

RTE Act and Minority Schools: Supreme Court Questions Pramati Ruling

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RTE Act and Minority Schools Latest News

- The Supreme Court has cast doubt on its **2014 Pramati Educational and Cultural Trust judgment**, which had exempted minority educational institutions from the **Right to Education (RTE) Act, 2009**.
- A two-judge Bench, while ruling on whether the **Teacher Eligibility Test (TET)** was mandatory for minority schools, referred the matter to a larger Bench for reconsideration.
- The court noted that excluding minority schools from the RTE Act's ambit may have **compromised children's fundamental right to quality education**, raising concerns about equal access to standards of learning.

Supreme Court's TET Ruling: Minority Schools and In-Service Teachers

- The Supreme Court, while ruling in **Anjuman Ishaat-e-Taleem Trust v. State of Maharashtra**, addressed two key issues:

- **Minority schools & RTE Act:** The Bench referred to a larger Bench the question of whether the RTE Act applies to minority schools, casting doubt on the 2014 Pramati judgment.
- **In-service teachers in non-minority schools:** Teachers with less than 5 years of service left may continue without clearing the Teacher Eligibility Test (TET), but must pass it for promotions.
 - Teachers with more than 5 years left must clear TET within two years to remain eligible.
- This nuanced order balanced continuity of service with the need to uphold minimum teacher qualification standards.

Supreme Court Flags Concerns Over Pramati Ruling

- The Supreme Court criticised the **2014 Pramati judgment**, calling it “legally suspect” and “disproportionate” for exempting all minority institutions from the RTE Act based largely on Section 12(1)(c), which mandates 25% reservation for disadvantaged children.
- The Bench highlighted the conflict between **Article 30(1)** (minority institutions’ rights) and **Article 21A** (children’s fundamental right to education).
- It stressed that **both rights “must co-exist mutually”** instead of treating Article 30(1) as an absolute override, as the Pramati ruling had done.

2014 Pramati Ruling: Key Takeaways

- The five-judge Bench examined:
 - **86th Amendment (2002):** Introduced Article 21A, making education a fundamental right.
 - **93rd Amendment (2005):** Introduced Article 15(5), allowing the state to provide special provisions for backward classes, SCs, and STs in all institutions except minority schools.
- The Bench **upheld both amendments**, recognising education as a right and permitting state intervention for disadvantaged groups.
- However, it ruled that the **RTE Act was unconstitutional for minority schools** (aided or unaided) protected under **Article 30(1)**.

Rationale for Exemption

- The Court reasoned that imposing Section 12(1)(c) — reserving 25% seats for disadvantaged children — could **dilute the minority character of such schools**.
- It emphasised that minority institutions have the fundamental right to establish and administer schools of their choice, and this must remain safeguarded.

Key Provisions and Spirit of the RTE Act

- The **Right to Education (RTE) Act** guarantees free and compulsory education for children aged 6–14. It mandates:
 - Free education in government schools and proportionate free seats in aided schools.
 - **25% seat reservation** in private unaided schools for disadvantaged children, with state reimbursement (**Section 12(1)(c)**).

- Minimum standards for pupil-teacher ratios, trained teachers, infrastructure, and libraries.
- A ban on corporal punishment and capitation fees, making all schools responsible for universal education.
- According to experts, the Act is **child-centric, not institution-centric**, prioritising the **fundamental right of every child** over the administrative autonomy of schools.

Misuse of Pramati Exception and Renewed Judicial Push for Inclusion

- A study by the National Commission for Protection of Child Rights showed that only 8.76% of students in minority schools were from disadvantaged groups, while 62.5% were non-minority.
- This indicates that many institutions claimed minority status without serving their communities, yet benefited from exemption to RTE mandates.
- After the RTE Act (2010), private and minority groups challenged the 25% quota.
- While the **2012 ruling exempted unaided minority schools**, the **2014 Pramati ruling extended this exemption to all minority schools**, creating loopholes for elite private schools to adopt a minority label to avoid compliance.
- Experts noted that such institutions ignored disadvantaged children, undermining the spirit of RTE.
- They emphasised that the latest SC ruling rightly realigns with children's rights, ensuring that students in minority schools also benefit from norms on libraries, pupil-teacher ratios, and qualified teachers.

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