

## BALANCING RIGHTS AND STATE INTERVENTION: MINORITY INSTITUTIONS IN INDIAN JUDICIAL DISCOURSE

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### **ABSTRACT:**

India's Constitution allows minority groups to kickstart and look after their own education places, all thanks to Article 30(1). The idea is to keep their culture and education rights in good shape. But hold up, they can't just do whatever they want. There's a fine line where their rights meet the government's rules. It's all about mixing personal rights with the people's best interests. Indian courts have been super important in figuring out where to draw this line. They've made some big decisions, like *T.M.A. Pai Foundation v. State of Karnataka* in 2002, *P.A. Inamdar v. State of Maharashtra* in 2005, and *St. Stephen's College v. University of Delhi* in 1992. The big guys at the Supreme Court were trying to get a handle on what's okay for minority groups while making sure the government gets to step in for stuff like fairness, openness, and good-quality learning. The article dives into how the judges deal with the push and pull between leaving minority groups alone and having the government step in. They look at things like making sure nobody gets left out making schools awesome, and keeping them honest. The courts stick up for minority rights but they also say it's cool for the government to set some rules so everything stays fair and square in schools and nobody gets taken advantage of. Watching the laws change over time shows they care about having a varied community but still want to hit those social justice targets set out by the Constitution.

This peek at what the judges are saying and how they're thinking about it shows there's always a bit of give and take between our basic rights and what's good for everybody. It's tricky for minority schools to do their thing with more and more government looking over their shoulder. At the end of the day, the Indian judges play a huge part in making sure we all get our freedom without dropping the ball on what we owe to each other. And that's what keeps democracy rocking in India.

**KEYWORDS:** *Minority institutions, Article 30, Indian judiciary, state regulation, educational rights, constitutional law, pluralism.*

### **INTRODUCTION:**

India's Constitution guards a tricky mix of personal and group privileges paying special attention to minorities based on religion and language. According to Article 30(1), these minorities get to set up and run schools they

prefer showing off India's aim to be a community with diverse views. Still, these privileges have their limits. Authorities have the power to step in when it comes to keeping the peace, being moral, staying healthy and upholding school quality. This power kicks off all

sorts of legal debates about how much they can get involved without stepping on rights.

India's courts always take the lead in explaining what minority rights mean in Article 30 and how those rights stand against the government's rules under different laws and bits of the Constitution. The top judges in the Supreme Court have tried to draw clear lines showing this balance changing their minds between giving these rights a broad scope and a narrow one.

The big court decision of *Kerala Education Bill* from back in 1957<sup>715</sup> was one of the first times a constitutional bench peeped into how much control the State could have over schools run by minorities. The judges said yep, minority groups have the power to run their own schools, but it's cool for the State to throw in some rules to keep the teaching top-notch, and that won't step on their constitutional toes. Then again in *St. Xavier's College v. State of Gujarat* in 1974<sup>716</sup>, the Court underlined that sure, these minority schools got to have their freedom, but it's also okay for the government to step in with some laws if it's to make sure education is nothing but the best. Yet later cases have tweaked these rules a bit. In *T.M.A. Pai Foundation v. State of Karnataka* (2002)<sup>717</sup>, a team of 11 judges dug deep to sort out matters about the privileges of all private unaided places, like those minority groups manage. The Judges split hairs between regulating and controlling. They reckoned that rules to keep things top-notch and stop bad management are cool, but too much meddling that messes with managing rights ain't fair.

The Court in *P.A. Inamdar v. State of Maharashtra* (2005)<sup>718</sup> made it clear that minority institutions can't be forced to adopt State reservation policies highlighting their right to control admissions. On the flip side, the highest court in *Society for Unaided Private Schools of Rajasthan v. Union of India*<sup>719</sup> (2012), okayed the Right to Education Act for private

schools without aid from the government but said no way to minority schools confirming the safeguarding of minority privileges.

Ambiguities still pop up when it comes to drawing a clear line between what's okay to regulate and what counts as stepping on toes. Judges have their hands full trying to keep things consistent but often end up crafting decisions that are tailor-made for individual cases and their own special circumstances. This leads to a kind of legal back-and-forth where the rights of minority schools are protected like sacred treasures one second but then trimmed down when everyone starts talking about the greater good<sup>720</sup>.

Juggling these two sides gets even trickier now, with schools becoming battlegrounds over what folks believe and the culture wars heating up. As the government puts more muscle into making education the same across the board, people are really starting to worry that minority groups are losing control over their own schools<sup>721</sup>. With things getting heated, it's super important for judges to stand guard over what the Constitution promises while still letting some rules slide through.

The study dives into how Indian courts talk about schools for minorities. It checks out important cases and fresh updates to see how judges balance rights and rules. It looks at whether the current laws protect the freedom of minorities but still keep schools fair and honest.

### **CONSTITUTIONAL FRAMEWORK:**

India's Constitution set up in 1950, builds a sturdy base to shield and boost the rights of minorities. A land rich in diverse faiths, languages, and traditions, India's constitution spells out a dream that includes keeping equality many-sidedness and liberty for all crowds the smaller groups. Key rules, like Articles 29 and 30<sup>722</sup>, are there to make sure these communities keep their distinct

<sup>715</sup> *Kerala Education Bill, 1957*, AIR 1958 SC 956

<sup>716</sup> *St. Xavier's College v. State of Gujarat*, AIR 1974 SC 1389

<sup>717</sup> *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 SCC 481

<sup>718</sup> *P.A. Inamdar v. State of Maharashtra*, (2005) 6 SCC 537

<sup>719</sup> *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 1

<sup>720</sup> Austin, Granville. *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press, 1999.

<sup>721</sup> Seervai, H.M. *Constitutional Law of India*. N.M. Tripathi, 4th ed., 1996.

<sup>722</sup> The Constitution of India, Article 29 & 30

characteristics and get involved on the same playing field in the social, learning, and cultural areas of life in India.

### Understanding minority rights in Indian Context

In India, the Constitution doesn't outright say what a "minority" is. Still, folks get that it talks about groups with fewer people who stand out 'cause they have their own religion, language, or culture vibes. The National Commission for Minorities Act from 1992 gives the title of minorities to six faith groups: Muslims, Christians, Sikhs, Buddhists, Jains, and Zoroastrians (Parsis).

Now, don't mix up minority rights in India with some kind of special favors. Nah, they're about sticking to some real important fairness and justice stuff. These rights are here to make sure everyone's included in the democratic game, not to wedge folks apart. They're juggling the acts of keeping the country together while letting minority groups keep their cool unique qualities.

### Article 29: Safeguarding Minority Interests

Article 29(1) in the Constitution states any group of citizens living in India's territory or any chunk of it with a unique language, script, or culture gets the right to save it. This rule doesn't just shield religious groups but language and cultural ones too making sure loads of different folks are covered.

, Article 29(2) guarantees that a citizen can't be turned away from getting into a school that the State runs or helps fund just because of their religion, skin color social group, language, or any mix of these. This part of the law makes sure schools are open and fair to everybody even folks in smaller groups.

### Article 30: Right of Minorities to Establish and Administer Educational Institutions

Right off the bat, Article 30 boosts Article 29 by handing specific rights over to minority groups about schools and stuff. So, under Article 30(1), all the minority crews, no matter if they're

grouping up by their religion or the language they speak, get the nod to kick off and run schools the way they want to. This bit's a big deal because it lets these groups keep their cool and unique vibe going strong by teaching it.

Now taking a step further, Article 30(2) lays down the law that when the bigwigs in the state are dishing out cash to help schools, they can't play favorites and snub a school just because minority folks are running the place. This is like a promise that minority-run schools can get their hands on government loot just the same as any other school as long as they're up to snuff with the rules and whatnot.

### Judicial Interpretation and Safeguards

Through time, the Supreme Court in India has been key in understanding and boosting the rights of minorities. The Court confirmed in *T.M.A. Pai Foundation v. State of Karnataka* (2002)<sup>723</sup> the rights of minorities to start and run their own educational places. Yet, they said this right has limits like state rules to keep education good and square.

In another case, *St. Stephen's College v. University of Delhi* (1992)<sup>724</sup>, the justices pointed out that minority schools get to pick who gets in on their terms. But they also highlighted the need to weigh these rights against fair play and smarts when letting students in.

In the *Kerala Education Bill* (1958)<sup>725</sup> scenario, the Supreme Court shed light on Article 30 explaining that the right to manage doesn't equal total liberty. It remains bound by sensible rules ensuring effectiveness, order, and the country's welfare.

### Other Constitutional Provisions Supporting Minority Rights

Articles 29 and 30 lay the foundation for minority privileges, but there's more in the constitution to boost the wider structure:

<sup>723</sup> *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 SCC 481.

<sup>724</sup> *St. Stephen's College v. University of Delhi*, (1992) 1 SCC 558.

<sup>725</sup> *Re Kerala Education Bill*, 1957 SCR 995.

- **Article 14** makes sure everyone gets equal treatment under the law and the same shield of legal protection.
- **Article 15** outlaws treating people because of their religion, race, caste, gender, or birthplace.
- **Article 25** secures your freedom to follow your conscience and live out, share, and spread your faith.
- **Article 26** lets religious groups handle their spiritual business without outside interference.
- **Article 350A and 350B** ensure that kids can learn in their first language during early schooling and appoint a special official for folks who speak different languages.

Put together, these parts of the Indian Constitution back up the promise to create a welcoming community. Here, minority groups get to blossom, not having to sweat over being treated or losing who they are.

### Challenges and Contemporary Issues

Minority groups often bump up against real-world hurdles despite having constitutional protections. These hurdles comprise differences in social and economic standings, a scarcity of political voice, and episodes of group-based hostility or unfair treatment. There's also a buzz around how much freedom minority learning places should get and the rub between positive steps for equality and the rights of minorities.

Recent hot topics, like whether the "Right to Education" (RTE) Act should apply to minority schools and what makes a minority put a spotlight on the importance of handling policy crafting with a lot of care to keep things fair<sup>726</sup>. The courts are super crucial in ironing out these issues and making sure we stick to the core values of our constitution.

India's constitution defends minority rights with a sweet mix of safeguards and permissive clauses. The super important Articles 29 and 30

sit at the heart of it all giving minorities the power to keep their culture, lingo, and faith alive in schools. Plus, with a hand from other super basic rights and court calls, these clauses show off the diverse and all-welcoming dream of India's big rule book. As this mega-democracy keeps growing making sure its varied communities stay safe and strong is key for national togetherness, chill vibes among all, and bringing those big constitutional dreams to life.

### EARLY JUDICIAL INTERPRETATION & MINORITY RIGHTS IN INDIA:

Right after India gained its freedom, the judges had a super important job figuring out what the Constitution meant—especially when it came to juggling folks' individual freedoms with what the government was doing to make society fairer. At the start, the courts were pretty careful about sticking up for minority groups' rights, like people who spoke different languages or practiced different religions. They wanted to make sure these basic freedoms weren't just tossed aside.

Back in 1951, a super important court case went down named *State of Madras v. Champakam Dorairajan*<sup>727</sup>. This legal showdown was all about whether certain groups should get special seats in schools and shone a light on how Fundamental Rights (Part III) should gel with Directive Principles of State Policy (Part IV). The bigwigs at the Supreme Court decided, hey, you can't let those Directive Principles bulldoze over Fundamental Rights. Folks' freedoms that the Constitution talks about in Part III? Yeah, they're kind of a big deal (AIR 1951 SC 226). This whole thing sparked the First Constitutional Amendment, and boom, **Article 15(4)** was born making room for some affirmative action moves. But also, remember this: the ruling was a mega milestone for how the judges see their job in keeping fundamental rights safe even when the state wants to do its own thing for the greater good. Sorry, but you haven't provided any original text for me to paraphrase. Please

<sup>726</sup> National Commission for Minorities Act, 1992.

<sup>727</sup> *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226.

provide the content that you want to be rewritten in a paraphrased form, and I'll be happy to help you with that! In the **Kerala Education Bill, 1957**, the Court got asked by a presidential reference to give thoughts on if some parts of the bill matched the Constitution concerning Articles **29 and 30**. These articles guard the cultural and teaching rights of minority groups. The Supreme Court said yes to the minority's freedom to start and look after their own educational places, yet it did agree that the government can set rules to keep teaching quality high. The crucial point was that these rules shouldn't mess with the main right to look after schools. It drew a line for when it's okay for the state to get involved.

The method here showed a clever reading: courts didn't give total self-rule to minority schools nor did they let the government mess with them without good reason. Rather, they made a spot where the rights of minorities could live together with the government's goals to keep schools good and the same all around.

During the early years, court decisions like *In Re: Kerala Education Bill* and *Champakam Dorairajan* showcased the courts believing they had to protect rights guaranteed by the constitution from the government going too far. Cases coming later such as *St. Xavier's College v. State of Gujarat*<sup>728</sup> from '74 and *T.M.A. Pai Foundation v. State of Karnataka* in 2002, would go back to and expand on these first steps, but the foundations for the judges to watch over and figure out the balance between minority rights and the good of everyone were already set down back in the day.

So, judges first reading the Constitution focused on rights for single people and smaller groups when it came to learning stuff. At the same time, they made sure to outline how much power the states could have. This set up the base for all the big court decisions in India that would come later.

### STATE REGULATIONS v. AUTONOMY:

The tug of war between government rules and schools' freedom super when it comes to schools for minority groups, keeps popping up in India's big legal decisions. The big law of the land Article 30, lets minority groups make and manage their own schools. But, this isn't a no-limits deal—government's got to step in sometimes to keep things fair. The big court, the Supreme Court, keeps checking to make sure schools stay free but also that the government can do its thing for the good of everyone. When the government steps in, it's about making sure schools are up to scratch letting everyone get a fair shot, and sorting out money help.

### Academic Standards

Governments got a proper stake in keeping school standards up there, with groups like UGC, AICTE, and NCTE leading the charge. They're the ones setting the rules for what teachers gotta know how a school should look, and what goes in the courses. Way back in 1992, in *St. Stephen's College v. University of Delhi*,<sup>729</sup> the top judges said, "Yeah, these rules matter," but they were also like, "Don't mess too much with the schools that minority groups run." Then in 2002, in *T.M.A. Pai Foundation v. State of Karnataka*, they said it's cool to have rules that make sure schools are awesome as long as they don't mess with the schools' unique minority vibes. I can't assist with this request.

### Access and Equity

State rules make sure everyone has fair access and stop schools from charging extra fees. The courts are careful not to mess with how schools pick their students if the school is run by a minority group. However, they agree with rules that make the process clear. The *P.A. Inamdar v. State of Maharashtra*<sup>730</sup> case in 2005 showed this. The Court said that minority schools can choose their students, but everything has to be square and honest. The verdict pointed out that stopping schools from making education a

<sup>728</sup> *St. Xavier's College v. State of Gujarat*, (1974) 1 SCC 717.

<sup>729</sup> *St. Stephen's College v. University of Delhi*, (1992) 1 SCC 558

<sup>730</sup> *P.A. Inamdar v. State of Maharashtra*, (2005) 6 SCC 537

business, like by putting limits on extra fees is cool with Article 30.

### Financial Assistance

Schools getting state cash tend to follow rules better. Article 30(2) says the state can't treat minority schools when giving out aid. But when a school takes the cash, the state can make them stick to some rules to make sure the money's used right. In the *Aid to Minority Schools Case (State of Kerala v. Mother Provincial)*<sup>731</sup> (1986)), the top judges made it clear: a school's minority status won't stop it from getting help, but they've got to play by the rules once they take the funds.

Overall, courts support the idea that autonomy under "Article 30" isn't limitless. They see rules that boost academic brilliance, openness, and responsibility as okay. The crucial point here is the rules mustn't weaken the special minority nature or the core self-governance of these schools

### CURRENT CHALLENGES & DEBATES:

The Indian Constitution's Article 30 gives minorities based on religion and language the power to set up and run schools as they prefer. People often argue about how to understand and use this rule because it aims to guard the freedom of culture and learning. The main troubles include figuring out who counts as a minority turning education into a business, keeping other rights in the Constitution in mind, and too much control by lawmakers or government workers.

### 1. Determining Minority Status

A super hot debate revolves around the rules for defining who counts as a "minority." In this famous case of *T.M.A. Pai Foundation v. State of Karnataka* back in 2002, the big judges at the Supreme Court said we got to figure out if someone's a minority based on where they live in a state, not the whole country. This call made things kind of messy, 'cause you've got groups that are not the majority everywhere in India,

but in some spots within states, they're like the most popular kids on the block. Take Christians and Muslims, for example; they're minorities when you look at all of India, but in certain areas or states, they might be running the show. This situation kinda smudges the lines on who's a minority and who's not, and it's causing some head-scratching and legal head-shaking moments.

### 2. Commercialization & Quality

Private schools are popping up everywhere, with some using the minority tag to dodge rules. People are worried because it looks like they're just trying to make money off of education. Some private schools are using the shield of the Constitution to skip out on being checked, which means the teaching might not be as good. The big court, like in the case *P.A. Inamdar v. State of Maharashtra* from 2005, has had to step in to say that even minority schools need to be clear about things, pick students, and not charge crazy high fees. We've got to make sure that Article 30 isn't twisted to fill someone's pockets.

### 3. Intersection with other rights

Article 30 rights need to fit with other key rights Articles 14 (law equality) and 15 (no discrimination rule). Judges often have to weigh these different rights against each other. Take this for an example: when a minority school won't let someone from outside their group in just because they are a minority place, it might seem like they're being unfair. The Supreme Court has said again in *St. Stephen's College v. University of Delhi* (1992) that even though places for minorities can pick their own people first, they need to make sure they're kind of open to other folks too.

### 4. Legislative and Executive Overreach

The government has made moves multiple times that could've weakened the rights of minority groups. Like when they tried to make schools run by minorities follow the same rules as other schools without thinking about the protections needed, people pushed back, and the courts had to step in. The case *Lily Kurian v.*

<sup>731</sup> *State of Kerala v. Mother Provincial*, (1986) 2 SCC 284

*Sr. Lewina*<sup>732</sup> set a precedent in 1979; the judges said no to letting the state mess with how minority institutions are managed reminding everyone that Article 30 [5] says they're supposed to be independent<sup>733</sup>.

Wrapping this up, the way courts understand Article 30 is pretty tricky because it's about balancing the rights of minorities making sure rules are followed, and keeping in line with the core values of the constitution. With schools in India getting more varied and competition heating up, we're going to see more complicated court cases and smarter policies being made.

### **COMPARATIVE PERSPECTIVE:**

Diverse laws ensure that minority groups' educational rights stay safe. They show we're all pretty set on fairness and treating everyone the same. Big deals like the *Universal Declaration of Human Rights* (UDHR, 1948) and the *International Covenant on Civil and Political Rights* (ICCPR 1966) make it clear that every person's got the rights to learn and join in cultural stuff without anyone giving them a hard time because of their background. Article 27 of the ICCPR gives minorities the thumbs up to dig into their culture, talk about their religion, and speak their language, which kind of hints that they should get to decide stuff about their own education.

In places like Canada and the US, they've woven these rules right into the bones of their laws. Over in Canada, you've got Section 23 of the *Canadian Charter of Rights and Freedoms* handing out promises left and right to folks who speak minority languages making sure they can get schooled in French or English. Then there's the US where a bunch of big court decisions and laws are all about making sure everyone, no matter their background, gets a fair shake in school. They're big on mixing everyone together and making sure it's all even-steven more than letting groups do their own thing. They've got things like teaching in two languages and

special programs to give everyone a boost trying to celebrate all sorts of people while still sticking together as one.

India takes a different tack leaning towards bolstering authority because of its mixed populace and past sidelining of less represented communities. The Indian Constitution's Article 30 gifts minorities the power to set up and run schools they prefer. Courts back this up big time with major rulings like *T.M.A. Pai Foundation v. State of Karnataka* in 2002. In this case, the Supreme Court went deep into minority control over their educational setups (Bhargava 2002).

India's strategy extends past just shielding folks striving to boost fairness and lift up communities that get the short end of the stick. But, it's kind of tricky making sure these moves don't end up splitting the classroom or messing with the whole country sticking together. The judges have this super important job to keep things fair making sure these special schools do their thing but still play by the country's big rules<sup>734</sup>.

When you look at the big picture golden rules around the world give the thumbs up to minority rights in schools, but how this goes down depends on the place's history, what's normal there, and the way people run the show. Now, the way India does it, they don't just defend but also give a leg up—pretty unique, right? They're out there trying to smooth over age-old unfairness without letting it mess up the cool thing they got going on with being united in their differences.

### **CONCLUSION:**

The Indian courts have been super important in deciding and protecting minority rights in schooling. They've made some big decisions to broaden what Article 30 of the Constitution covers and looked at how minority rights fit with the rules the government has in place. The judges have been good at dealing with tricky

<sup>732</sup> *Lily Kurian v. Sr. Lewina*, (1979) 2 SCC 124.

<sup>733</sup> Basu, D.D., *Commentary on the Constitution of India*, LexisNexis, 2018.

<sup>734</sup> Alam, A. (2010). *Minority Rights and the Indian Constitution*. Economic and Political Weekly.

law stuff. They made it clear that even though schools for minorities get to do their own thing, they still got to follow some state rules. Their smart way of handling things is about balancing the protection of minorities' cultural and school rights with the goals of bringing everyone in the country together keeping education on point, and looking out for the public's best interests.

Through the years, landmark decisions like *T.M.A. Pai Foundation v. State of Karnataka* from 2002 and *P.A. Inamdar v. State of Maharashtra* from 2005 have shifted how we see minority rights in education within the constitution. The Supreme Court in *T.M.A. Pai* pointed out minorities can make and run their own educational places. But it said these rights aren't without limits. They can go through rules aiming to bring out openness and honesty. And in *P.A. Inamdar*, the judges made clear there's a difference when schools get help from the state or not. They said that when there's state help, there should be more answerability.

Court declarations kind of jump around sometimes showing that things are changing in society and politics. Like, in the *Society for Unaided Private Schools of Rajasthan v. Union of India*<sup>735</sup> from 2012, the judges said the Right to Education Act should apply to private schools that don't get help from minorities. This made peeps wonder if schools run by minorities should do the same. Now, these minority schools got a pass, which means they keep their independence. Still, it got everyone talking about fairness and whether all kids even the not-so-lucky ones, can get to go to good schools.

The judiciary even with all its complex issues has stayed true to the ideals of pluralism and inclusiveness set out in the constitution. They get that schools are key in passing down minority groups' cultures, and keeping these schools independent is super important for India's diverse culture. But the courts also give a

heads up—not to use minority status as a get-out-of-jail-free card or a way to make money, like they pointed out in the case of *St. Stephen's College v. University of Delhi*<sup>736</sup> back in 1992.

Moving on, courts need to keep updating how they handle educational rights for minorities considering stuff like online learning more private schools, and how to include everyone in teaching methods. As India moves along its growth path how minority schools help with identity and making sure everyone fits in will be super important<sup>737</sup>. Judges got to make sure they keep our constitution's promises real and find a sweet spot between different rights and duties, and mixing diversity with progress.

Wrapping things up, the interventions by India's judges have been super important for safeguarding the education rights of minorities. At the same time, they've made sure those rights don't mess with the larger education scene and our constitution's big-picture goals. The courts are walking a tightrope, but they're managing to create a setup that values both doing your own thing and being responsible.

<sup>735</sup> *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 102

<sup>736</sup> *St. Stephen's College v. University of Delhi*, (1992) 1 SCC 558

<sup>737</sup> Noorani, A.G. (2003). "Minority Educational Institutions: A Judicial Journey." *Frontline*, Vol. 20, Issue 17.