
(2012) 01 MP CK 0031

In the Madhya Pradesh High Court

Case No : Writ Petition No. 11503 of 2011

Catholic Bishop's Council

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 27-01-2012

Acts Referred:

Constitution of India, 1950 — Article 28, 28(1)

Citation : (2012) ILR (MP) 725 : (2012) 2 MPHT 440

Hon'ble Judges : Sanjay Yadav, J;Ajit Singh, J

Bench : Division Bench

Advocate : Rajesh Chand, for the Appellant; Prashant Singh, Addl. A.G. for the State, for the Respondent

Final Decision : Dismissed

Judgement

Ajit Singh, J

1. Heard on admission.

The petitioner, who is a Public Relation Officer and Spokesperson of Catholic Bishop's Council Madhya Pradesh, has filed the present public interest litigation essentially against the decision of the State Government directing all the Government schools to include the book Gita Sar "Essence of Bhagwat Gita" from coming academic session on the ground that it is violative of Article 28(1) of the Constitution of India. The petitioner has also prayed that instead of one religious book, the respondents be directed to teach summary of all religions in schools.

It is to be noted that but for the newspaper clippings, the petitioner has not filed any order of the State Government directing to include the book Gita Sar "Essence of Bhagwat Gita" in all the Government schools from coming academic session. It is also to be noted that by order dated 29.7.2011 the counsel for petitioner was granted two months time to first read Gita before arguing this public interest litigation so that he may clearly understand whether Gita is a philosophy of life or is associated with any religion. The learned counsel for

petitioner fairly stated that although he has read Gita, he could not fully understand it.

2. In *Aruna Roy v. Union of India* AIR 2002 SC 3176 the Supreme Court has held that expression "religious instruction" used in Article 28(1) has a restricted meaning and conveys that teachings of customs, ways of worship, practices and rituals cannot be allowed in educational institutions wholly maintained out of State funds.

3. On reading of Clause (1) of Article 28 we find that it does not ban moral instruction, disassociated from any denominational doctrines, which is an essential part of training in citizenship, maintenance of law and order in the State, and growth of social cohesion. Gita is essentially a book on Indian Philosophy and not a book on Indian Religion. For these reasons, we find the petition wholly misconceived and dismiss it summarily.