging a leak of the NEET (UG) 2024 question paper, implicating offences under Sections 407, 408, and 409 read with Section 120-B of the Indian Penal Code, 1860. The petitioners relied on a press release purportedly issued by the Economic Offences Unit of the Bihar Police on 23 June 2024 concerning the alleged leak. However, on the same date, the Additional Director General of Police, Economic Offences Unit, clarified that no official statement or press release had been issued by the Bihar Police.

The central question before the Court was whether the integrity of the NEET (UG) 2024 examination had been compromised to such an extent that the entire process ought to be cancelled and a fresh examination ordered.

By an interim order dated 8 July 2024, the Court directed the NTA, the Union of India, and the Central Bureau of Investigation (CBI) to file affidavits disclosing all relevant details. The CBI was brought into the matter as FIRs registered in Delhi, Gujarat, Rajasthan, Jharkhand, Maharashtra, and Bihar had been transferred to it for a consolidated investigation. The Court indicated that its final determination would depend on three key considerations:

1. Whether the alleged breach occurred at a systemic level;
2. Whether the breach compromised the integrity of the entire examination process; and
3. Whether it was possible to identify and segregate beneficiaries of malpractice from untainted candidates.

67 W.P. (C) No. 335/2024, DoJ 23.07.2024.

68 The examination was held across 4,750 centres in 571 cities across India, along with 14 international locations. A total of approximately 23.33 lakh candidates appeared for the test, competing for about 1.08 lakh undergraduate medical seats—around 56,000 in government institutions and the remaining 52,000 in privately managed colleges.

Upon examining the material on record, the Court found no sufficient evidence to conclude that the entire examination process had been vitiated or that a systemic failure had occurred. Applying the established principle that only when segregation of tainted candidates is impossible can an examination be annulled, the Court held that, at the present stage, such a conclusion was not warranted. The Court further directed that if subsequent investigation revealed a larger number of beneficiaries involved in malpractice, appropriate action would be taken against every such candidate, irrespective of the stage of the admission or counselling process. It emphasized that no student found guilty of fraud or benefitting from irregularities could claim any vested right to continue in the course.

In declining to order a re-examination, the bench consisting Dr. DY Chandrachud, CJI, JB Pardiwala and Manoj Misra JJ. Observed that such a step would have grave consequences for over 23 lakh students who appeared in NEET (UG) 2024. A fresh examination would disrupt the medical admission schedule, delay the commencement of academic sessions, adversely affect the pipeline of medical professionals, and disproportionately disadvantage students from marginalized and economically weaker backgrounds.

On the issue concerning the alleged ambiguity of a particular question, where two options were claimed to be correct, the Court constituted an expert committee comprising three members, including Professor Rangan Banerjee, Director of IIT Delhi, to examine the validity of the options for which the NTA had treated two responses as correct. Upon review, the Committee concluded that only option four was correct. Consequently, the Court directed that option four be accepted as the valid answer and instructed the NTA to re-evaluate and re-tally the results accordingly.

Lastly, the Court clarified that individual grievances unrelated to the broader issues settled by this judgment could still be pursued by affected students in accordance with the law. Such students were permitted to seek appropriate remedies before the jurisdictional High Courts under Article 226 of the Constitution, provided that they first withdraw any pending petitions before the Supreme Court.

In the wake of allegations of irregularities in the NEET (UG) 2024 examination, the Union Government constituted a seven-member Expert Committee chaired by Dr. K. Radhakrishnan, former Chairman of ISRO. The committee comprises the following members: (ii) Dr. Randeep Guleria, (iii) Prof. B.J. Rao, (iv) Prof. Ramamurthy K., (v) Shri Pankaj Bansal, (vi) Prof. Aditya Mittal, and (vii) Shri Govind Jaiswal as Member Secretary. The Committee has been tasked with recommending reforms to strengthen the examination process, enhance data security protocols, and improve the structure and functioning of the National Testing Agency (NTA).

Subsequently, the Supreme Court of India expanded the scope of the Committee's mandate, directing it to address additional issues arising from the conduct of NEET (UG) 2024 and to act in accordance with any further directions that may be issued by the Court in its final judgment and order.

V.5Courts must strive to ensure expeditious disposal of matters, even in rare instances involving orders to withhold college seats

The case *Ramkrishna Medical College Hospital and Research Centre* v. *State of Madhya Pradesh*[69] highlights the tension between judicial interim orders and the functioning of educational institutions in India. Ramkrishna Medical College Hospital and RKDF Homoeopathy Medical College contested the State's directive to reserve a seat during the 2023-24 counselling process, a directive arising from students' writ petitions alleging irregularities in seat allocation under the MukhyamantriMedhaviVidyarthiYojana.

The central issues concerned the impact of interim court orders on institutional resources, the scope of restitution available to institutions disadvantaged by such judicial interventions, and the limits of judicial authority in administrative matters.

In a judgment delivered on November 7, 2024, Justices K.V. Viswanathan and B.R. Gavai partially allowed the appeals, stressing that interim directions affecting seat capacity must strictly follow principles of prima facie assessment, balance of convenience, and irreparable harm. The Court reiterated that unfilled medical seats cannot be transferred or added in subsequent years, consistent with rulings like *Faiza Choudhary* v. *State of J&K*.[70] Instead, it permitted the institutions to seek financial compensation from the Fee Fixation Committee/Authority, ensuring redress without disturbing sanctioned seat structures."

The Supreme Court in the above context observed:

> "If provisional admission seats are not to be given casually, the said principle should also apply for directions to keep seats vacant. Only if there is a cast iron case for the petitioner and the petitioner is bound to succeed in cases where the error of the respondent authorities is so gross as to negate any other conclusion, interim orders keeping seats vacant could be made."

The Court added that, though courts have the power to make orders directing seats to be kept vacant in such cases, great caution and circumspection should be shown in exercising the power. It held:

> "The vacant seat ordered could not be filled because by the time the Writ Petitions were disposed of, the counselling had concluded, and the cut-off date for admissions was also over. The colleges will have to carry that vacant seat for the entire duration of the MBBS Course. In the first case, the Writ Petition was dismissed. Though, in the second case also, the Writ Petition was dismissed ultimately at the student's behest, the High Court order was set aside, and the student was accommodated for the succeeding academic year."

69 2024 INSC 845.
70 (2012) 10 SCC 149.

VI. CONCLUSION

The Survey of Education Law 2024 highlights the dynamic legal framework governing education in India, shaped by progressive rulings of the Supreme Court and High Courts. The judiciary has reaffirmed fundamental constitutional principles such as inclusive education through affirmative action, the Right to Education, institutional autonomy, minority rights, fee regulation, and reservation policies. The 2024 decisions continue to strike a balance between state regulation and institutional independence, ensuring that educational policies remain consistent with the constitutional values of equity, accessibility, and quality. Recognizing that education is a cornerstone of social and economic development, judicial oversight has ensured that laws evolve to meet emerging challenges while protecting the rights of students and educators.

The evolving judicial discourse reflects a consistent affirmation of the constitutional mandate to ensure substantive equality through affirmative action and inclusive education. From *Indra Sawhney* to *Davinder Singh*,[71] the courts have recognized the heterogeneity within marginalized communities and upheld the State's power to equitably distribute reservation benefits. Simultaneously, in cases concerning persons with disabilities and disadvantaged students, the judiciary has reinforced the right to inclusive education by insisting on effective implementation of statutory protections, removal of institutional barriers, and extension of reasonable accommodations. Collectively, these rulings underscore that affirmative action and inclusivity are not mere policy choices but constitutional imperatives essential for a just, equitable, and accessible education system.

The jurisprudence surrounding the Right to Education strengthens that article 21A, read with the RTE Act, 2009, mandates not only access to schools but also equitable opportunities for children from disadvantaged groups. In *Association of Indian Schools* v. *State of Maharashtra*,[72] the Supreme Court reaffirmed that private unaided institutions cannot be exempted from their obligation to reserve 25% seats at the entry level, ensuring meaningful integration of students from weaker sections. Further, the statutory entitlements to free textbooks, writing materials, and uniforms are recognized as essential components of the right to education, without which the guarantee under article 21A remains incomplete. Together, these judicial pronouncements affirm that the right to education extends beyond mere admission to encompass inclusivity, equality, and dignity in the learning process.

The evolving judicial position on minority rights reflects a robust reaffirmation of the constitutional protections granted to minorities under articles 29 and 30. In *Aligarh Muslim University* v. *Naresh Agarwal*,[73] the recognition of AMU as a minority institution restored the autonomy of minorities in establishing and administering educational institutions of their choice. Similarly, in *Anjum Kadari*

71 *State of Punjab v. Davinder Singh* 2024 SCC OnLine SC 1860.

72 Special Leave to Appeal (C) No.17770/2024. DoJ 09.08. 2024.

73 2024 SCC OnLine SC 3213.

v. *Union of India*,[74] the upholding of the U.P. Madarsa Education Act, 2004 (with limited exclusions), safeguarded the legitimacy of minority-run institutions while ensuring regulatory balance. Collectively, these rulings of 2024 underline the judiciary's commitment to preserving minority rights as a cornerstone of India's pluralistic democracy.

Judicial interventions in the field of educational administration underscore the primacy of fairness, accountability, and protection of student interests. In *Manoj Kumar* v. *Union of India*,[75] the Court clarified that writ petitions cannot be dismissed merely on grounds of futility arising from delay rendering relief impossible, while *Khalsa University* v. *State of Punjab*[76] highlighted that state action must not arbitrarily single out institutions without a rational basis. Similarly, in *Sahil Bhargava* v. *State of Uttarakhand,*[77]*Ramkrishna Medical College* v. *State of Madhya Pradesh*,[78] and *Vanshika Yadav* v. *Union of India,*[79] the Supreme Court emphasized safeguarding students' rights and ensuring timely adjudication to prevent disruption of academic futures. Collectively, these rulings affirm that the administration of educational institutions must adhere to principles of equality, reasonableness, and prompt justice to preserve trust in the education system.

74 2024 SCC OnLine SC 3129.
75 [2024] 2 S.C.R. 409.
76 2024 SCC OnLine SC 2697.
77 (2024) 9 SCR 408.
78 2024 INSC 845.
79 W.P. (C) No. 335/2024, DoJ 23.07.2024.