

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13904/2025

Neeraj Khichar S/o Shri Rajender

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

Connected With

S.B. Civil Writ Petition No. 11354/2025

S.B. Civil Writ Petition No. 11789/2025

S.B. Civil Writ Petition No. 11800/2025

For Petitioner(s)	:	Mr. Tushar Panwar with Mr. Tushar Goyal Mr. Shantanu Pareek Mr. Navin Kumar Yadav Mr. Shantanu Pareek Dr. Abhinav Sharma, Amicus Curiae
For Respondent(s)	:	Mr. Rajendra Prasad, AG assisted by Ms. Dhriti Laddha Mr. A. K. Sharma, Sr. Adv. assisted by Mr. Rachit Sharma

HON'BLE MR. JUSTICE SAMEER JAIN

Order

15/09/2025

1. The present batch of petitions pertain to conduct of elections in the University of Rajasthan and the departments subordinate.
2. Dr. Abhinav Sharma, who was appointed *amicus curiae* vide order dated 03.09.2025, has submitted that *lis* in hand is no more *res integra* as the same is brought to quietus by the Apex Court vide ratio encapsulated in **(2006) 8 SCC 304** titled as **University of Kerala Vs. Council, Principals, Colleges, Kerala & Ors.**, stating the guidelines qua the elections of Universities. It is further submitted that as per the directions of the Court, Lyngdoh Committee was formulated and constituted, by the Ministry of

Human Resources Development, Department of Secondary and Higher Education, Government of India, New Delhi. The said committee after due deliberation and hearing various representatives on behalf of various Universities/Colleges, gave a report.

3. Mr. Sharma has further submitted that as per the said report, Lyngdoh Committee has recommended that for conducting the elections, State shall render due support or assistance qua protection of the candidate and allied persons. For the sake of handiness, the relevant extract from the ratio of **University of Kerala (supra)** is reproduced herein below:-

"7. During the course of hearing of the petition, Mr. Gopal Subramaniam, learned Additional Solicitor General brought to our notice the need for a direction to provide security to the academic community who are involved in the process of students union election in the universities and the colleges. It was suggested that to ensure protection to them, the Superintendent of Police, in charge of the are shall provide enough police protection and shall ensure that no untoward incident takes place by providing adequate number of police personnel to be posted near the place of elections. The suggestions appear to be wholesome. We direct that the suggestions given be implemented as and when the necessity so arises. It is made clear that the recommendations made, which we have accepted to be adopted as an interim measure, shall be followed in all college/university elections, to be held hereinafter, until further orders.

8. This order shall be communicated to the respective States and Union Territories by Mr. Gopal Subramaniam, learned Additional Solicitor General so that necessary steps can be taken to ensure compliance with out order."

4. Relying upon the said directions, Mr. Sharma, *amicus curiae* has submitted that order was communicated to the respective

States and Union Territories for taking necessary steps to ensure the compliance of the said order.

5. In the said backdrop, constitutional amendment was carried out in the Rajasthan University Students Union, 2010 bye-laws. Further, it is submitted that as per Clause 10 of the said bye-laws, every University/affiliated college student, upon payment of fee, would be considered a member and as per Clause 14, various organs of the unions were defined. Relying upon the same, it is submitted that erstwhile 1994 Union bye-laws were amended and the same were taken over with the present set of bye-laws, in light of the judgment of **University of Kerala (supra)**.

6. It is also submitted that thereafter, elections were conducted on multiple occasions. Howsoever, from the preceding two years and the present year in the University with pre-determined notion the elections are censored out. Furthermore, it is submitted that mandate of the students over same, is not in accordance with law and beyond the directions spelled out in the dictum passed by the Apex Court. It is further submitted that Lyngdoh Committee considered the various aspects qua pros and cons, of the elections and thereafter, had give positive report for conducting of elections.

7. *Per contra*, learned Advocate General and Mr. A. K. Sharma, learned Senior Counsel have unanimously submitted that on account of due election policy, law and order and various Vice Chancellors recommendations for not holding the elections as per the then relevant factors, election should not be conducted. It is also submitted that as on date, the said policy and recommendations given by the Vice Chancellors, is applicable qua the respective year. It is further submitted that primary goal of

University is to impart education, and maintain peace and tranquility and elections are ancillary activities and subsidiary in nature. Qua the matters at hand it is submitted that handful of petitioner-students/candidates have approached the Court, which represents that the majority of students are not interested in the elections.

8. Learned counsel for the respondents seeks time to take instructions and argue the matters.

9. List these matters for final disposal on 19.09.2025, at the top of the list.

10. In the meantime, appropriate reply and rejoinder be filed.

(SAMEER JAIN),J