

CASE LAW UPDATES

Case Brief: Aligarh Muslim University v. Naresh Agarwal (2024)

Hanspal Bakul · 14 Oct 2026

The **historic judgment** of the Supreme Court of India in **Aligarh Muslim University v. Naresh Agarwal (2024)** is structured below as follows :

- **Case Name:** *Aligarh Muslim University v. Naresh Agarwal & Ors.* (2024 INSC 856)
- **Court & Bench:** Supreme Court of India; **7-judge Constitution Bench** headed by CJI D.Y. Chandrachud
- **Verdict Ratio:** **4:3 Majority** ruling

1. Facts

- **Establishment (1877):** The Muhammadan Anglo-Oriental College (MAO College) was set up by Sir Syed Ahmed Khan in Aligarh. The college was established with the intention of reconciling Islamic teaching and thought with Western education, thus serving the Muslim community better.
- **Changes for the Purpose of Conversion (1920):** Among many things, to finance the university with a proper endowment capital, the Muslim community entered negotiations with the colonial government. After a number of discussions, the Aligarh Muslim University Act came to be enacted in 1920, closing down the MAO College Society, vesting its property into AMU.
- **Legal Changes (1951 & 1965):** The Parliament executed amendments of the 1920 Act by abolishing mandatory study of Islam and eliminating Islamism from the AMU Court, the supreme governing body of the university.
- **The Azeez Basha case (1967):** The amendments were challenged in the case of **S. Azeez Basha v. Union of India**, with judges ruling that since the **AMU had been created by an Act of Parliament, it was created by the State and not the Muslim minority. Therefore, AMU was not covered under Article 30(1).**

- **The amendment to the law (1981):** To overturn the Basha ruling, the Parliament amended the AMU Act in 1981, changing the definition of the institution, stating explicitly that it had been created by the Muslims of India.
- **Dispute on reservations (2005-2006):** AMU, using the 1981 amendment, created 50% reservation for Muslims in postgraduate medical courses. This was struck down by the Allahabad High Court in the case [AMU v. Malay Shukla](#), stating that it was not possible for Parliament to simply legislate against the finding of the case of Azeez Basha. The matter was appealed to the Supreme Court, which finally referred the matter to a 7-judge Constitution bench.

2. Issues

1. **The Definitive Test for Article 30(1):** What are the exact legal parameters and historical indicators required to determine whether an educational institution was "established" by a minority community?
2. **The Validity of Azeez Basha:** Was the 5-judge bench correct in holding that the act of statutory incorporation automatically erases the minority character of an institution?
3. **The Interplay of Incorporation and Right:** Does a minority community forfeit its fundamental right to administer an institution under Article 30(1) by accepting a legislative charter to grant legally recognized degrees?

3. Arguments of the Parties

Arguments for the Petitioners (AMU & Allied Appellants)

- **Historical Genesis vs. Legislative Machinery:** The petitioners argued that the court must look at the "**brain, spirit, and funds**" behind the institution. The 1920 Act did not create AMU out of state funds; it merely transformed an existing minority college (MAO College) into a university structure.
- **Incorporation as a Formal Facility:** They asserted that statutory incorporation is a technical requirement for degree recognition. A fundamental right guaranteed by the Constitution cannot be defeated by the mere choice of a legal vehicle used to operationalize the institution.
- **Rejection of Basha's Formalism:** They contended that *Azeez Basha* committed a logical error by equating the legal fiction of "incorporation" with the physical and historical act of

"establishment."

Arguments for the Respondents (Union of India & Private Contesters)

- **Sovereign Statutory Creation:** The Union argued that once a statute states that an institution is "established and incorporated" by law, it ***becomes a public university of national importance, stripping it of private communal character.***
- **Surrender of Minority Autonomy:** They contended that the founders of MAO College deliberately chose to surrender their independent identity to the British Crown in exchange for the prestige and statutory powers of a university charter.
- **Incompatibility with Public Funding:** The respondents maintained that an institution heavily funded by the public exchequer and designated as an institution of national importance cannot implement religion-based institutional reservations.

4. The Judgment & Ratio Decidendi

On **November 8, 2024**, the 7-judge Constitution Bench delivered a **4:3 majority judgment** authored by Chief Justice D.Y. Chandrachud.

The Core Holding (Ratio):

1. **Overruling of Azeez Basha:** The majority explicitly struck down the ratio of ***S. Azeez Basha (1967)***, declaring its approach to be overly formalistic and textually narrow.
2. **The "Genesis and Proof" Test:** The Court established that "incorporation" does not equal "establishment." To claim Article 30(1) status, an institution must satisfy a historical inquiry proving:
3. **Non-Exclusive Administration:** The terms "establish and manage" are to be interpreted concurrently, and it is not essential that the management is performed entirely by the minority groups.

Hiring experts who are not from minority sections to establish and maintain the required academic standards will not take away the minority character of the institution.

Remark on the Current Position: The bench of 7 judges has, in effect, established the legal principles without actually delivering any judgment establishing AMU as a minority institution.

The matter has now been sent to the regular bench of three judges to examine the historical documents of 1920 in light of the new test discovered.

5. Legal Analysis and Critical Assessment

Purposive Interpretation vs. Literal Formalism

The verdict of 2024 heralds a new era of substantive constitutionalism in which Azeez Basha had put a legal conundrum that while a minority can set up a college, the moment **it attempts to promote it to the status of a university for awarding degrees, it automatically loses its Article 30 rights due to the requirement of state law.**

The majority corrected this by separating the legal form of the statute from the factual history of the work done by the respective community.

The Dissenting Dimension

The minority opinions (Justices Surya Kant, Dipankar Datta, and Satish Chandra Sharma) focused heavily on institutional stability, the doctrine of *stare decisis* (respecting long-standing precedents), and the secular character of state-funded national institutions.

Their critique centered on the disruption that altering a 57-year-old precedent might cause to the admissions framework of public central universities.

The AMU judgment clarifies that **State partnership does not equal minority abdication.** For your exam, focus on how this case redefines the words "establish" and "incorporate."

The ruling ensures that minority communities can utilize the statutory machinery of the modern state without being forced to trade away their constitutional protections under Article 30(1).

Aligarh Muslim University v. Naresh Agarwal (2024)

MINORITY RIGHTS | EDUCATION | CONSTITUTIONAL BALANCE

1 Facts

- **1877:** MAO College set up by Sir Syed Ahmed Khan with a vision to blend Islamic thought & Western education.
- **1920:** Converted into AMU via Act; MAO Society closed, property vested in AMU.
- **1951 & 1965:** Amendments – removed mandatory Islamic studies; Islamism from AMU Court.
- **1967:** Azeez Basha – held AMU was a State institution, not a minority (not covered by Art. 30(1)).
- **1981:** Amendment – redefined AMU as “established by Muslims of India”.
- **2005–06:** 50% Muslim reservation in PG medical courses struck down by Allahabad HC; appeal to SC: referred to 7-judge bench.



From a college to a university – and a legal battle for its identity.

2 Issues

- 1 What are the exact legal parameters to determine if an institution was “established” by a minority?
- 2 Was Azeez Basha (5-judge bench) correct in holding that statutory incorporation erases minority character?
- 3 Does a minority forfeit its Article 30(1) right by accepting a legislative charter for degree recognition?



3 Arguments of the Parties

Petitioners (AMU & Allied)

- ✓ Look at the “brain, spirit and funds” behind the institution.
- ✓ Incorporation is a technical formality, not a loss of minority rights.
- ✓ Azeez Basha’s formalism was flawed.



AMU & ALLIED APPELLANTS

Respondents (Union of India & Others)

- ✗ Statutory creation makes it a public university of national importance.
- ✗ Founders surrendered minority identity for university charter.
- ✗ Cannot have religion-based reservations in a publicly funded institution.



UNION OF INDIA

4 The Judgment & Ratio Decidendi

7-Judge Bench | 4:3 Majority | 8 Nov 2024



Overruled
Azeez Basha
(1967)

The “Genesis and Proof” Test

To claim Article 30(1) status, the institution must show:

- 1 **Genesis** – minority was the prime mover.
- 2 **Resources** – land, infrastructure & funds mainly from the community.
- 3 **Purpose** – to advance educational interests of the minority.

Non-Exclusive Administration

“Establish” and “manage” are read **concurrently**.

Not essential that the entire management is by the minority.

The matter is now with a regular 3-judge bench to examine historical documents of 1920.

5 Legal Analysis & Critical Assessment



Purposive Interpretation vs. Literal Formalism

Separates legal form from the factual history of the community’s role.



The Dissenting Dimension

Focused on stare decisis, institutional stability and the secular character of state-funded national institutions.



“State partnership does not equal minority abdication.”

Key Takeaway

The judgment redefines “establish” and “incorporate” and ensures minority communities can use the state’s statutory machinery without losing their Article 30(1) protections.

Same Constitution. A deeper understanding of what it means to be a minority.