

**(2025) 12 RAJ CK 1716**

**In the Rajasthan High Court, Jaipur Bench**

**Case No : Civil Writ Petition No. 11354 Of 2025**

Jai Rao

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

**Date of Decision : 19-12-2025**

**Acts Referred:**

Constitution of India, 1950 — Article 14, 19(1)(a), 141, 145(3), 226  
Rajasthan University Act, 1946 — Section 27, 29, 31, 31(A)

**Citation : (2025) 12 RAJ CK 1716**

**Hon'ble Judges : Sameer Jain, J**

**Bench : Single Bench**

**Advocate :** Abhinav Sharma, Akshaya Varma, Rahul Sharma, Vishal Choudhary, Shantanu Pareek, Navin Kumar Yadav, Tushar Panwar, Rohit Mahrada, Tushar Goyal, Mukul Rao, Deepak Tilwania, Anil Kr. Kasana, Anish Bhadala, Rishabh Bhidasra, Rajendra Prasad, Dhriti Ladha, Harshita Thakral, Sheetanshu Sharma, Tanay Goyal, S.S. Naruka, Jitendra Kumar Takar, Anshuman Singh, Tanishq Aditya Parmar, A.K. Sharma, Rachit Sharma, Madhav Dhadhich

**Final Decision : Disposed Of**

## Judgement

Sameer Jain, J

1. In the present batch of writ petitions, the scope of controversy involved, albeit not limited to but is broadly and predominantly defined by the plea made seeking compliance of the lyngdoh committee recommendation (committee appointed by the Hon'ble Supreme Court in the case of University of Kerala v. Council, Principal Education, Kerala and ors., in Civil Appeal No. 887/2009) at point number 6.4.2 which purposes for yearly conduct of the student union elections; within six-eight weeks from the date of the commencement of the academic session. Consecutively, considering the fact that the writ petitions warrant adjudication on common questions of law and fact; with consent of the learned counsel appearing on behalf of the parties, SBCWP No. 11354/2025 titled as Jai Rao Vs. State Of Rajasthan And Ors., is being taken up as the lead case. It is cautiously clarified that any discrepancies in the present petitions, pertain purely to the

factual narratives contained therein, and not vis-à-vis the questions of law to be determined by this Court; the instant judgment shall be applicable on all the petitions connected herein/henceforth on mutatis mutandis basis.

2. Before proceeding to the merits and demerits of the case at hand, this Court finds it appropriate to extend its sincere gratitude to the learned amicus curiae for his valuable assistance provided during the course of these proceedings. The submissions and insights offered by the learned amicus curiae have been of significant aid in clarifying complex legal and factual issues pertinent to the matter. Thence, the Court recognizes and appreciates the impartial and professional manner in which the learned amicus curiae has approached the matter, ensuring that the focus remained squarely on the advancement of justice. The Court is, therefore, grateful for the thoughtful and impartial perspectives offered, which have undeniably enhanced the quality of the proceedings.

#### ISSUES TO BE ADJUDICATED BY THIS COURT AND PRIMARY GRIEVANCE OF THE PETITIONERS AS NOTED IN THE LEAD PETITION:-

3. The present batch of writ petitions has been filed invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The petitioners have raised grievances regarding the respondents' failure to conduct the annual student elections for the academic session 2025-2026. The petitioners contend that the non-conduct of the elections is in violation of the directives set forth in the ratio of University of Kerala (supra), as well as the binding principles established by the Larger Bench of the Rajasthan High Court in the matter of Rajasthan High Court Advocates Association, Jodhpur & Anr. v. State of Rajasthan & Ors. (WRW No. 15/2005). It is contended that the respondents' actions are inconsistent with the judgment of the Larger Bench, which mandates the continuation of student elections in compliance with the recommendations of the Lyngdoh Committee. The petitioners seek adjudication on the primary issue: "Whether student elections should be held in educational institutions in the State of Rajasthan; at what time such elections should be conducted; by what mode the elections should be held; and who shall be the competent authority to regulate such elections?" The petitioners, therefore, seek appropriate reliefs in the form of directions to the respondents to ensure the holding of student elections as per the constitutional mandates, judicial precedents, and the guidelines laid down by the Lyngdoh Committee.

#### SUBMISSIONS MADE BY THE LEARNED AMICUS CURIAE:-

4. Learned amicus curiae submitted that the present matter raises issues of seminal importance touching upon the democratic fabric of educational institutions, the fundamental rights of students, and the enforceability of long-standing judicially approved guidelines governing Student Union elections. At the outset, it was submitted that the consistent judicial view, including that of this Court, various other High Courts, and the Hon'ble Supreme Court, unequivocally

recognizes that Student Union elections are not a peripheral activity but form an integral and inseparable part of college and university education. College education, as judicially interpreted, necessarily encompasses the holistic development of students, which includes democratic participation, leadership training, and the inculcation of constitutional values.

5. This Court, as far back as the year 1989 in the ratio encapsulated in *Bharat Bhushan Pareek vs. University of Rajasthan*: 1989 Supreme (Rajasthan) 521, has held that Student Union elections are required to be held every year. Nonetheless, the said position of law attained finality and has consistently guided universities within the State. Learned amicus curiae submitted that the said principle has neither been overruled nor diluted and continues to hold the field. It was further submitted that the right to form an association is a fundamental right guaranteed under Article 19(1)(c) of the Constitution of India, and thence, judicial pronouncements have repeatedly held that Student Unions fall squarely within the ambit of this fundamental right. Consequently, the right to form a Student Union necessarily includes the right to elect representatives of such Union and to participate in its lawful activities.

6. The Hon'ble Supreme Court, in the case of *University of Kerala* (supra), and the Delhi High Court, have categorically held that the right to hold Student Union elections is a fundamental right and an integral part of college education. The Delhi High Court, in a particularly pertinent observation, held that if Union elections are not held and Union activities are excluded from college education, the very purpose of education aimed at holistic development of students would stand defeated. This position was further reaffirmed by an order of the Hon'ble Supreme Court dated 08.12.2011 passed in *University of Kerala* (supra).

7. The learned amicus curiae further contended that Student Union elections are a practical and essential means of imparting democratic values and ensuring that students are trained in the functioning of democracy. The process of elections and participatory governance at the university level is foundational to sustaining the democratic ethos of the country. It was submitted that Student Unions do not exist at the level of toddler education, primary education, secondary education, or senior secondary education. The deliberate and conscious inclusion of Student Unions at the college and university level underscores the recognition that students at this stage are mature enough to engage with democratic processes and that such engagement is an essential component of higher education. Even historically, student movements have played a transformative role in shaping Indian democracy, notably exemplified by the JP Movement. Nonetheless, the involvement of students in democratic processes within educational institutions has produced leaders who have significantly contributed to public life, governance, and the judiciary.

8. With regard to the Lyngdoh Committee guidelines, it was submitted that the said guidelines have been held to be enforceable and binding. The University Grants Commission has directed all universities across the country to implement

the Lyngdoh Committee recommendations and to hold elections in accordance therewith. In response to a question raised in Parliament, the Central Government has categorically stated that the said guidelines are binding in nature. Albeit, at one stage the validity of the guidelines was doubted and a reference was made, a three-Judge Bench declined to answer the reference on the ground that the guidelines had been widely accepted and implemented for nearly a decade. The Court, therefore, consciously left the issue open to be examined at some other relevant point of time, thereby allowing the continued operation of the guidelines.

9. It was submitted that the contention that the National Education Policy (NEP) would be adversely affected by the holding of Student Union elections is misconceived. NEP does not prohibit Student Union elections. On the contrary, Student Unions are a part of college education, and universities across the country continue to hold elections without any impediment under NEP. The plea of parity is also raised inasmuch as other States continue to hold Student Union elections. Therefore, the State of Rajasthan cannot arbitrarily deviate from this settled and uniform practice without cogent reasons supported by law.

10. Learned amicus curiae further submitted that the existence of a semester system and routine examinations cannot be a valid ground to ignore or curtail the fundamental right to form associations and to participate in Student Union elections and activities; and that routine academic processes cannot override constitutionally guaranteed rights. It was also submitted that students are represented in statutory bodies such as the Senate and curtailment of Student Union elections directly impacts student representation in such bodies, which cannot be legally sustained. Moreso, in circumstances where the University has admittedly collected fees from students for the purpose of holding elections, the University cannot now resile from its obligation and misuse or divert the money collected from students. It was also submitted that even if the immediate issue before this Court pertains to University of Rajasthan alone, the decision taken by the State not to hold elections has wider ramifications. This Court is empowered to examine the veracity and legality of the State's decision. If the decision is found to be arbitrary or unsustainable, striking it down would have necessary and natural consequences.

11. Learned amicus curiae further submitted that the plea of inconvenience, disruption of academic activities, or alleged strain on infrastructure on account of Student Union elections is wholly untenable and self-contradictory. It was pointed out that the infrastructure, buildings, and campus facilities of the University are routinely requisitioned and utilized for conducting other elections, including Parliamentary, Assembly, and local body elections, strictly in accordance with directions issued by the Election Commission of India. Such utilization, though it inevitably causes temporary disruption of academic schedules (for a period of approximately two months), has never been treated as a valid ground to deny or defer constitutionally and statutorily mandated electoral processes. If the

University infrastructure can be made available for general elections in obedience to constitutional authorities, there exists no rational or legal basis to deny the same facilities for Student Union elections, which are an integral part of higher education and democratic training. Any such selective invocation of inconvenience would amount to arbitrary discrimination and would fail the test of reasonableness under Article 14 of the Constitution of India.

12. Learned amicus curiae further contended that even a minuscule number of students is sufficient to maintain such a cause, as in *Bharat Bhushan Pareek* (supra), a handful of students approached this Court seeking the holding of Student Union elections. This Court not only entertained the petition but appreciated the effort, observing that it was good that students had awakened to their rights to elect representatives of their Union.

13. Concluding the extensive arguments, learned amicus curiae submitted that in view of the consistent legal position, the stand of the Central Government in Parliament, the settled view of this Court, Division Benches, Larger Benches, other High Courts, and the Hon'ble Supreme Court, college education necessarily implies the overall development of students. Student Union activities, including elections, are an intrinsic part of the right to education, freedom of speech and expression, and the right to form associations; and that this fundamental right cannot be curtailed in the name of law and order situations or the National Education Policy, particularly in the absence of any statutory prohibition.

#### SUBMISSIONS MADE BY LEARNED COUNSEL REPRESENTING THE PETITIONERS:-

14. At the outset, learned counsel appearing on behalf of the petitioners had endorsed the submissions made by the learned amicus curiae and had additionally submitted that the petitioner is a bonafide student of the University of Rajasthan, and has a legal and fundamental right guaranteed under Article 19(1)(a) of the Constitution of India. It was further contended that in the ratio spelled out in *University of Kerala* (supra), the Hon'ble Supreme Court had categorically noted that the right to choose ones' representative through student union elections partakes the character of a fundamental right, being an extension of freedom of expression. To substantiate the said argument reliance was also placed upon the ratio encapsulated in *Union of India vs. Association of Democratic Reforms*: (2002) 5 SCC 294. It was then contended that whilst recognizing the aforesaid right as a 'fundamental right', the Hon'ble Supreme Court has also subjected the same to certain reasonable restrictions, which have been embodied in the form of the Lyngdoh Committee Recommendations. The said recommendations were accepted by the Hon'ble Supreme Court vide its order dated 22.09.2006 passed in the *University of Kerala* (supra), and were directed to be scrupulously followed by all the Universities and Colleges across the country.

15. Subsequently, learned counsel submitted that the acceptance of the Lyngdoh Committee recommendations by the Hon'ble Supreme Court constitutes judicial

sanction, and the same now operate as binding norms governing the conduct of student union elections. These recommendations were approved by the Supreme Court of India in 2006, providing comprehensive guidelines for the conduct of student union elections in all universities and colleges across the country to ensure a peaceful, free, and fair process. The Hon'ble Supreme Court has further observed that while the right to elect representatives cannot be stifled, a balance must be struck by imposing reasonable restrictions consistent with constitutional doctrine. It was specifically pointed out that Point No. 6.4.2 of the Lyngdoh Committee recommendations mandates that student union elections shall be held on a yearly basis and within 6 to 8 weeks from the date of commencement of the academic session. For the sake of convenience the same is reproduced herein below:

"It is further recommended that elections be held on a yearly basis and that the same should be held between 6 to 8 weeks from the date of commencement of the academic session."

16. Learned counsel also submitted that the academic session 2025–26 of the Respondent University has admittedly commenced, and despite the lapse of the stipulated time period under the Lyngdoh Committee recommendations, the respondents have failed to issue any circular or notification for the conduct of student union elections for the session 2025–26. It was contended that such inaction on the part of the respondents' amounts to a violation of the constitutional mandate, as the fundamental right of students to elect their representatives cannot be defeated merely by inaction, delay, or administrative silence.

17. Learned counsel further submitted that the Hon'ble Supreme Court has expressly observed that such a valuable right cannot be curtailed either by a court order or by legislative enactment, and consequently, the respondents cannot indirectly curtail the same by simply allowing time to pass without taking any decision for the conduct of elections. Attention of the Court, at this juncture, was invited to the fact that the Respondent State had earlier issued a circular dated 12.08.2023, whereby student union elections for the session 2023–24 were cancelled. Thereafter, for the session 2024–25 as well, no circular or notification was issued, resulting in non-conduct of student union elections for consecutive academic sessions. Learned counsel submitted that such repeated non-conduct of elections is arbitrary, unconstitutional, and violative of the fundamental rights of students across Universities and Colleges in the State of Rajasthan.

18. In support of the contentions made insofar, learned counsel had placed reliance upon the judgment of the Larger Bench (Three Judges) of this Court in Rajasthan High Court Advocates Association, Jodhpur & Anr. v. State of Rajasthan & Ors., WRW No. 15/2005, wherein the question of law regarding whether student union elections should be held in educational institutions in the State of Rajasthan was answered in an affirmative manner. The Larger Bench

conclusively held that student union elections must be conducted in accordance with the Lyngdoh Committee recommendations, and that earlier contradictory directions issued by different Division Benches stood overruled in view of the subsequent acceptance and implementation of the Lyngdoh Committee report. It was further held that upon acceptance of the Lyngdoh Committee recommendations by the State Government, the earlier judgments dated 05.05.2005 and 13.05.2005 ceased to operate, and the Lyngdoh Committee recommendations became uniformly applicable to all Colleges and Universities across the State of Rajasthan.

19. Learned counsel contended that the aforesaid judgment of the Larger Bench, being a binding precedent, squarely governs the present controversy, and the ratio decidendi thereof is binding. Therefore, once the issue regarding the conduct of student union elections stands settled by the Hon'ble Supreme Court and reaffirmed by the Larger Bench of this Court, the respondents are under a constitutional and legal obligation to conduct yearly student union elections strictly in accordance with the Lyngdoh Committee recommendations.

20. Learned counsel submitted that the cause of action has clearly arisen, as the academic session 2025–26 has already commenced, and the respondents have failed to issue the requisite notification or circular within the prescribed timeframe. It was submitted that the continued denial of student union elections infringes the petitioner's fundamental right under Article 19(1)(a) of the Constitution and warrants interference by this Court in exercise of its writ jurisdiction.

21. In view of the above submissions, learned counsel concluded stating that the respondents are liable to be directed to issue appropriate notification/circular forthwith for the conduct of student union elections for the academic session 2025–26, strictly in conformity with the Lyngdoh Committee recommendations and the law laid down by the Hon'ble Supreme Court and this Court.

SUBMISSIONS MADE BY LEARNED COUNSEL APPEARING FOR THE RESPONDENTS:-

22. Learned counsel appearing on behalf of the respondents have made manifold submissions, which are delineated hereinbelow:

#### I. PRELIMINARY OBJECTIONS AS TO MAINTAINABILITY OF THE PRESENT BUNCH OF WRIT PETITIONS

23. At the outset, it was submitted that the present batch of writ petitions is wholly misconceived and not maintainable in law, inasmuch as no legal, statutory or fundamental right of the Petitioners has been infringed so as to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The Petitioners have sought to project the conduct of elections to the Students' Union as a fundamental right, placing reliance upon the order dated 08.12.2011 passed by the Hon'ble Supreme Court in University of Kerala (supra).

It is contended by the Petitioners as well as the learned amicus curiae that the said order recognizes a fundamental right to elect representatives through Students' Union elections. However, the reliance placed by the petitioners is wholly misplaced. The right to vote or to participate in an election is no more than a statutory right and is entirely distinct from any alleged right to demand that elections must necessarily be conducted at a particular point of time. The Hon'ble Supreme Court in *Union of India v. Association of Democratic Reforms & Anr.*, (2002) 5 SCC 294, while holding that disclosure of antecedents of candidates forms part of the right to freedom of speech and expression under Article 19(1)(a), never elevated the right to vote or the conduct of elections to the status of a fundamental right.

24. It was further submitted that the judgment in *Association of Democratic Reforms* (supra) was rendered in the specific context of ensuring an informed electorate by mandating disclosure of criminal antecedents, assets and liabilities of candidates; and that the said judgment did not recognize any enforceable right to demand the holding of elections, much less Students' Union elections, as a fundamental right.

25. Furthermore, the Hon'ble Supreme Court in *University of Delhi & Anr. v. Anand Vardhan Chandal*, (2000) 10 SCC 648, which was not brought to the notice of the Hon'ble Supreme Court while passing the order in *University of Kerala* (supra), firmly held that participation in Students' Union activities, including elections, cannot be placed on a higher pedestal than participation in elections to State Legislatures or Parliament. Reliance was placed therein on the Constitution Bench judgment in *N.P. Ponnuswami v. Returning Officer, Namakkal Constituency*, AIR 1952 SC 64, holding that the right to vote or contest elections is only a statutory right and not a fundamental right. Further, it was contended that the Hon'ble Supreme Court has consistently held that the right to participate in elections is not a fundamental right but a statutory right, subject to the provisions of the concerned statute, by a catena of judgments. Therefore, in the matter at hand there is no violation of any fundamental or legal right of the petitioners, and consequently, no writ of mandamus can be issued directing the Respondents to conduct Students' Union elections.

#### A. Absence of Locus Standi

26. It was further submitted that the present writ petitions suffer from a fundamental defect of lack of locus standi, as only a handful of five petitioners have approached this Court, claiming to represent the interests of the student community at large, without any authorization or representative capacity. Factually speaking there are approximately 28 State-funded Universities, 53 Private Universities and 596 Government Colleges in the entire State of Rajasthan. Even within the University of Rajasthan alone, there are approximately 26,500 students. The fact that only five students have approached this Court clearly demonstrates that the petitioners do not represent the voice of the majority of students.

27. It was also contended that if the petitioners had any grievance against the Respondent-University, the appropriate course available to them was to approach the Dean, Student Welfare (DSW), in terms of Clause 13 of the Constitution of Rajasthan University Students' Union, 2010 (hereinafter referred to as "RUSU Constitution"). Therefore, as without exhausting the said internal remedy, the petitioners have directly invoked the writ jurisdiction of this Court, the plea of the petitioners becomes per se impermissible in law.

28. In the prevailing circumstances, it was submitted that the petitioners have no locus standi to seek the reliefs prayed for and the writ petitions are liable to be dismissed at the threshold on this ground only.

#### B. Pre-mature Nature of the Writ Petitions

29. It was further contended that the present writ petitions are further liable to be dismissed as being pre-mature. Admittedly, no grievance was ever lodged by the petitioners before the DSW or any competent authority of the University; and in the absence of any representation or demand for justice, no decision has been taken by the Respondent-University, which could be subjected to judicial review. It is settled law that a writ petition cannot be entertained in the absence of any decision or action by the authority concerned. Since there is no violation of any fundamental or legal right and no adverse decision exists, the writ petitions are pre-mature and deserve dismissal at the threshold.

### II. SUBMISSIONS ON MERITS OF THE CASE

#### A. Reasons for Not Conducting Students' Union Elections for the Academic Year 2025–2026

30. It was further contended that the decision not to conduct Students' Union elections for the academic year 2025– 2026 is based on bona fide, rational and justifiable considerations, giving priority to academic interests. The implementation of the National Education Policy, 2020 has necessitated substantial academic restructuring. As according to the UGC Regulations, 180 teaching days are mandatory in one academic session. Further, the semester system has been introduced for the first time under NEP 2020, mandating 90 teaching days in each semester. It was further apprised to the Court that prior to the introduction of the semester system, examinations were conducted annually, resulting in a backlog of supplementary examinations of batches from the last three academic years. Therefore, conducting Students' Union elections during the academic year 2025–2026 would disturb the entire academic calendar and further delay examinations.

31. Additionally, elections of various local bodies are also yet to be conducted, which is another relevant consideration. Thus, the decision not to conduct Students' Union elections for the academic year 2025–2026 is founded on bona fide academic and administrative exigencies and does not suffer from arbitrariness or mala fides.

B. Order dated 08.12.2011 of the Hon'ble Supreme Court Relied upon by the Petitioners

32. Learned counsel representing the petitioners have heavily relied upon the order dated 08.12.2011 passed in University of Kerala (*supra*) and have sought enforcement of the recommendations of the Lyngdoh Committee accepted by the Hon'ble Supreme Court. It was submitted that the recommendations of the Lyngdoh Committee were accepted by the Hon'ble Supreme Court on 22.09.2006 only as an interim measure, subject to modifications, and to be followed until further orders. Subsequently, serious questions of law arose regarding the enforceability of such recommendations, leading to reference to a Constitution Bench under Article 145(3) of the Constitution of India by order dated 11.11.2009. Nonetheless, the order dated 08.12.2011, relied upon by the learned counsel for the petitioners, was passed in the peculiar factual context of Jawaharlal Nehru University, which is primarily a research-oriented University, and modifications were made keeping in view the special conditions prevailing therein. Ultimately, the main appeal in which interim directions were passed came to be dismissed for non-prosecution vide order dated 01.02.2016 passed by a three-Judge Bench of the Hon'ble Supreme Court. It is settled law that interim orders merge with the final order and cease to have effect upon dismissal of the main proceedings.

33. In support of the contentions made insofar reliance was placed upon the ratio encapsulated in *State of Uttar Pradesh & Ors. v. Prem Chopra*, (2024) 12 SCC 426, wherein it has been reiterated that an interim order granted during pendency of proceedings comes to an end with the dismissal of the substantive proceedings. Consequently, no binding judicial mandate exists today requiring implementation of the Lyngdoh Committee recommendations, and the same do not constitute a precedent under Article 141 of the Constitution of India.

C. Reliance on Articles 19(1)(a) and 19(1)(c) of the Constitution of India

34. The reliance placed by the learned counsel for the petitioners on Articles 19(1)(a) and 19(1)(c) of the Constitution is misconceived, as seeking a direction for conduct of Students' Union elections does not fall within the ambit of freedom of speech and expression or the right to form associations.

35. The Students' Union is formed by the University and every student becomes its automatic member upon admission. The Union continues to exist even if its executive body is not elected for a particular academic year. Therefore, no right under Articles 19(1)(a) or 19(1)(c) is infringed. In any event, the Respondent-State is well within its permissible limits to impose reasonable restrictions under Articles 19 Of the Constitution of India, particularly where public order and academic discipline are concerned.

36. It was also contended that the University of Rajasthan is governed by the Rajasthan University Act, 1946 (hereinafter referred to as "the Act of 1946"), which contains no provision regarding the formation or elections of the Students'

Union. The statutes, ordinances, regulations and rules framed under Sections 27, 29, 31 and 31(A) of the Act also do not confer any statutory right relating to Students' Union elections. The RUSU Constitution is merely in the nature of administrative guidelines and does not have legislative force, as it has been framed outside the scope of the Act of 1946. Therefore, non-compliance with such non-statutory guidelines does not infringe any statutory or legal right of the students. Ultimately, learned counsel had placed reliance upon the ratio encapsulated, inter alia, in *J.R. Raghupathy v. State of A.P.*: (1988) 4 SCC 364, *Syndicate Bank v. Ramachandaran Pillai*: (2011) 15 SCC 398, *Sharif-Ud-Din v. Abdul Gani Lone*: (1980) 1 SCC 403.

37. Qua the submissions tendered by the learned amicus curiae it was contended that the judgments cited thereby, are in relation to conducting the elections of Students Union were passed before 01.02.2016 or was not brought to the notice of the Court while adjudication the same issue. The respondent authorities might have agreed at that time as the interim order was in force, but since, vide the order dated 01.02.2016 passed by the Hon'ble Supreme Court, nothing remained in existence to be binding upon the respondent authorities. Therefore, at present, the position has changed, and those orders are clearly not applicable to the facts and circumstances of the present issue.

38. In rebuttal to the plea of academic disruption, administrative inconvenience, and alleged strain on infrastructure advanced, to justify the non-conduct of Students' Union elections for the academic year 2025-2026, learned counsel appearing for the respondents submitted that such contentions are internally inconsistent, factually untenable, and legally unsustainable. It was submitted that the University infrastructure, including classrooms, examination halls, hostels, and other campus facilities, is routinely requisitioned and utilized for the conduct of Parliamentary, Assembly, and local body elections strictly in compliance with binding directions issued by the Election Commission of India. It was further submitted that when the University, as a matter of constitutional obligation, makes its infrastructure available for general elections which are external to the academic process, it cannot selectively plead inconvenience or academic disturbance to deny Students' Union elections, which are intrinsically connected with higher education, student representation, and democratic training.

39. In view of the submissions made hereinabove, it was prayed that this Court may be pleased to dismiss the present batch of writ petitions at the threshold, being devoid of merit, along with any other order deemed fit and proper in the facts and circumstances of the case.

#### DISCUSSION AND FINDINGS:

40. This Court has bestowed its anxious consideration to the pleadings on record, the rival submissions advanced by the learned counsel for the parties, the learned amicus curiae, and the judgments cited at the Bar.

41. At the outset, this Court is of a considered view that albeit student elections

serve as a vital instrument for nurturing democratic values, leadership and civic responsibilities, along the young minds; however, such participatory processes must operate within well-defined parameters, ensuring that the pursuit of representative governance does not overshadow or undermine the paramount objective of educational institutions, namely, the uninterrupted advancement of academic discipline, excellence and institutional harmony.

42. The controversy before this Court has necessitated a careful and delicate balancing between two competing yet equally significant considerations: on one hand, the legitimate aspiration of students to participate in representative democratic processes within educational institutions; and on the other, the autonomy of universities to regulate their academic, administrative and institutional affairs in furtherance of academic excellence, discipline and orderly functioning. This Court is conscious of the constitutional ethos that democracy is not confined to legislatures alone but is a value that permeates all public institutions. Equally, it must be borne in mind that universities are temples of learning, and the primary object of their existence is the imparting of education. Student participation, though desirable and beneficial for holistic development, remains ancillary to the core academic mandate. The law, therefore, requires a harmonious construction, not an adversarial one.

43. However, this Court finds merit in the preliminary objection regarding locus standi, as leveled by the learned counsel for the respondents. A handful of students, without any representative character or authorization, cannot claim to espouse the cause of lakhs of students across the State. While public interest litigation has liberalized standing, the present petitions are not framed as bona fide public interest litigations but as individual writ petitions seeking enforcement of alleged personal rights. The principle of *vigilantibus non dormientibus jura subveniunt* cannot be invoked by persons who have not even availed the internal remedies available to them under the University framework. The petitioners have admittedly not approached the Dean, Student Welfare or any competent authority before invoking the writ jurisdiction of this Court. In the absence of any demand, representation or adverse decision, the petitions are clearly premature. It is also opined that the Courts do not issue writs in vacuum or on hypothetical apprehensions; and that judicial review is concerned with decision-making, not decision-anticipation.

44. Being conscious about the foregoing facts and circumstances, this Court is disposing of the present petitions, for the reasons noted hereinbelow:

44.1 That only a minuscule number of students have approached this Court, claiming reliefs which are asserted to be representative in nature, without demonstrating any authorization, mandate, or representative capacity to espouse the cause of the student community at large.

44.2 That the petitioners have admittedly not availed or exhausted the efficacious alternative remedy available to them under the applicable framework,

including approaching the competent University authorities such as the Dean, Student Welfare or other statutory/administrative bodies, prior to invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

44.3 That no representation, demand for redressal, or grievance was placed before the respondent authorities, and consequently, no decision or action has been taken by the said authorities which could be subjected to judicial review by this Court. Nonetheless, the writ jurisdiction under Article 226 of the Constitution is discretionary and equitable in nature, and ordinarily ought not to be exercised in the absence of exhaustion of alternative remedies, particularly where disputed questions touching upon policy, administration, and academic governance arise.

44.4 That the present writ petitions, having been filed at a pre-decisional stage and in the absence of any demonstrable infringement of an enforceable legal or fundamental right, are premature and not amenable to adjudication at this stage.

#### CONCLUSION AND DIRECTIONS:

"Student democracy and academic autonomy are not adversaries; when guided by discipline, transparency, and reason, both coexist to strengthen the very foundation of education."

45. Although this Court has not entertained the present batch of writ petitions for the reasons recorded hereinabove, it is well settled that even while declining relief, a constitutional court is not denuded of its power to issue appropriate obiter or prospective directions in aid of good governance, institutional accountability, and to obviate recurring litigation. The Apex Court has repeatedly observed that Courts may issue guidelines to fill administrative gaps so long as they do not transgress statutory limits [*Vineet Narain v. Union of India*, (1998) 1 SCC 226; *Common Cause v. Union of India*, (1996) 6 SCC 530].

46. Keeping in view the larger public interest, the academic ecosystem of universities, and the need to balance student participation with academic discipline, this Court deems it appropriate to issue the following directions, which shall operate prospectively and without disturbing the adjudication of the present petitions.

#### A. Directions to the Petitioners / Students

47. The petitioners and similarly placed students are directed that, in the first instance, any grievance relating to non-conduct or scheduling of Students' Union elections shall be raised before the competent University authorities, including but not limited to:

- a) The Dean, Student Welfare (DSW);
- b) The University-level Election Board / Committee; or
- c) Any grievance redressal mechanism prescribed under the University

framework or as under the RSRU Elections Guidelines and Rules, 2017 (framed under clause 32 of the Rajasthan

48. The principle of audi alteram partem requires that the administration be afforded an opportunity to consider and respond to student grievances. Direct recourse to constitutional courts, without exhausting available institutional remedies, ought to remain an exception and not the rule. Withal, qua the matter at hand, the concerned respondent-authorities are hereby directed to grant due and effective audience to the petitioners/students/interested persons/aggrieved students, so chosen, enabling them to put forth their respective grievances qua the non-conduct of Students' Union Elections, on January 19th, 2026 on or around 11.00. am at a place decided/notified by the Vice Chancellor/DSW qua the University and affiliated Colleges. It is further directed that the representatives of all affiliated Colleges under the respondent-University shall also remain present on the said date and actively participate in the proceedings, so as to comprehensively apprise the respondent-authorities of the issues, concerns and practical difficulties prevailing at the college level in relation to the conduct of Students' Union Elections. The respondent-authorities shall, upon granting such audience and after due consultation with the representatives/petitioners/students as well as the affiliated colleges, deliberate upon the grievances so raised and evolve, formulate and draft an appropriate and workable modus operandi for the conduct of Students' Union Elections for the forthcoming academic years, strictly within the stipulated period and in consonance with the governing statute, rules and regulations.

49. It is further directed that the aforesaid meeting shall be convened pursuant to a duly formulated agenda, which shall be prepared and circulated in advance by the respondent-University, clearly delineating the issues pertaining to the non-conduct and proposed conduct of Students' Union Elections. Upon conclusion of the deliberations held in the meeting dated 19th January, 2026, the respondent-authorities shall take a reasoned, conscious and informed decision on the issues so deliberated, including the formulation of a final and implementable framework/modus operandi for the conduct of Students' Union Elections. Such decision shall be taken within a period of fifteen (15) days / a fortnight from the date of the said meeting.

50. The decision so arrived at shall thereafter be formally recorded and duly notified by the respondent-University, and shall be made applicable prospectively, in accordance with law. The respondent-authorities shall ensure that the said decision is communicated to all affiliated colleges and concerned stakeholders, so as to bring clarity, uniformity and certainty in the conduct of Students' Union Elections for the ensuing academic sessions.

#### B. Directions to the respondents / Universities and the State

51. The respondent-University and the State Government are directed to ensure institutional accountability and transparency, particularly in light of the fact that

fees are admittedly collected from students under various heads connected with student activities, including elections. The respondents shall:

- (a) Constitute or maintain a duly notified Students' Union Election Board / Committee, comprising responsible University officials, which shall be accountable for decisions relating to the conduct, postponement or regulation of Students' Union elections;
- (b) Ensure that such Board affords a reasonable hearing to student representatives or petitioners who approach it with grievances relating to elections, thereby complying with the principles of natural justice;
- (c) Maintain proper accounts of election-related fees collected from students and ensure that such amounts are utilized strictly for the purposes for which they are levied.

#### C. Prospective Conduct of Students' Union Elections

52. Without issuing a writ of mandamus for the present batch of petitions, as the present academic year is at the fag end of its culmination, and in view of the fact that other statutory/academic elections and processes are presently ongoing, this Court consciously refrains from issuing any operative directions for the current academic year. This Court is of the considered view that, at this advanced stage of the academic calendar, issuance of directions for conduct of Students' Union elections may lead to avoidable disruption of the academic schedule, examination process and allied scholastic activities. Accordingly, the directions issued herein are intended to operate prospectively, and it is clarified in unequivocal terms that no mandate is being passed for the conduct of Students' Union elections for the present academic year. The observations and directions of this Court shall apply henceforth, to guide the process whenever Students' Union elections are proposed to be conducted in future academic sessions, in a manner that ensures orderly administration without compromising the academic ecosystem of the institutions concerned. Therefore, it is directed as follows:

- a) The election calendar shall ordinarily be issued in the month of March of each academic year, so as to ensure predictability, preparedness and minimal disruption to academic schedules;
- b) The election calendar, once issued, shall be scrupulously adhered to, and any departure therefrom shall be supported by cogent reasons recorded in writing. Administrative consistency and certainty are essential to uphold institutional credibility;
- c) The elections, where held, shall be conducted within the time framework contemplated under the governing statute and judicial precedents, unless exceptional circumstances, duly recorded in writing, necessitate deviation;
- d) The mode and manner of elections, whether direct, indirect or hybrid, shall be decided by the Vice-Chancellor or the designated Election Conducting Authority /

Committee, strictly in consonance with the Rajasthan Universities Students' Union Elections Guidelines and Rules, 2017 (RUSU Guidelines).

e) The respondents shall bear in mind that Students' Union elections are purely student-centric exercises aimed at representation, leadership development and institutional participation. The Court makes it explicitly clear that every endeavor shall be made to ensure that there is no political "shopping" or no organized external political interference (Illustratively ABVP, NSUI SFI, ASIA etc.), as also directed in the dictum enunciated in University of Kerala (Supra) Accordingly:

(i) Unwarranted political intervention or influence shall be strictly discouraged, as the same defeats the very purpose of student democracy and may lead to corruption or factionalism;

(ii) The existing restrictions on candidature, including age limits, academic eligibility, disclosure of antecedents, expenditure ceilings and other safeguards, as prescribed under the RUSU Guidelines and allied norms, shall be strictly enforced;

(iii) These restrictions are reasonable regulatory measures and strike a constitutionally permissible balance between democratic

participation and institutional discipline.

#### D. Academic Primacy and Use of University Campuses

53. It is further directed that, even during the conduct of Students' Union elections:

(a) University campuses shall not be used in a manner that hampers or paralyses the academic process;

(b) Teaching schedules, examinations, research activities and access to libraries and laboratories shall remain largely unaffected;

(c) Election-related activities shall be regulated so that the primary object of imparting education is not compromised, in keeping with the doctrine that academic primacy must prevail over all ancillary activities.

(d) The Election Commissioner (University) or any other competent authority shall be at liberty to frame, impose and enforce such reasonable restrictions, regulations or prohibitions as may be necessary, consistent with clauses (a) to (c) hereinabove and in consonance with the governing statutes, rules and regulations, for the purpose of maintaining academic discipline and institutional order.

#### E. Directions to the Election Commission and Civil Authorities Regarding Use of University Infrastructure:

54. During the course of arguments, the learned amicus curiae as well as the learned counsel appearing for the petitioners submitted that repeated exposure

of university campuses to frequent and prolonged electoral processes, particularly when conducted in a manner analogous to general political elections, has the potential to adversely affect the academic atmosphere and institutional discipline of universities and colleges. It was contended that such an approach tends to politicise the campus environment, disrupt academic schedules, and divert students from their primary role as learners, thereby undermining the core educational objectives of higher educational institutions. It was further submitted that the aforesaid consequences run contrary to the spirit, ethos and objectives of the National Education Policy (NEP), which emphasises holistic education, academic excellence, research orientation, discipline, and the creation of a conducive learning ecosystem.

55. Having considered the aforesaid submissions, and bearing in mind the need to strike a delicate balance between fostering democratic participation among students and preserving academic primacy, this Court is of the considered view that Students' Union elections cannot be permitted to assume the character, scale or intensity of general political elections. Accordingly, it is directed that the conduct of Students' Union elections shall be so structured, regulated and confined as to ensure that they remain subordinate to, and do not encroach upon, the overarching academic mandate of universities and affiliated colleges, and are conducted strictly in consonance with the principles underlying the National Education Policy and the governing statutory framework. Thence, this Court, while emphasizing the doctrine of academic primacy and keeping in view the transformative framework of the National Education Policy, 2020, finds it necessary to address an ancillary yet recurring concern, namely, the routine requisitioning and use of University and College infrastructure for the conduct of Parliamentary, Assembly, and Local Body elections by the Election Commission of India and allied civil authorities.

56. It is observed that institutions imparting higher education, particularly State-funded Universities and affiliated Government Colleges, constitute specialized academic ecosystems meant exclusively for teaching, research, innovation, and holistic student development. The infrastructure of such institutions is not fungible in nature, and once academic continuity is disrupted, the loss caused to students, especially in a semester-based system cannot be adequately restituted.

57. This Court is of the considered view that while the conduct of general elections is a constitutional necessity, the same cannot be effectuated at the disproportionate cost of academic disruption in institutions of higher learning, particularly in the regime of the National Education Policy, 2020, which mandates structured teaching days, continuous assessment, research engagement, and outcome-based education.

58. Accordingly, this Court issues the following prospective directions to the Election Commission of India and the concerned civil authorities:

i) That, as far as practicable, Universities, constituent colleges, and affiliated

colleges imparting higher education shall not be requisitioned as polling stations, counting centres, storage facilities, or for any other election-related purpose, where such requisitioning is likely to impede teaching schedules, examinations, research activities, or academic administration;

ii) That the Election Commission of India shall, in advance, evolve and adopt alternate arrangements for the conduct of elections, including but not limited to the use of community halls, government offices, or other public infrastructure, so that institutions of higher education remain insulated from avoidable academic disruption;

iii) That election planning and logistical arrangements shall factor in the academic calendars of Universities and Colleges, particularly those operating under the semester system, so as to ensure minimal interference with classroom teaching, laboratory work, libraries, and examinations;

59. That the underlying object of these directions is to ensure that students pursuing higher education are not repeatedly deprived of instructional hours, academic continuity, or access to essential learning facilities, which constitute the very core of the right to education.

60. This Court clarifies that the above directions are issued in the larger public interest, in furtherance of the objectives of the National Education Policy, 2020, and with a view to striking a balance between constitutional governance and academic integrity. These directions shall operate prospectively and shall guide future planning by election-conducting authorities.

61. These directions are issued in exercise of this Court's constitutional role as a sentinel on the qui vive and are intended to guide future conduct, reduce friction between stakeholders, and prevent avoidable litigation. With the above directions, the writ petitions stand disposed of, subject to the observations and prospective directions recorded herein. No order as to costs.

62. It is, however, clarified that this judgment shall not preclude the respondents from taking an appropriate policy decision in future regarding the conduct of Students' Union elections, nor shall it prevent students from pursuing such remedies as may be available to them in accordance with law.

63. Accordingly, the present batch of petitions is disposed of. Pending applications, if any, shall stand disposed.

64. The Registrar (Judicial) is directed to forward a copy of this judgment to the Election Commission of India, the Chief Electoral Officer of the State of Rajasthan, the State Government, and the Vice-Chancellor, University of Rajasthan, for due consideration and necessary compliance.

65. A copy of this judgment be placed in the connected petitions.