



Maharashtra Cosmopolitan
Education Society

**SURANA & SURANA INTERNATIONAL
MINORITY RIGHTS MOOT COURT COMPETITION**
A K K New Law Academy, Pune,
25 – 27 September 2009



Surana & Surana
International Attorneys

In the High Court of Sparta
Helios vs. State of Sparta & others

1. The Republic of Veritas is a Union of States with a federal structure. The Veritas Union comprises of the Central and State Governments. The 30 States of the Veritas Union were formed on a linguistic basis. The Constitution of Veritas is similar to that of the Republic of India. The census in the country of Veritas is undertaken once in 10 years only in the month of July.
2. The State of Sparta is situated on the eastern coast of Veritas. The State of Sparta is a melting pot of many ethnic groups. The State has three prominent religious communities namely Artemis, Thebes and Megaras besides people from other states. Thebes and Megaras are numerically less than Artemis. The State of Sparta is a developing nation with many of ethnic groups still fighting social and economic backwardness.
3. According to Veritas Constitution, Thebes and Megaras enjoy minority status and have certain privileges in establishing and maintaining educational institutions of their choice. They have freedom in admitting students in the institutions established by them including professional institutions.
4. The Constitution of Republic of Veritas provides for a reservation policy for admission for the past 50 years in educational institutions, government services and private institutions. 50% of the seats in these categories are reserved for Listed Castes, Listed Tribes and Other Notified Classes in the ratio of 15:10:25 based on recommendations of Gins Commission, which was adopted. Reservations in the country of Veritas was intended to increase social diversity and development by lowering the entry level criteria and thus provide social justice to the most marginalized and underprivileged.
5. The pro-reservation stance was vehemently protested by students and an actively increasing lobby of “anti-reservationists” across the length and breadth of Veritas. There were several litigations initiated questioning the constitutional validity of such reservations and also claiming gross violation of Fundamental Rights. Each of these litigations brought out judgments, which addressed only certain aspects of the apprehensions of the majority and did not address the issue comprehensively. As per the existing census, the Artemis constituted about 84% of the nation’s total population and the single largest religious majority in the country. The census in the Veritas nation was undertaken every 10 years by its National Census Commission.
6. Veritas is a democracy and its citizens are entitled to freedom of conscience and the right freely to profess, practice and propagate religion. It was popular notion that this constitutional provision was greatly exploited by Thebes and Megara’s more specially the Megara’s. The Megara religious doctrine was actively propagated in several pockets of the Veritas especially the hilly regions, where many States in it were under developed and backward and abundant with tribal population and therefore saw a very high percentage of religious conversion. The members of the Megara community actively concentrated their energies in establishment of educational and medical institutions and hospitals and were successful in establishing world-class institutions. They were supported by the world community in their worthy efforts. Megara’s wished to raise living conditions of their underprivileged community members through education and service. The constitution of Veritas was conducive to their plans.
7. In May 2009 the results of the High School Finals were declared. About 2 million students passed the examinations and many planned to join higher studies. The most sought after stream was medicine. Generally, Veritas has a Common Entrance Test (CET) for professional courses like medicine and

engineering courses. Based on the results, a “cut off” percentage of the grades (marks) will decide admissions to these courses. Candidates would decide in an open counseling session, which institution they would join, based on their performance. Premier institutions therefore attracted very stiff competition amongst its students.

8. The State of Sparta is one of the few States which openly promoted and propagated reservation in the educational system. The Megara Medical College (MEGAMED) is premier institution in the State of Sparta. It was established by the Megara Educational Trust of Veritas (METOV), registered in the neighboring State of Hardan and is a minority institution that caters largely to Megara minority students across the nation. Megara International Educational Trust of USA (MINTUS) supports MEGAMED to a very large extent, financially and technically (faculty, equipment, books, software and lab). Till 2007 admissions were based on Veritas Combined Entrance Tests (CET) which was conducted for students across Veritas. In December 2007 Sparta state government abolished entrance tests for all professional courses and declared that High School Final (HSF) grades (marks) alone would be considered for admissions. The reason given was that the students were put to undue pressure immediately after the HSF examinations, which was detrimental to the well being of its students and often compromised on the quality of students. For the academic year of 2009-2010 the cut off percentage for professional course was kept at 70% for applying for the courses. Admissions would be on the basis of the national Average Admission Percentage (AAP). The cut off percentage for LC / LT candidates was 60%. The cut off percentage was calculated and published and made effective from April 2008.
9. MEGAMED has 120 medical seats. Amon, a Megara candidate, secured 69.5% in school final examination. Amon was born in Sparta State. His father Horus a native of Sparta originally an Artemis, converted to Megara religion following his marriage with Isis who was his colleague. Isis' parents have acquired citizenship in the United States of America over 25 years ago. They are active members of MINTUS. Amon stayed with his paternal grandparents (settled) in Hardan, where he completed his schooling. He wanted to join MEGAMED. He applied for the medical course in May 2009. MEGAMED admission policy states that the cut off mark for Megara candidates is 65% for 2009. MEGAMED, being a minority institution, accords its first preference for Megara candidates, and then to other candidates from socially and educationally backward States subject to Sparta cut off percentage.
10. Helios, a Spartan candidate belonging to Listed Caste category also applied to MEGAMED. He had scored 71% in HSF. When the final list of selected candidates was released 30 April 2009, Helios was disappointed to see that his name was kept in the waiting list, which means that he would get a chance only when somebody withdrew, which has never happened in MEGAMED as it is one of the most sought after institutions. Helios saw that the last name in the selected list was of Amon and his cut-off percentage was only 69.5%.
11. Meanwhile a Veritas national census was released in July 2009. The census revealed that the population of the Megara community in Hardan had doubled over the last decade and their percentage was more than that of Artemis and Thebes in that State, as of December 2008.
12. Helios made many representations before the authorities of MEGAMED to reconsider his admission on the basis of merit. Upon seeing the census report, he was further aggrieved and decided to approach the Hon'ble High Court of Sparta to redress his grievances by filing a Writ Petition challenging the constitutionality of the admission process and the validity of the 93rd Amendment of the Veritas Constitution.