



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 1845 of 2026

Shri Jagdish Jan Kalyan Educational Trust And 2
Others

.....Petitioner(s)

Versus

State Of Up And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pranvesh, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C., Rohit Pandey

Court No. - 37

HON'BLE VIVEK SARAN, J.

1. Heard Sri Ashok Khare, learned Senior Counsel assisted by Sri Pranvesh, learned counsel for the petitioners, Sri Manish Goel, learned Additional Advocate General assisted by Sri A.K. Goyal for the respondent nos.1, 2 and 3 and Sri Rohit Pandey, learned counsel for the respondent nos.4 and 5.

2. Pursuant to the order dated 21.01.2026, learned Additional Advocate General on the last occasion had furnished written instructions and thereafter pursuant to order dated 27.01.2026 has placed before this Court an inquiry report dated 15.07.2025 which has been stated to be final report of the District Magistrate and to be the foundation of the order impugned. Both the written instructions and the inquiry reports are taken on record.

3. Sri Khare, learned Senior Counsel appearing for the petitioner submits that proceeding against the petitioner-university were initiated by notice dated 21.3.2025 under Section 55(1) of the Uttar Pradesh Private Universities Act, 2019 (hereinafter referred to as the 'Act'), therefore, respondents were bound to follow the procedure as prescribed under Section 55 of the Act itself. He further submits that under the scheme of Section 55 of the Act firstly it is the U.P. Higher Education Council which has to conduct a preliminary inquiry and then on the basis of the said inquiry the State Government, if prima-facie satisfied that the case for contravention of all or any provision of the Act or stood applies are existing, then shall order a further inquiry and according to him as per Section 55(3) of the Act, the inquiry so proposed under Sub-Section 2 has to be through an officer who has to be appointed by a notification. He further submits that though the notice dated 21.3.2025 states of some fraud being practiced, however the order dated 13.1.2026 takes of further

shortcomings which was not a subject matter of the notice and thus they could not have at all be made a ground for passing the order impugned. He further submits that no notice or opportunity has been given to the petitioner to rebut the notice or to even participate in the inquiry. He further submitted that the District Magistrate cannot be made an inquiry officer unless there is a notification issued for the said purpose and according to him such a notification has to mean with the definition of General Clauses Act.

4. Per contra Sri Manish Goyal, learned Senior Counsel and Addl. Advocate General on behalf of the respondent-State on the strength of the instructions had pointed out that there had been various complaints against the petitioner University and once an inquiry was entrusted to the District Magistrate, he can enlarge its scope to other issues and can return a finding on the basis of other reports.

5. This Court after hearing the parties and going through the available records, prima-facie is not satisfied in the manner in which the inquiry has been conducted by the District Magistrate and further that the matter can be decided only after exchange of pleadings.

6. Learned Standing Counsel prays for and is granted ten days' time to file counter affidavit. One week thereafter is granted to learned counsel for the petitioner to file response, if any.

7. As jointly agreed, put up as fresh on 16.02.2026.

7. As an interim measure, till the next date of listing, the order impugned dated 13.01.2026 shall remain stayed.

(Vivek Saran,J.)

January 28, 2026
Gaurav Kuls