

News

The Bombay High Court maintains the SC/ST/OBC quota for admission to minority schools in Class 11.



The court has been contacted by the Maharashtra Association of Minority Educational Institutions (MAMEI) and a number of well-known colleges from Solapur and South Mumbai, including Jai Hind, KC, HR, and St. Xavier's.

The reservation for Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBCs) in First Year Junior College (FYJC) admissions at Maharashtra's minority-run junior institutions has been halted by the Bombay High Court. [**Government of Maharashtra, Secretary of School Education and Secretary of School Education and Sports Department v. APD Jain Pathshala and Ors**]

A Division Bench consisting of Justices **M S Karnik** and **N R Borkar** noted that the current case was directly related to a previous Bombay High Court decision that invalidated a

Mumbai University circular calling for a similar reservation to backward classes in minority institutions.

"On the surface, we believe that the petitioners' arguments for the provision of temporary relief are persuasive. Therefore, the Court ordered that the social reservation mandate not be applied to any seats in minority educational institutions with regard to admission to Std XI.

In response to a series of petitions filed by minority institutions challenging the State's decision to implement SC/ST/OBC reservation for seats in minority colleges, the Court issued the order.

The court has been contacted by the Maharashtra Association of Minority Educational Institutions (MAMEI) and a number of well-known colleges from Solapur and South Mumbai, including Jai Hind, KC, HR, and St. Xavier's. The government's action has been referred to as "arbitrary" and devoid of legal legitimacy.

Clause 11 of a Government Resolution (GR) published by the School Education Department on May 6 is at the heart of the conflict. After all intra-minority adjustments have been made, the provision allows open seats under the minority quota to be filled through the centralized admissions process, subject to appropriate social and parallel reservations.

A 50-45-5 distribution formula has historically been used by minority institutions in Maharashtra: 50% for the minority community, 5% for management quota, and the remaining 45% for admissions without reservation.

Nonetheless, the State online admission portal indicated that SC/ST/OBC reservations were being applied to the 45% of available seats at minority colleges for the 2025–2026 academic year.

The petitioners, represented by Senior Advocate **Milind Sathe**, contended that the government's decision was in violation of Articles 15(5) and 30 of the Indian Constitution, which specifically exempt minority institutions—aided and unaided—from the application of social reservation laws.

He argued that reservation quotas should not apply to open category admissions, including minority seats that remain vacant.

Government Pleader Neha Bhide retorted that minority institutions' rights were unaffected by the ruling.

She maintained that the policy was put in place to make sure that vacant seats were used efficiently and that it only applied to minority seats that were given up.

She asserted that "social reservation is the obligation of the State" and that the action was taken at the institutions' own request.

Nonetheless, the Court issued an interim stay on the implementation of the disputed clause of the May 6 GR after finding validity in the institutions' arguments. The State has been given four weeks to submit its response. A follow-up hearing on the case is planned on August 6.

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