

An institution's right to govt. aid is not a fundamental right: SC

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The right of an institution, whether run by a majority or minority community, to get government aid is not a fundamental right. Both have to equally follow the rules and conditions of the aid, the Supreme Court held in a judgment on Monday.

“Whether it is an institution run by the majority or the minority, all conditions that have relevance to the proper utilisation of the

grant-in-aid by an educational institution can be imposed. All that Article 30(2) states is that on the ground that an institution is under the management of a minority, whether based on religion or language, grant of aid to that educational institution cannot be discriminated against, if other educational institutions are entitled to receive aid,” a Bench of Justices S.K. Kaul and M.M. Sundresh said, referring to the court’s T.M.A

Pai decision. The Bench said if the government made a policy call to withdraw aid, an institution cannot question the decision as a “matter of right”. An institution is free to choose to accept the grant with the conditions or go its own way, it said.

The judgment came in an appeal filed by Uttar Pradesh against a decision of the Allahabad High Court to declare unconstitutional a provision of the Intermediate Education Act, 1921.