

Some Constitutional Battles in the Field of Education

In the last 65 years, the field of education has seen several pitched constitutional battles. Below are some of the key issues and the leading cases in a number of areas within the field of education.

1. The Right to Education

Mohini Jain v. State of Karnataka (1992) – This case held that the right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. Therefore, the state is under an obligation to make endeavours to provide educational facility at all levels to its citizens.

2. Constitutional Validity of Article 21A

Pramati Educational and Cultural Trust v. Union of India (2014) – This case held that Article 21A which guarantees the right to education was constitutionally valid and did not violate its basic structure. The case however also held that all cultural minority administered educational institutions would be exempt from the application of the RTE Act, 2009.

3. Constitutional Validity of the RTE Act

Society for Unaided Private Schools of Rajasthan v. Union of India (2012) – This case upheld the validity of the RTE Act, 2009, and stated that it did not violate the right of individuals to freedom of trade and occupation under Article 19(1)(g) of the Constitution.

4. Minority Rights

Gandhi Faiz-e-Alam College v. Shah Jahanpur (1975) – In this case, the Supreme Court held that a provision for ‘principal and staff’ representation on the management board of a college was conducive to the better management of the college and de minimis in nature so as to not offend Article 30(1), which guarantees cultural minorities the right to establish and administer educational institutions.

5. Validity of Reservation Policy

PA Inamdar v. State of Maharashtra (2005) – In this case, the court held that the state could not validly impose reservation obligations upon private educational institutions. It was as a result of this judgment that the 93rd Constitutional Amendment came about which permitted such policies.

Ashok Kumar Thakur v. Union of India (2008) – In this case, the court held that the 93rd Constitutional amendment which inserted Article 15(5) of the Constitution, permitting reservation for socially and educationally backward classes, was constitutionally valid.

Indira Sawhney v. Union of India (1992) – In this cases, the court held that a wide range of factors, not limited to caste, could be used to identify social and educational backwardness for the purpose of reservation in educational institutions. It also recommended the use of economic criteria to determine backwardness, giving rise to the concept of ‘creamy layer’.

6. Infrastructural Standards in the RTE

JK Raju v. State of Andhra Pradesh (2014) – In this case, the Supreme Court asked the government to ensure the availability of drinking water facilities, separate toilets for boys and girls, and separate facilities for teaching and non-teaching staff. Significantly, the court cited *Pramati* as it reiterated that these directions would be applicable to both minority and non-minority institutions. The two judge bench chose the idiom of ‘basic human rights that enhance the atmosphere where the education is imparted’ while justifying the need for these directions.

The above legal case summaries were compiled by Gaurav Mukherjee, a graduate fellow in the School of Policy & Governance, Azim Premji University.