

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

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

Jai Rao S/o Shri Harish Chand Rav

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

Connected With

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

Neeraj Khichar S/o Shri Rajender

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

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

Akash Yadav S/o Lekhraj Yadav

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

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

Abhay Choudhary S/o Shri Sita Ram

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Dr. Abhinav Sharma (Amicus Curaie) with Mr. Akshaya Varma & Mr. Rahul Sharma Mr. Shantanu Pareek Mr. Vimal Choudhary Mr. Navin Kumar Yadav Mr. Tushar Panwar Mr. Rohit Kumar Mahrda Mr. Tushar Goyal Mr. Abhiuday Ms. Vijay Laxmi
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For Respondent(s)	:	Mr. A.K. Sharma, Sr. Adv. Assisted by Mr. Rachit Sharma Ms. Dhriti Laddha & Mr. Tanay Goyal for Mr. Rajendra Prasad, AG
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HON'BLE MR. JUSTICE SAMEER JAIN
Order

19/09/2025

1. Considering the *lis* in hand in the instant petitions revolve around identical set of facts and akin reliefs are sought, the same were tagged together for sake of handiness; and are henceforth adjudication by way of common orders. As the matters have been heard at length, the present petitions are admitted and marked as part-heard.

2. Learned counsel appointed as *amicus curiae*, Dr. Abhinav Sharma, has submitted that on account of divergence and conflicting decisions rendered by the Principal Seat at Jodhpur and the Jaipur Bench, the issue pertaining to elections of University/College students' unions was referred to a Larger Bench, which, vide judgment titled as **Rajasthan High Court Advocates Association Jodhpur & Anr. Vs. State of Rajasthan & Ors.** reported in **(2010) 2 RLW (Raj.) 1009**, in paragraphs 23, 24 and 25, held that the State has decided to implement the recommendations of the Lyngdoh Committee Report throughout the State of Rajasthan.

3. Learned counsel has further relied upon the ratio encapsulated in **University of Kerala v. The Council of Principals' of Colleges in Kerala (Principals' Council) & Ors.:** **Civil Appeal No. 887 of 2009**, decided vide order dated 01.02.2016, wherein the Apex Court gave full effect to the Lyngdoh Committee Report. Placing reliance on the said decision, it is submitted that the right to choose one's representative through an election is an essential facet of the fundamental right

to freedom of expression. Additionally, reliance is placed upon the judgment reported in **AIR (2002) 5 SC 2112** titled as **Union of India Vs. Association for Democratic Reforms & Anr.** wherein it was held that such right assumes the character of a fundamental right. Accordingly, the conduct of University/College elections is in extension of the said fundamental right.

4. It is further urged that in light of the aforesaid pronouncement, it is specifically held that University elections ought to be conducted in accordance with the Lyngdoh Committee recommendations, subject to reasonable restrictions being carved out, such as in respect of age, expenses, and qualifications of candidates. Reliance has also been placed upon the communication issued by the University Grants Commission (UGC) dated 19.08.2015, wherein directions were issued to all Universities across India to ensure compliance with the orders of the Hon'ble Supreme Court regarding formation of student unions and conduct of elections as per the Lyngdoh Committee recommendations.

5. Learned counsel further submitted that elections are being conducted in various Universities across the country, such as in Punjab, Delhi, Hyderabad, Kerala, etc., where large and diverse student populations benefit from democratic representation. At this nascent juncture, reliance is again placed on paragraph 6, more particularly clause 6.1.6 of the Lyngdoh Committee Report, which specifically prohibits participation of organizations such as NSUI, ABVP, SFI, AISF, etc., in the University election process, so as to avoid rival factions on ideological grounds.

6. It is also urged that elections must be conducted at the commencement of the academic session, as contemplated under the Lyngdoh Committee guidelines. The absence of such adherence by the University amounts to bypassing and disregarding the recommendations, and is therefore contemptuous in nature. Further, the University itself has recognized the applicability of the State provisions and judicial pronouncements adopting the UGC guidelines based on the Lyngdoh Committee Report, and even amended its Constitution to provide for formulation of student unions.

7. It is contended that elections for the academic year 2022-23 were duly conducted even after the advent of the National Education Policy (NEP), and therefore, reliance upon NEP as an impediment to holding elections is only a pretext by the respondents. Learned counsel further pointed out that approximately 50,000 students are enrolled in the University of Rajasthan, in addition to students studying in other Universities across the State. An election fee of Rs.110/- or Rs.60/- per student is levied, aggregating to more than Rupees One Crore, the expenditure and utilization of which is not accounted for, thereby raising serious questions as to the authority under which such fee is levied and the purpose for which it is expended.

8. It is further submitted that the student union, after elections, functions as a representative body for redressal of the grievances of the students, which otherwise remain unaddressed. It is also apprised to the Court that despite an enrolment of approximately 50,000 students, the University lacks basic facilities such as canteens, bookstores, regular classes, adequate faculty, and

sufficient human resources, and in the absence of a representative forum, students are deprived of a voice to raise such concerns. It is urged that suppression of such representation may result in unrest and disturbances among students, given the inherent dynamism of youth.

9. It is also argued that the University, being an autonomous body, owes a duty to its primary stakeholders, the students who, even individually, are entitled to assert their fundamental right. The right to hold elections cannot be denied merely on the apprehension of violence, since elections are held at all levels of governance, including Parliament, State Assemblies, local bodies, and societies, and the possibility of unrest cannot be a ground to deny a fundamental right. Therefore, the stand taken by the respondent State and the Vice Chancellor is contrary to judicial pronouncements and the UGC guidelines, and amounts to violation of fundamental rights of umpteen number of students.

10. It is further urged that while elections are being held in various Universities and Colleges across the country with the support of their respective State Governments, the students of Rajasthan are being singled out as an exception, which is arbitrary and illegal. It is pointed out that many leaders of both the ruling party and the opposition are themselves products of the University elections, and the University has provided illustrative examples in this regard.

11. *Per contra*, learned counsel for the University has vehemently objected the contentions made by the learned *amicus* and has also raised a stout objection to the maintainability of the writ petitions, submitting that the same are filed by only a handful

of students, who are themselves not even eligible to contest or cast votes. It is further submitted that the Vice Chancellor, with unanimity, has stated that elections ought not to be conducted, as they would impede the implementation of the NEP and are likely to create law and order problems.

12. In this regard, it is submitted that many States do not conduct student elections. It is submitted that the primary object of Universities/Colleges is imparting education and not conducting elections. It is further urged that the present petition has been filed by only five or ten students out of nearly 50,000, and that the political organizations backing such petitions are not genuinely interested in welfare of students. With respect to the election fee, it is submitted that the same is expended on welfare activities.

13. On behalf of learned Advocate General time is prayed, to advance detailed arguments on the next date of hearing.

14. List these matters on 09.10.2025 at 2:00 P.M.

(SAMEER JAIN),J