

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Central Information Commissioner

CIC/YA/A/2015/001266-SA

Jai Bhagwan Jatav v. PIO, Department of Higher Education

Important Dates and time taken:

RTI: 26.12.2014	FAO: 15.04.2015	SA: 20.05.2015
Closed.	Hearing: 13.10.2016	Decided on: 13.10.2016

Parties Present:

1. Appellant: Absent.

Public authority: Mr. B. K. Bhadri, Asst. Educational Advisor.

FACTS:

2. The appellant filed RTI Application seeking information about School of Planning and Architecture and Council of Architecture etc. the CPIO stated that the School of Planning and Architecture and Council of Architecture are not minority education institute hence no information is available, which was upheld by FAA. Appellant filed second appeal before this Commission.

Decision :

3. The appellant has a grievance that aided institutions are not following the minority reservation policy. The CPIO stated that it is a policy matter. Article 15(5) of the Constitution of India exempts a minority educational institution covered under Article 30(1) from its guidelines of reservation in admission. That being so, requirements of the Central Educational Institutions (Reservation in Admission) Act, 2006 cannot be made applicable to an educational institution covered under Article 30(1). Moreover, in case of P.A. Inamdar & Ors vs State Of Maharashtra & Ors on 12 August, (2005) 6 SCC 537, it was held that neither can

the policy of reservation be enforced by the State nor can any quota of admission be carved out to be appropriated by the State in a minority educational institution. In T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481 : AIR 2003 SC 355, it was held that the State cannot regulate or control admissions in minority educational institutions, constituting a serious encroachment on the right enshrined in Article 30(1).

4. Though Minority institutions are free to admit students of their own preference including students of non minority community as also members of their own community from other States, it is only to a limited extent. It should not be done in a manner and to such an extent that the minority status of educational institution is not lost. Otherwise, they lose the protection of Article 30(1). Also, the Supreme Court of India, in a Writ petition (C) No. 416 of 2012, Pramati Educational and Cultural Trust & Ors vs. Union of India & Ors stated that RTE is not applicable to minority educational institutions, aided and unaided. To agree with opinion of the appellant, government requires to initiate amendment to the constitution. There is no such demand till today. If appellant considers this as a significant need to regulate admission in minority institution to impose reservations, he is free to prepare a comprehensive memorandum, present it to Union government and build up public opinion in favour of it. Closed.

Sd/-

(M. Sridhar Acharyulu)
Central Information Commissioner

Authenticated true copy

(Dinesh Kumar)
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

1. The CPIO under RTI,
Department of Higher Education,
MHRD, Technical Section-IV,
Shastri Bhawan, New Delhi-110001.
2. Shri Jai Bhagwan Jatav,
Rashtriya Shoshit Parishad, B-2 Extn./2,
St. No. 7, Krishna Nagar, Safdarjug Enclave,
New Delhi-110029.