

ITEM NO.31

COURT NO.14

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 18465/2026

[Arising out of impugned final judgment and order dated 16-02-2026 in SA No. 219/2025 passed by the High Court of Judicature at Allahabad]

BANARAS HINDU UNIVERSITY & ORS.

Petitioner(s)

VERSUS

DIPANWITA SINGH ROY & ORS.

Respondent(s)

IA No.160128/2026-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 160126/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 25-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Mr. Tushar Mehta, Solicitor General
Mr. Sameer Jain, Adv.
Mr. Himesh Thakur, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Syed Fazl Askari, Adv.
Ms. Savi Garga, Adv.
Mr. Tenzen Tashi Negi, AOR

For Respondent(s) :Mr. Rajiv Dutta, Sr. Adv.
Mr. Vinayak Mohan, Adv.
Mr. Kedar Nath Tripathy, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The Division Bench of the High Court by the impugned order reversed the decision of the learned Single Judge and

held the selection bad *inter alia* on the following grounds:

(a) There was no necessity for the Vice Chancellor to invoke the emergency powers under Section 7C (5) of the Banaras Hindu University Act (BHU Act);

(b) The Selection Committee apart from other members required the presence of three experts having special knowledge in the subject concerned. The subject concerned was Dance (Kathak) whereas the expert, who participated in the selection process did not have expertise in Kathak;

and

(c) Expert nominated to the Selection Committee by the Vice-Chancellor was one amongst those forwarded by the second respondent who was one of the aspiring candidates, therefore, the composition of the Selection Committee is affected by the rule against bias.

2. The submission on behalf of the appellant is that as far as the invocation of emergency powers by the Vice-Chancellor under Section 7C (5) of the Act is concerned, there appears a direction of a coordinate Bench of the High Court wherein, in the context of some other case relating to appointment, it was observed that in the facts and circumstances of the case particularly when the executive

council had not been constituted and its term has expired, invocation of emergency powers could not be faulted. In such circumstances, the view taken by the Division Bench *qua* exercise of emergency powers is not warranted.

3. On the second ground, the submission on behalf of the petitioner is that subject post code was Dance without specifying Kathak, Bharatnatyam or any other form of dance. In such circumstances, merely because the two participants were of Kathak stream, the composition of the Selection Committee cannot be faulted.

4. As far as the third ground taken by the High Court is concerned, it is the case of the petitioner that under Statute 11 A (3) of the University, the Policy and Planning Committee is required to recommend the list of experts to the Vice-Chancellor. The composition of that Committee, relatable to a small department, like the department in question, is as follows:

- (i) The past Head of the department preceding the present Head;
- (ii) The present Head of the department (convener);
- (iii) The teacher likely to be appointed as the next Head after the expiry of the term of the present Head.

5. In that context, it has been submitted that the presence of the second respondent in the Committee, which

recommends a panel of subject experts, was by way of necessity. Besides, the Committee had recommended a panel of 12 experts out of which one was nominated by the Vice-Chancellor.

6. In addition to above, it has been submitted that the writ petitioner herself had appeared before the Selection Committee on 04.01.2024 without raising any objection as to its composition. Only on 01.03.2024 that a representation was submitted in respect of composition of the Selection Committee. Thus, according to the petitioner, the grounds on which the High Court had set aside the selection are not sustainable in law.

7. The matter requires consideration.

8. Issue notice.

9. Notice on behalf of respondent has been accepted by Mr. Kedar Nath Tripathy, Advocate-on-Record.

10. List this matter on 29.07.2026.

11. In the meantime, the effect and operation of the impugned order passed by the Division Bench of the High Court shall remain stayed.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)