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W.P(C)No. 487 OF 1999

ITEM No.2

Court No. 4

SECTION X
A/N MATTER

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

IA No.3 in Writ Petition(Civil) No.487/1999

ISLAMIC ACADEMY OF EDUCATION AND ANR.

Petitioner (s)

VERSUS

STATE OF KARNATAKA AND ORS.
(With Appln(s). for directions)
(With Office Report)

Respondent (s)

With
WP(C)6 of 2002

Date: 07/01/2002 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. FS Nariman, Sr.Adv.
in WP(C) 487/99 Dr. Roxna S. Swami, Adv.
Mr. Bharat Sangal, Adv.

For Petitioner (s) Mr. Sushil Kumar, Sr.Adv.
in WP(C)6/2002 Mr. Sanjay Jain, Adv.

For Respondent (s) Mr. Sanjay R. Hegde,Adv.
Nos.1-2

For RR No.4 Mr. S.N. Bhat,Adv.

UPON hearing counsel the Court made the following

O R D E R

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IA NO.3 IN WP487/1999@@
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We heard Mr. FS Nariman, learned senior counsel for the petitioners and Mr. Sanjay R. Hegde, learned counsel for the State of Karnataka. In the light of Article 31 of the Constitution, we are, prima facie of the opi ion that the government cannot impose restrictions on the un-aided religious minority eductational institutions even on the basis of the provincial considerations. Therefore it is clarified that petitioners are free to fill their management quota irrespective of whether candidates are from inside or outside the State of Karnataka.

IA is disposed of.

WP(C)6/2002@@

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Issue notice. In the meanwhile we make it clear that it is open to the un-aided religious minority educational institutions (if the petitioners fall within that category) to admit students irrespective of provincial considerations.

Tag with WP(C)487/1999.

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Hemalatha

(HK Bhatia)
Court Master