

C.A.No. 1265-1266 OF 1998

ITEM No.107

Court No. 2

SECTION -XII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal Nos.1265-1266/1998

Kamala Middle School & Anr.

Appellant(s)

VERSUS

Secy. To Govt. Edu.Dept. And Ors.

(With office report)

With C.A.No.5903/1997(With office report)

Respondent (s)

Date: 20.1.2004 :This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU

HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant (s)Mr. V. Balachandran, Adv.

Mr. K.V. Mohan, Adv.

For Respondent (s) Mr. P.N. Ramalingam, Adv.

Mr. S. Balakrishnan, Sr. Adv.

Mr. Subramonium Prasad, Adv.

Mr. Gopala Krishnan. R., Adv.

UPON hearing the counsel the Court made the following

O R D E R

Learned senior advocate/learned counsel appearing for the parties made their submissions for some time.

The appeals are allowed in terms of the signed order.

( Meenu Sethi )

Court Master

(Om Prakash)

Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1265-1266/1998

Kamala Middle School & Anr.

...  
Appellants

VERSUS

Secy. to Govt. Edu. Dept. & Ors.  
...  
Respondents

With  
C.A. No.5903/1997

O R D E R

In these appeals the question raised is one relating to a claim for minority status in respect of certain educational institutions. The trial court in each one of these appeals held that the said educational institutions are minority institutions while the appellate court reversed the said decision which has been affirmed by the High Court. During pendency of these appeals before us there have been a few decisions rendered by this Court on the various questions raised in these appeals and the benefit of which the High Court could not have at the time of rendering of the impugned judgment. Therefore, the facts arising in these appeals will have to be considered on the principles stated by this Court in

those decisions. Hence, we set aside the order made by the High Court and remit the matters to the High Court for fresh consideration in accordance with law. The interim order granted by this Court shall enure to the benefit of the parties until disposal of the appeals before the High Court. The appeals are allowed accordingly.

.....J.  
( S. RAJENDRA BABU )

.....J.  
( G.P. MATHUR )  
New Delhi,  
January 20, 2004.