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W.P(C)No. 239 OF 1998  
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ITEM No.103 COURT No. 1 SECTION PIL

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

Writ Petition (C) No. 239 of 1998@@  
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Hon'ble Shri Rangnath Misra Petitioner

VERSUS

Union of India & Ors. Respondents

(With I.A.No.1 - appln. for impleadment and office report)

Date : 21/11/2001 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner(s): Mr. K. Parasaran, Sr. Adv. (A.C.)  
Mr. G. Umopathy, Adv. (A.C.)  
Mr. Pradeep Ranjan Tiwary, Adv.  
Mr. Suren Uppal, Adv.

For Respondent(s): Mr. H.N. Salve, SG.  
U.O.I.: Mr. Krishan Mahajan, Adv.  
Mr. P. Parmeswaran, Adv.

For Tripura: Mr. Rajiv Mehta, Adv.  
Mr. R. Rahim, Adv.

For Meghalaya: Mr. Ranjan Mukherjee, Adv.

For Punjab: Ms. Jayshree Anand, Addl. AG., Pb.  
Mr. G. Sivabalamurugan, Adv.  
Mr. Rajeev Sharma, Adv.

For Rajasthan: Mr. Ranji Thomas, Adv.  
Mr. Javed M. Rao, Adv.  
for Mr. Sushil Kumar Jain, Adv.

For Sikkim: Mr. A. Mariarputham, Adv.  
Ms. Aruna Mathur, Adv.  
for M/s. Arputham, Aruna & Co., Adv.

For Haryana: Mr. Neeraj Kumar Jain, Adv.  
Mr. J.P. Dhanda, Adv.  
for Mr. Mahabir Singh, Adv.

For U.P.: Mr. Ajay K. Agrawal, Adv.  
Ms. Alka Agrawal, Adv.  
Ms. Chitra Markandeya, Adv.

For Uttaranchal: Mr. Ajay K. Agrawal, Adv.  
Mr. Mahesh Chandra, Adv.

For Manipur: Mr. Biswajit, Adv.  
Mr. Kh. Nobin Singh, Adv.

For Pondicherry: Mr. V.G. Pragasam, Adv.

For Assam: Ms. Krishna Sarma, Adv.  
Ms. Asha G. Nair, Adv.  
for M/s. Corporate Law Group, Advs.

For Arunachal Pd.: Mr. Anil Shrivastava, Adv.

For Gujarat & Mizoram: Ms. Hemantika Wahi, Adv.  
Ms. Sumita Hazarika, Adv.

For Nagaland: Mr. Kailash Vasdev, Sr. Adv.  
Mr. Sanjay K. Shandilya, Adv.  
Ms. V.D. Khanna, Adv.

For Maharashtra: Mr. S.V. Deshpande, Adv.

For Himachal Pd.: Mr. Naresh K. Sharma, Adv.

For Karnataka: Mr. Sanjay R. Hegde, Adv.  
Mr. Satya Mitra, Adv.

For Madhya Pradesh: Mr. S.K. Agnihotri, Adv.

For Bihar: Mr. B.B. Singh, Adv.

For J&K: Mr. Ashok Mathur, Adv.

For Kerala: Mr. K.R. Sasiprabhu, Adv.  
Mr. John Mathew, Adv.  
Mr. G. Prakash, Adv.

For Andhra Pradesh: Mr. T.V. Ratnam, Adv.  
Mr. K. Subba Rao, Adv.  
for Mr. K. Ram Kumar, Adv.

For Goa: Ms. A. Subhashini, Adv.

For West Bengal: Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sharma, Adv.  
Mr. Ajay Sharma, Adv.

For N.C.T. of Delhi: Ms. Indra Sawhney, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. D.S. Mahra, Adv.

In IA No.1/2001: Mr. F.S. Nariman, Sr. Adv.  
Mr. S.C. Sharma, Adv.  
Mr. K.J. John, Adv.  
Mr. P. Venugopal, Adv.  
Mr. P.S. Sudheer, Adv.  
for M/s. K.J. John & Co., Advs.

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Ms. Kirti Mishra, Adv.

UPON hearing counsel the Court made the following  
O R D E R

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Heard in-part.

(T.I. Rajput)  
Court Master

(Shelly Sengupta)  
Court Master

PART-HEARD@@  
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ITEM NO.101 COURT NO. 1 SECTION PIL@@  
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DATE: 22ND NOVEMBER, 2001@@  
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CORAM AND APPEARANCE: AS OF 21ST NOVEMBER, 2001.@@  
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The application for impleadment is now unnecessary and is disposed of.

The orders dated 19th February, 2001 and 9th April, 2001 are recalled.

The writ petition shall now be placed before a Bench of three learned Judges who will decide it on merits, having regard to the issue raised therein.

(T.I. Rajput)  
Court Master

(Shelly Sengupta)  
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Writ Petition (C) No. 239 of 1998@@  
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Hon'ble Shri Rangnath Misra

...Petitioner(s)

Versus~

Union of India & Ors.

....Respondent (s)



heard by a Constitution Bench. We, accordingly, refer the writ petition to be heard by a Constitution Bench. Keeping in view

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the importance of the issues, it is desirable that the writ petition is heard at an early date.

Let the papers be placed before Hon'ble the Chief Justice for constitution of the Bench."

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It is thus that the matter comes to be placed before us.

The letter of the former Chief Justice of India is general in its terms and refers to the importance of teaching fundamental duties in educational institutions. It does not specifically mention the obligation to sing the National Anthem nor the judgment in Bijoe Emmanuel. We have@@  
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ascertained that, in the course of the hearing of this writ petition before the Bench of three learned Judges which made the reference, neither party in the course of argument relied upon the judgment in Bijoe Emmanuel nor, therefore, was there@@  
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any question of that Bench finding it difficult to accept the correctness of what was stated therein.

In the circumstances, it is difficult to see how in this writ petition, the Constitution Bench is required to consider the questions afore-mentioned. We think that it is appropriate, accordingly, to recall the orders dated 19th February, 2001 and 9th April, 2001. The writ petition shall now be placed before a Bench of three learned Judges who will

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decide it on its merits, having regard to the issue raised therein.

The application for impleadment is now unnecessary and is disposed of.

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.....CJI.@@  
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.....J.@@  
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(Syed Shah Mohammed Quadri)@@  
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(N. Santosh Hegde)@@  
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.....J.@@  
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(S.N. Variava)@@  
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.....J.@@  
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(Shivaraj V. Patil)@@  
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New Delhi,  
November 22, 2001.