

Supreme Court Revisits RTE Exemption for Minority Institutions

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RTE Exemption Latest News

- The Supreme Court has referred the issue of RTE exemption for minority institutions to a larger Bench, questioning its 2014 ruling that granted them blanket exemption.

Introduction

- The **Right of Children to Free and Compulsory Education (RTE) Act, 2009**, is a cornerstone of India's commitment to universal elementary education.
- However, a contentious legal question persists: should minority educational institutions, protected under Article 30 of the Constitution, be exempt from the provisions of the RTE Act?
- This debate resurfaced after the Supreme Court, on September 1, 2025, referred the issue to a larger Bench, signalling that its 2014 ruling in the ***Pramati Educational and Cultural Trust v. Union of India*** case may require reconsideration.

Debate on RTE Exemption to Minority Institutions

- The heart of the debate lies in balancing two constitutional guarantees, **Article 21A**, which ensures free and compulsory education for children aged 6 to 14, and **Article 30(1)**, which grants minorities the right to establish and administer educational institutions of their choice.
- The 2014 Constitution Bench had ruled that **Section 12(1)(c) of the RTE Act, which mandates 25% reservation for children from disadvantaged groups in all private schools, would infringe upon the autonomy of minority institutions.**
- This judgment effectively excluded all minority institutions, aided or unaided, from the purview of the RTE Act.
- Critics argue that such blanket exemption dilutes inclusivity, fragments the common schooling system, and enables institutions to misuse minority status to avoid regulatory obligations.
- Proponents, however, stress that autonomy is essential for preserving the unique cultural and linguistic character of minority-run schools.

Background of the Case

- The reference arose from appeals challenging the insistence of state education departments that teachers in minority institutions clear the Teacher Eligibility Test (TET), a minimum qualification prescribed under Section 23 of the RTE Act.
- The two-judge Bench of the Supreme Court observed that the 2014 ruling had “unknowingly jeopardised the very foundation of universal elementary education.”
- The court noted that exempting minority institutions from the RTE framework weakens the vision of inclusivity, reinforcing divides instead of creating shared spaces for learning.

Supreme Court’s Observations and Summary

- The Supreme Court, while referring the matter to a larger Bench, underlined several critical points:
 - **Need for Reconsideration of 2014 Ruling:** The Bench held serious doubts over the justification of granting blanket exemption, stating that applying the RTE Act “does not erode, let alone annihilate, the minority character” of institutions.
 - **Social Inclusion and Section 12(1)(c):** The judges emphasised that the 25% reservation under Section 12(1)(c) serves a vital purpose of social inclusion.
 - Admitting disadvantaged children under a transparent, state-guided framework does not inherently compromise minority identity.
 - **Financial Neutrality:** The RTE Act includes reimbursement provisions for private schools implementing Section 12(1)(c), ensuring that the financial burden does not fall solely on institutions.
 - **Inclusivity and Equality:** The Bench highlighted that the larger purpose of the Act is to create integrated classrooms where children of different backgrounds learn together, aligning with the transformative goals of Article 21A.
 - **Misuse of Minority Status:** The court also flagged that some institutions have sought minority recognition primarily to bypass obligations under the RTE Act, creating “enclaves of privilege” at the

cost of national development goals.

- The matter will now be placed before the Chief Justice of India, who may constitute a larger Bench to examine whether minority institutions should continue to enjoy a blanket exemption from the RTE Act or whether a nuanced, fact-specific approach should be adopted.

Conclusion

- The Supreme Court's move to revisit the exemption of minority institutions from the RTE Act marks a crucial moment in India's education and constitutional jurisprudence.
- It raises fundamental questions about equality, inclusivity, and autonomy.
- If the larger Bench revises the 2014 judgment, minority institutions may need to comply with provisions such as the 25% reservation under Section 12(1)(c), thereby reinforcing the idea of a common schooling system.
- Striking the right balance between minority rights and the universal right to education will be key to shaping the future of India's education policy.

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