

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (M/B) No.510 of 2026

17th June, 2026

Rakesh Kumar Sahu and Others ----- Petitioners

Versus

Hemvati Nandan Bahuguna Garhwal University and
Others

----Respondents

Presence:-

Mr. Rahul Sampat, learned Senior Counsel assisted by Mr. Harshit Bisht, learned counsel and Mr. Ramji Shrivastava and Mr. Gaurav Nagpal, learned counsel for the petitioners.

Mr. Dr. K.H. Gupta, learned counsel for respondent no.1.

Ms. Gurbani Singh, learned counsel for respondent no.2.

IA No. 1 of 2026

1. The petitioners are students of MPT Neuro Course in respondent no.2 institute of academic session 2024-25. The first year examination of the said course is being held by the University but the petitioners are not being permitted to appear in the examination on the pretext that the provisional affiliation that respondent no.2 institute was having with the State University before the University became a Central University has ceased to be valid.

2. Learned counsel for the petitioners submits that the affiliation granted to the institute when the University was a State university would be deemed to have continued under the Central Universities Act, 2009 in view of Section 4(f) of the said Act.

3. In support of the said contention, reliance has been placed by learned counsel for the petitioners on a Single Judge judgment dated 04.12.2014 in WPMS No.2550 of 2014 and other connected matters against the same Central University by different colleges where it was held as follows:-

“Therefore, I have no hesitation to hold that affiliation so granted shall be deemed having been continued till 15.1.2009 when Central University came into force. Therefore, in view of section (4' (f) of the Central University Act, affiliation and privileges by the State University stood transferred and affiliated with the Central University.”

4. Learned counsel for respondent no.1 submitted that respondent no.2, despite repeated communication by the University, had failed to obtain fresh affiliation from the Central University, however, he does not dispute the fact that this Court in WPMS No.2550 of 2014 and other connected matters had held that affiliation granted to the colleges under the State Universities Act would be deemed to have continued in view of Section 4(f). He also does not dispute that till the academic session 2022-23 University had permitted students of various colleges, including respondent no.2, to appear in different examinations on the basis of the same legal and factual position.

5. In view of the above, while granting two weeks' time to the respondents to file counter affidavit, we direct the

respondent-university to permit the petitioners to appear in the examination provisionally, however, their results shall not be declared without permission of the Court.

6. List this case along with WPMB No. 307 of 2026.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 17.06.2026

Kaushal/PP