

**STATE OF MADRAS VS CHAMPAKAM  
DORAI RAJAN & ANOTHER**

**T. JAYAVARTHINI**

STUDENT OF GOVERNMENT LAW COLLEGE,  
CHENGALPATTU

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MADRAS VS CHAMPAKAM DORAI RAJAN &  
ANOTHER, 2 (5) & 48 of 2022, IJLR.

**ABSTRACT**

This case mainly focus on Article 13, 29(2), 46 of constitution of India, The main objective of Article 13 is to secure the paramountcy of the constitution especially with regard to fundamental rights. Article 29 (2) States no citizen shall be denied admission into any educational institutions maintained by the State or receiving aid out of State funds on grounds of religion, race, caste, language or any of them. In this instance case the respondent has filed a petition in high court that the fundamental right has been infringed under Article 29(2) in the criterion of caste. State of Madras went appeal against the order given by the high court.

**Keywords:-** Supreme court, Reservation, Fundamental rights, Educational rights, Brahmins and Non-Brahmins.

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| <b>CASE TITLE</b>                 | STATE OF MADRAS VS CHAMPAKAM DORAI RAJAN & ANOTHER                                                                                                                                                                                                                                                        |
| <b>CASE NO</b>                    | CIVIL APPEAL NOS. 270 & 271 OF 1951                                                                                                                                                                                                                                                                       |
| <b>DATE OF ORDER</b>              | 09-04-1951                                                                                                                                                                                                                                                                                                |
| <b>JURISDICTION</b>               | SUPREME COURT OF INDIA                                                                                                                                                                                                                                                                                    |
| <b>QUORUM</b>                     | THE HONOURABLE CHIEF JUSTICE MR. H.J.KANIA, THE HONOURABLE MR. JUSTICE SAIYID FAZL ALI, THE HONOURABLE MR. JUSTICE M. PATANJALI SASTRI, THE HONOURABLE MR. JUSTICE M.C. MAHAJAN, THE HONOURABLE MR. JUSTICE B.K. MUKHERJEA, THE HONOURABLE MR. JUSTICE S.R. DAS & THE HONOURABLE MR. JUSTICE VIVIAN BOSE. |
| <b>AUTHOR</b>                     | THE HONOURABLE MR. JUSTICE S.R. DAS                                                                                                                                                                                                                                                                       |
| <b>APPELLANT</b>                  | STATE OF MADRAS                                                                                                                                                                                                                                                                                           |
| <b>RESPONDENT</b>                 | CHAMPAKAM DORAI RAJAN, C.R. SRINIVASAN                                                                                                                                                                                                                                                                    |
| <b>COUNSEL FOR APPELLANT</b>      | P.A. MEHTA                                                                                                                                                                                                                                                                                                |
| <b>COUNSEL FOR RESPONDENT</b>     | M.S.K. SASTRI                                                                                                                                                                                                                                                                                             |
| <b>ACTS AND SECTIONS INVOLVED</b> | 1. INDIAN CONSTITUTION, 1950<br><br>• ARTICLE 13, 29(2), 46                                                                                                                                                                                                                                               |

**I. INTRODUCTION;**

This case was handled by The Honourable Chief justice Mr. H.J. Kania, The Honourable Mr. Justice Saiyid Fazl Ali, The Honourable Mr. Justice M. Patanjali Sastri, The Honourable Mr. Justice M.C. Mahajan, The Honourable Mr. Justice B.K. Mukherjea, The Honourable Mr. Justice S.R. Das & The Honourable Mr. Justice Vivian Bose. The author of this case was The Honourable Mr. Justice S.R. Das. The jury has given the clear judgment of this particular case where the petitioner's fundamental right was violated and the communal and the communal Government Order is opposed to the constitution and constitutes clear violation of fundamental rights guaranteed to the citizen under Article 29(2) of constitution. The case explains how the seats were reserved for Medical colleges and Engineering college in the universities holding by State of Madras. Finally the appeal filed by the State of Madras stands dismissed as the ground for violative of fundamental rights.

**II. FACTS OF THE CASE;**

This judgment cover both the case of State of Madras vs. Srimathi Champakam Dorairajan and State of Madras Vs. C.R. Srinivasan. State of Madras maintains four Medical colleges and only 330 seats are available for students in those four colleges. It maintains four engineering college also and the total number of seats in those college is 395 only. Before the commencement of constitution, the seats in both Medical colleges and Engineering colleges so apportionated between the four distinct groups of districts according to communal G.O. The candidates are selected on the basis of Non-Brahmins (Hindus) – 6, Backward Hindus – 2, Brahmins – 2, Harijans – 2 Anglo Indians and Indian Christians – 1 Muslims -1.

Champakam Doriarajan made an application to the HC contented that the admission given is violative of Fundamental rights by following the communal G.O. It was came to know that Champakam Doriarajan was a Brahmin and the seat was denied according to the communal G.O. Srinivasan applied for admission in Engineering college, he secured 369 marks out of 450 in intermediate examination. The selection was made on a meritorious way, thus the seat was denied. The denial was not based on the religion, race, caste the state of Madras contented.

**III. ARGUMENTS FAVOUR OF APPELLANT;**

- a) The appellatant contented that having regard to the provision of Art.46, the State is entitled to maintain the Communal G.O. fixing proportionate seats for different communities and if because of that order, which is thus contented to be valid in law and not in violation of the Constitution, the petitioners are unable to get admission into the educational institutions, there is no infringement of their fundamental rights.
- b) The learned Advocate-General of Madras contends that the provision of Art.46 override the provisions of Art.29(2).

**IV. ARGUMENTS FAVOUR OF RESPONDENT;**

- a) The respondent argued that the petitioners are not denied admission only because they are Brahmins but for a variety of reasons, eg., (a) they are Brahmins (b) Brahmins have an allotment of only two seats out of 14 and (c) the two seats have already been filled by more meritorious Brahmin candidates.
- b) This may be true so far as these two seats reserved for the Brahmins are concerned but this line of argument can have no force when we come to consider the seats reserved for candidates other communities, for so far as those seats are concerned, the petitioners are denied admission into any of them not on any ground other than the sole ground of their being Brahmins and not being members of the community for whom those reservations have been made.

The classification in the communal G.O. proceeds on the basis of religion, race and caste.

1. Dr. J.N. Pandey's Constitutional law of India, 56<sup>th</sup> Edition

2. S.D. Basu's Lexis Nexis, Volume I, 23<sup>rd</sup> Edition

3. D.D. Basu's Lexis Nexis, Introduction to the Constitution of India, 23<sup>rd</sup> Edition

#### **V. ORDER OF THE COURT:**

i. The communal G.O. being inconsistent with the provision of Art.29(2) in Part III of the constitution is void under Article 13.

ii. The appeal stands dismissed with costs.

#### **VI. CONCLUSION:**

Every citizen of India has the right to education which is guaranteed under Article 21A of the constitution of India. Cultural and Education Rights has been enumerated in the Articles 29,30. This applies to both citizens and Non-citizens. No one shall be deprived of their education rights on their basis of religion, race, caste. Unequals cannot be treated equal. For such reasons, the reservation has been introduced to make them equal. New provisions has been initiated for the improvement of deprived classes of People.

#### **VII. RELATED CASE LAW:**

1. Bhawna Garg vs. University of Delhi, AIR 2012 SC 3299

2. T.M.A. Pai Foundation and others vs. State of Karnataka and others, AIR 2003 SC 355.

3. Tripurari Sharan vs. Ranjit Kumar yadav, AIR 2018 SC 366

4. Ashok Kumar Thakur vs. Union of India, AIR 2008 SCW 2899

5. State of Bombay vs. Bombay Educational Society, AIR 1954 SC 561.

#### **VIII. REFERENCE:**