



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. - 38

HON'BLE SIDDHARTH NANDAN, J.

1. Heard Shri Ashok Khare, learned Senior Counsel appearing for the petitioners at length.

2. He has basically raised argument on the following grounds:

i. That under Section 55 of "The U.P. Private Universities Act, 2019 (herein after referred to as 'Act, 2019'), initially a direction to the U.P. Higher Level Education Council, is to be given for conduct of a preliminary enquiry, and on prima facie satisfaction i.e. if it appears to the State government, that is there is any contravention or violation of the Act, Statute or Ordinance, on receipt of an enquiry report; the State Government shall order an enquiry; thereafter for the purposes of enquiry as contemplated under sub-clause (2) of Section 55, a "notification" has to be issued for appointment of an officer or Committee, on the recommendation of the U.P. Higher Education Council, as an enquiry authority, to enquire into the allegations of violation of the provisions of the Act, 2019.

(a). On the strength of the aforesaid submission, learned Senior Counsel has submitted that initially a notice was given on 21.03.2025 as contemplated under Section 55(1) for issuance of forged degree, by the University; and thereafter a report is said to have been submitted by a 3 Member Committee on 01.08.2024, but nothing adverse was recorded in the said report. Subsequently, the District Magistrate vide its letter dated 14.11.2025, which is in the nature of a "show cause", which required the

petitioners to submit their reply; and to which they had already submitted their reply; and the perusal of the show cause notice, indicates that the District Magistrate has proceeded in its enquiry, on the subject to which they were not put to notice.

(b). In view of the aforesaid, he has also submitted that there was no appointment, by way of "notification" of an officer or a Committee as contemplated under sub-clause (3) of Section 55 of the Act, 2019.

(c). He further submits that there is no distinction between the terms "a notification" or "public notification", which can be inferred from the Section 27-A of the U.P. General Clauses Act. It merely states that a "notification" or a "public notification" shall mean a notification published in the gazette of the State and the word "notified" shall be construed accordingly. He accordingly, submits that there was no notification for the appointment of the District Magistrate, who is to act as an enquiry officer.

ii. Second leg of the argument of the learned Senior Counsel is to the effect that no show cause notice was given to the petitioners but for the only letter dated 14.11.2025, which was written by the District Magistrate; and in pursuance whereof a suitable reply was also submitted but however the impugned order has been passed without considering the same and which has serious consequence.

iii. The third argument which has been pressed by the learned Senior Counsel was that the "doctrine of proportionality" shall apply and considering the nature of the allegations i.e. assuming though not admitting, that the enquiry was not in favour of the petitioners, then also the allegations were not so serious in nature, which could entail the dissolution of the University as contemplated under Section 55.

iv. As far as the allegations with respect to the property being mis-utilized and therefore not meeting the minimum requirement for the recognition is concerned, he has submitted as a matter of fact the property has been increased and not gone down as stated in the impugned order.

3. In view of the aforesaid legal arguments, which has been raised by the learned counsel for the petitioner, list this case for further hearing on

04.05.2026 at 02:00 pm, to enable Shri Manish Goyal, learned Additional Advocate General to address the Court.

4. List this case on 04.05.2026 at 02:00 pm.

5. Interim order, granted earlier, shall continue until further orders of this Court.

(Siddharth Nandan,J.)

April 23, 2026

S.Prakash