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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment Delivered on: 15.09.2025*

\+ **W.P.(C) 2390/2025 & CM APPL. 11280-81/2025, 13286/2025**

SINGHANIA UNIVERSITY .....Petitioner

Through: Mr. Parag P. Tripathi, Sr. Adv. with Mr. Aslam Ahmed, Mr. Ravi Singhania, Mr. Rohit Jain, Mr. Shabies A. Nabi, Ms. Mishika Bajpai and Mr. Harilal. S., Advs.

Versus

UNIVERSITY GRANTS COMMISSION .....Respondent

Through: Mr. Manoj Ranjan Sinha and Mr. Vishal Agrawal, Advs. for UGC.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J

1. The present petition assails the impugned order No. F.1-4/2023(PS) dated 16.01.2025 whereby the petitioner - 'Singhania University' [hereinafter 'University'] has been debarred from enrolling scholars under its Ph.D. Programme for the next five years i.e. from academic year 2025-26 to 2029-30, with further direction to immediately discontinue enrolling Ph.D. students. Challenge has also been laid to the public notice of even date whereby prospective students and their parents have been advised not to take admission in Ph.D. programme offered by the University.

2. The case set out in the present petition is that the University has been established under the *Singhania University, Pacheri Bari (Jhunjhunu) Act, 2008* and recognised under Section 2(f) of the University Grants Commission Act, 1956 [hereinafter 'UGC Act']. The University has been

offering various academic programmes, including Ph.D. degrees, since its inception. The University has complied with all regulatory requirements as applicable to a State University and has continued to furnish information and clarifications as sought by the respondent/University Grants Commission [hereinafter 'UGC'] from time to time. The University has been consistently maintaining academic and infrastructural standards as prescribed under the UGC Act.

3. It is further stated that there is no prohibition against a statutory university such as the petitioner-University under the UGC Act to award degree/diploma/certificate in any and all courses and in fact such degrees/diploma/certificates are valid and recognized for all intents and purposes in accordance with Section 22 of the UGC Act.

4. Before the establishment of University, UGC had framed *'UGC (Establishment and Maintenance of Standards in Private Universities) Regulations, 2003'* [hereinafter 'Regulations of 2003'].

5. Under the Regulations of 2003, the UGC had sent a Notice dated 16.09.2008 to the University asking it to furnish information regarding establishment of off-campuses of the University, close all such centres which it had started within the State of Rajasthan and out of the State and not to start courses like B.Ed., M.Ed. and CPMed etc.

6. The said Notice was replied by the University. Subsequently, an order was passed by the UGC dated 24.04.2009 directing the University to not to establish any off-campus centres and affiliate colleges and study centres through franchisee.

7. Subsequently, the State Government also directed the University *vide* its order dated 30.04.2009 to comply with the Notice of the UGC. In this

backdrop, the University was constrained to file a writ petition before the High Court of Rajasthan [Jaipur Bench] titled as *Singhania University and Ors. vs. University Grants Commission & Ors., being S.B. Civil Writ Petition 8102/2009*.

8. In the said petition, while issuing notice *vide* order dated 07.08.2009, the High Court of Rajasthan passed the following interim directions:

> *"In the meanwhile, respondents are restrained from taking any coercive action against petitioners. List immediately after service."*

9. It is the case of the University that since July 2023, the UGC through numerous correspondences from time to time, sought various information regarding the Ph.D. degree offered by the University, which was responded to by the University and the requisite information was furnished as demanded.

10. The aforesaid correspondences were followed by a Show Cause Notice [hereinafter 'SCN'] dated 23.10.2024 issued by the UGC to the University wherein it was stated that - UGC has been receiving complaints regularly from stakeholders on the violation of UGC (Minimum Standard and Procedure for Award of M.Phil/Ph.D. Degrees) Regulations, 2009 / 2016 / 2022; to implement the regulatory monitoring process for ascertaining whether Ph.D. degrees are being awarded by the universities in accordance with the respective extant UGC norms / regulations, the Chairman, UGC has constituted a Standing Committee, the mandate of which is to suggest corrective measures and recommend action to be taken against erring Universities; UGC Standing Committee had sought information from the petitioner-University regarding the Ph.D. degrees

awarded by the University during Years 2016-2020; the data submitted by the petitioner-University was analysed/evaluated/examined by a sub-committee of UGC, which after interaction with the University's authorities, has submitted its final report; and on the basis of the report of the Committee, the Standing Committee observed that the University has not followed UGC guidelines and therefore, recommended that the petitioner-University should not be allowed to enrol Ph.D. students for a period of five years.

11. Based on such recommendation, the UGC called upon the petitioner-University to show cause and to explain why penal action including debarring the University from enrolling and offering Ph.D. programme for five years, should not be initiated for non-compliance of the relevant UGC Rules, Regulations, Guidelines, norms, notices, directions etc.

12. The aforesaid SCN was responded to by the University *vide* its reply dated 07.11.2024. While generally denying the allegations in the report of the sub-committee extracted in the SCN, the University also asserted that SCN has been issued in violation of a stay order granted by the High Court of Rajasthan in Writ Petition No. 8102/2009, whereby the respondents therein including the UGC were restrained from taking any coercive action against the University. It was further stated, that in the said writ petition, the petitioner had not only challenged the applicability of Regulations of 2003 to the University but also the constitutional validity thereof.

13. Sequel to above, the UGC in its 586th meeting held on 23.12.2024 considered and approved the recommendations of the Standing Committee. Accordingly, *vide* impugned order dated 16.01.2025, the University was conveyed the decision of debarring it from enrolling scholars under its Ph.D,

Programmes for the next five years i.e. from academic year 2025-26 to 2029-30. The University was also directed to immediately discontinue enrolling Ph.D. students.

14. It was further observed in the impugned order dated 16.01.2025 that after five years, an Expert Committee of UGC will again analyse/examine the data of Ph.D. awarded by the university during the years 2021, 2022, 2023, 2024 and 2025, and based on the report of the Expert Committee, UGC will, thereafter take a decision on the matter. The relevant extract from the impugned order reads thus:

> *"After perusal of the above, the standing Committee recommended that Singhania University, Jhunjhunu, Rajasthan did not follow the provisions of the UGC Ph.D. Regulations and also the academic norms for the award of Ph.D. degrees during the year 2016 to 2020. The response received from the University was not found satisfactory by the Standing Committee. The Committee recommended that the UGC may debar the University from enrolling Ph.D. students for the next five years. After five years, an Expert Committee of UGC may again analyze/ examine the data of Ph.D. awarded by the University during the years 2021, 2022, 2023, 2024 and 2025. Based on the report of the Expert Committee, UGC may, thereafter, take a decision on the matter.*
>
> *The entire matter was placed before the Commission in its 586th meeting held on 23.12.2024. The Commission considered and approved the recommendations of the Standing Committee.*
>
> ***Keeping in view the reports and recommendations given by the UGC Expert Committee and UGC Standing Committee, it has been decided to debar the University from enrolling scholars under its the next five years i.e. from the academic year 2025-26 to 2029-30.*** *The University is hereby directed to immediately discontinue*

enrolling Ph.D. students. ***After five years, an Expert Committee of UGC will again analyze/examine the data of Ph.D. awarded by the University during the years 2021, 2022, 2023, 2024 and 2025 and based on the report of the Expert Committee, UGC will, thereafter, take a decision on the matter****."*

(emphasis supplied)

15. In the above factual backdrop, the present petition has been filed by the University challenging the legality of the impugned order dated 16.01.2025.

16. Mr. Parag P. Tripathi, learned senior counsel appearing on behalf of the University has assailed the impugned order dated 16.01.2025 essentially on two grounds; *firstly*, UGC while passing the impugned order has not complied with the principles of natural justice, *secondly*, there is complete absence of power with UGC to impose the penalty invoked.

17. Elaborating on his first submission, Mr. Tripathi submits that in the SCN, as well as, in the impugned order, reliance has been placed on various reports / material *viz.*, (i) the final report dated 30.08.2024 of the Sub-committee/Expert Committee (ii) the minutes of meeting of UGC Standing Committee held on 10.09.2024 and (iii) minutes of meeting of UGC's 584th meeting held on 03.10.2024, but the same were not provided to the University.

18. He submits that the well-established principle of administrative law provides that an adjudicatory body cannot base its decision on any material unless the person against whom it is sought to be utilized has been apprised of its contents and given an opportunity to respond.

19. To buttress his contention, Mr. Tripathi has placed reliance on the decisions of the Hon'ble Supreme Court in-(i) ***Deepak Ananda Patil vs.***

State of Maharashtra, (2023) 11 SCC 130; and (ii) ***ECIL vs. B. Karaunakar (1993) 4 SCC 727.***

20. He submits that non-disclosure of the reports has prejudiced the University, inasmuch as, the reports dealing with the findings on the alleged violations would have been relevant for the University to dispute the factual aspects in question. He further contends that no personal hearing was afforded to the University before passing the impugned order.

21. On his second submission, Mr. Tripathi elaborates that there is no prohibition against a statutory university such as the petitioner-University under the UGC Act to award degree/diploma/certificate in any and all courses, and in fact such degrees/diplomas/certificates are valid and recognized for all intents and purposes in accordance with Section 22 of the UGC Act.

22. Inviting attention of the Court to Section 12 of the UGC Act, he submits that regulatory authority of the UGC is limited to maintaining standards of higher education and ensuring compliance with its Regulations, but it does not extend to interfering with the autonomy of universities awarding degrees nor does it confer any power upon the UGC to withhold grant of a degree due to dissatisfaction with the course study of any university. He further submits that no power exists either under the UGC Act or the Regulations pertaining to Ph.D., to debar universities from granting Ph.D. degrees and no such provision has been cited by the UGC in the impugned order.

23. He contends that University Grants Commission (Minimum Standards and Procedures for Award of Ph.D. Degree) Regulations, 2022 [hereinafter,

'Regulations of 2022'] also, does not confer power upon the UGC to debar or take any action for non-adherence to said Regulations.

24. He submits that even under Section 12A and Section 14 of the UGC Act there is no power conferred on the UGC to debar a University from enrolling Ph.D scholars. He thus, contends that UGC's action is *ultra vires* the UGC Act.

25. Lastly, he contends that the High Court of Rajasthan *vide* its order dated 07.08.2009 passed in Civil Writ Petition 8102/2009 had directed that no coercive action be taken against the University, and in reply to the SCN, it was specifically stated by the University that the SCN has been issued in violation of the said stay order, but UGC did not consider the same. He thus, submits that the impugned order is in teeth of the aforesaid order of the High Court of Rajasthan.

26. *Per contra*, Mr. Manoj Ranjan Sinha, learned counsel appearing on behalf of UGC submits that UGC Act has been enacted to co-ordinate and maintain the standards of higher education in India. Under the UGC Act, the UGC has been entrusted to perform such functions as may be necessary for the UGC for advancing the cause of higher education in India.

27. In support of his submission, Mr. Sinha has drawn attention of the Court to the Preamble of the UGC Act, as well as, Section 12(j) thereof. He submits that the expression 'co-ordination' used in Entry 66 of the List I-Union List of the 7th Schedule to the Constitution of India, includes action not only for removal of disparities in standards but also for preventing the occurrence of such disparities. It would, therefore, also include power to do all things which are necessary to prevent what would make 'coordination' either impossible or difficult.

28. In this regard, he places reliance on the decision of Hon'ble Supreme Court in (i) ***Gujarat University and Anr. vs. Shri Krishna Ranganath Mudholkar & Ors. (1962) SCC OnLine SC 146*** and (ii) ***State of Tamil Nadu and Anr. vs. Adhiyaman Educational & Research Institute & Ors. (1995) 4 SCC 104***.

29. He further submits that the petitioner-University was found in contravention of the University Grants Commission (Minimum Standards and Procedures for Award of M.Phil./Ph.D. Degrees) Regulations, 2016 [hereinafter, 'Regulations of 2016] as it had admitted candidates for Ph.D. Programmes with less than 55% marks in post-graduation.

30. He submits that the norms of admission have a direct impact on the standards of education and any lowering of the norms laid down can and does have an adverse effect on the standards of education in higher educational institutions. To buttress his contention, Mr. Sinha has placed reliance on the decision in ***Dr. Preeti Srivastava vs. State of Madhya Pradesh, (1999) 7 SCC 120***.

31. He submits that the UGC as an expert body has been entrusted by the UGC Act the general duty to take such steps as it may think fit for the determination and maintenance of standards of teaching, examination and research in the universities. In order to maintain such minimum standards, the UGC in exercise of its powers as prescribed under the UGC Act/Regulation, took the action of stopping the petitioner-University from enrolling scholars under its Ph.D. Programme for next five years.

32. He submits that such an action was necessitated in view of the fact that UGC had been receiving complaints from the stakeholders as regards violation of UGC Ph.D. Regulations, and any such violation would result in

inevitable decline of standards of higher education. In support of this submission, reliance has been placed on the decision in ***University Grants Commission & Anr. vs. Neha Anil Bobde (Gadekar) (2013) 10 SCC 519***.

33. He submits that University's contention that as no personal hearing was afforded to it, therefore, there is a violation of principles of natural justice, is misconceived. He submits that several opportunities were given to the University for interface meetings, but it failed to respond properly and did not provide documents as asked for.

34. Lastly, he submits that if the action of the University in admitting students and awarding Ph.D. degrees in complete defiance of the UGC Regulations is allowed to be continued, then the standards and fate of Ph.D. scholars would be greatly compromised.

35. I have heard Mr. Parag P. Tripathi, learned senior counsel for the petitioner, as well as, Mr. Manoj Ranjan Sinha, learned counsel for the respondent/UGC.

36. Two seminal questions arise for consideration of this Court in the present matter. *Firstly*, whether UGC has acted in contravention of principles of natural justice; *secondly*, whether action taken by UGC in issuing the impugned order dated 16.01.2025, debarring the petitioner-University from conducting Ph.D. programmes for a period of five years is *ultra vires* the UGC Act or such an action, absent specific express statutory provision, can nonetheless be justified by implication under the broader regulatory powers conferred on UGC under the UGC Act for maintaining academic standards.

37. As regards first question of non-compliance of principles of natural justice, the submission of Mr. Tripathi is that UGC had not furnished the

final report of the sub-committee dated 30.08.2024, the minutes of meeting of the UGC Standing Committee held on 10.09.2024 and the minutes of meeting of UGC's 584th meeting held on 03.10.2024, which were relied upon by UGC in its SCN dated 23.10.2024 given to the University.

38. The University replied to SCN *vide* its communication dated 07.11.2024 and took a stand that the University is a statutory self-financed university with statutory powers to frame Rules and Regulations for its functioning for determining its standards for awarding degrees etc. It was further stated that SCN has been issued in violation of the stay order dated 07.08.2009 granted by the Hon'ble High Court of Rajasthan in Civil Writ Petition 8102/2009.

39. The Court notes that the final report of the Sub-Committee and the recommendation of the Standing Committee, both were duly quoted in the SCN dated 23.10.2024, as well as, in the impugned order dated 16.01.2025. Conspicuously, in the reply or otherwise, the University did not ask for the final report of the sub-committee / expert committee dated 30.08.2024, the minutes of meeting of the Standing Committee held on 10.09.2024 or the minutes of meeting of UGC's 584th meeting held on 03.10.2024.

40. Further, in view of the aforenoted stand taken by the University in its reply to SCN, non-furnishing of said documents would have made no difference. Furthermore, in the said reply, the breaches and defaults alleged in the report of sub-committee or the minutes of the Standing Committee, were not disputed nor the same were explained. Therefore, at this stage, University cannot contend that any prejudice has been caused to them on account of non-supply of said documents.

41. The law is well settled that mere breach of principles of natural justice is not sufficient, such breach of rules must also entail prejudice. In this regard reference may be had to the decision of the Hon'ble Supreme Court in ***SEBI vs. Akshya Infrastructure (P) Ltd. (2014) 11 SCC 112*** wherein it was observed as under:

> *"37. This now brings us to the submission of Mr Nariman that there was a breach of rules of natural justice. It is a matter of record that the respondent had asked for an opportunity of hearing but none was granted. But the question that arises is as to whether this is sufficient to nullify the decision of SEBI.* ***In our opinion, the respondent has failed to place on the record either before SAT or before this Court the prejudice that has been caused by not observing rules of natural justice****. It is by now settled proposition of law that mere breach of rules of natural justice is not sufficient. Such breach of rules of natural justice must also entail avoidable prejudice to the respondent****. This reasoning of ours is supported by a number of cases.* ***We may, however, refer to the law laid down in Natwar Singh v. Director of Enforcement [(2010) 13 SCC 255]*** *wherein it was held that: (SCC p. 268, para 26)*
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> > *"26. …* ***There must also have been caused some real prejudice to the complainant; there is no such thing as a merely technical infringement of natural justice****."*"
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> (emphasis supplied)

42. Reference may also be had to the decision in ***T. Takano vs. SEBI, (2022) 8 SCC 162,*** wherein the Hon'ble Supreme was dealing with somewhat similar situation. The Court referring to a decision of the Constitution Bench in ***B. Karunakar*** (supra), observed as under:

> *"53. …* ***A Constitution Bench of this Court in Karunakar held that the non-disclosure of the relevant***

> ***information is not in itself sufficient to warrant the setting aside of the order of punishment. It was held that in order to set aside the order of punishment, the aggrieved person must be able to prove that prejudice has been caused to him due to non-disclosure. To prove prejudice, he must prove that had the material been disclosed to him the outcome or the punishment would have been different.*** *The test for the extent of disclosure and the corresponding remedy for non-disclosure is dependent on the objective that the disclosure seeks to achieve. Therefore, the impact of non-disclosure on the reliability of the verdict must also be determined vis-à-vis, the overall fairness of the proceeding. While determining the reliability of the verdict and punishment, the court must also look into the possible uses of the undisclosed information for purposes ancillary to the outcome, but that which might have impacted the verdict."*
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> (emphasis supplied)

43. Insofar as submission of Mr. Tripathi that no personal hearing was afforded to University before passing the impugned order is concerned, suffice it to observe that once the SCN proposing a penalty to be contemplated was issued and opportunity to submit a reply was afforded to University, it was not incumbent upon UGC to give personal hearing. Reference in this regard may be had to the decision of Hon'ble Supreme Court in ***Gorkha Security Services vs. Government (Nct of Delhi) and Ors.***, ***(2014) 9 SCC 105***, wherein it was observed as under:

> *20. Thus, there is no dispute about the requirement of serving show cause notice.* ***We may also hasten to add that once the show-cause notice is given and opportunity to reply to the show-cause notice is afforded, it is not even necessary to give an oral hearing.*** *The High Court has rightly repudiated the appellant's attempt in finding foul with the impugned order on this ground. Such a contention was specifically repelled in Patel Engg.*
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> *27.**We are, therefore, of the opinion that it was incumbent on the part of the Department to state in the show-cause notice that the competent authority intended to impose such a penalty of blacklisting, so as to provide adequate and meaningful opportunity to the appellant to show cause against the same. However, we may also add that even if it is not mentioned specifically but from the reading of the show-cause notice, it can be clearly inferred that such an action was proposed, that would fulfil this requirement.** In the present case, however, reading of the show-cause notice does not suggest that notice could find out that such an action could also be taken. We say so for the reasons that are recorded hereinafter.*
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> (emphasis supplied)

44. Likewise, in ***State Bank of India vs. Jah Developers Private Limited and Ors., (2019) 6 SCC 787***, the Hon'ble Supreme Court underscored in the following terms the principle that every time when no oral hearing is given, there cannot be breach of principles of natural justice:

> *15. The next question that arises is whether an oral hearing is required under the Revised Circular dated 1-7-2015. We have already seen that the said circular makes a departure from the earlier Master Circular in that an oral hearing may only be given by the First Committee at the first stage if it is so found necessary. Given the scheme of the Revised Circular, it is difficult to state that oral hearing is mandatory. **It is even more difficult to state that in all cases oral hearings must be given, or else the principles of natural justice are breached.** A number of judgments have held that natural justice is a flexible tool that is used in order that a person or authority arrive at a just result. Such result can be arrived at in many cases without oral hearing but on written representations given by parties, after considering which, a decision is then arrived at. **Indeed, in a recent judgment in Gorkha Security Services v. State (NCT of Delhi} this Court has held, in a blacklisting case, that where serious consequences ensue, once a show-cause***

notice is issued and opportunity to reply is afforded, natural justice is satisfied and it is not necessary to give oral hearing in such cases *(see para 20).*

(emphasis supplied)

45. For exploring an answer to the second question, the following provisions of the UGC Act, which have been relied upon by the parties, need to be adverted to:

Preamble

*"**An Act to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission.***

2. ***Definitions.***

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(f) "University" means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.

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Chapter III

Powers and Functions of the Commission

12. Functions of the Commission.- *It shall be the general duty of the Commission to take, in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities, and for the purpose of performing its functions under this Act, the Commission may-*

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(j) perform such other functions as may be prescribed or as may be deemed necessary by the Commission for advancing the cause

of higher education in India or as may be incidental or conducive to the discharge of the above functions."

***12A. Regulation of fees and prohibition of donations in certain cases**.—*

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(3) Where regulations of the nature referred to in sub-section (2) have been made in relation to any course of study, no college providing for such course of study shall—

(a) levy or charge fees in respect of any matter other than a matter specified in such regulations;

(b) levy or charge any fees in excess of the scale of fees specified in such regulations, or

(c) accept, either directly or indirectly, any payment (otherwise than by way of fees) or any donation or gift (whether in cash or kind),

from, or in relation to, any student in connection with his admission to, and prosecution of, such course of study.

(4) If, after making, in relation to a college providing for a specified course of study, an inquiry in the manner provided by regulations, and after giving such college a reasonable opportunity of being heard, the Commission is satisfied that such college has contravened the provisions of sub-section (3), the Commission may, with the previous approval of the Central Government, pass an order prohibiting such college from presenting any students then undergoing such course of study therein to any university for the award of the qualification concerned.

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***14. Consequences of failure of Universities to comply with recommendations of the Commission**.—If any University fails within a reasonable time to comply with any recommendation made by the Commission under section 12 or section 13, [or contravenes the provisions of any rule made under clause (f) or clause (g) of sub-section (2) of section 25, or of any regulation made under clause (e) or clause (f) or clause (g) of section 26,] the Commission, after taking into consideration the cause, if any,*

shown by the University may withhold from the University the grants proposed to be made out of the Fund of the Commission.

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22. Right to confer degrees.*—(1) The right of conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.*

(2) Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.

(3) For the purposes of this section, "degree" means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette.

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24. Penalties*.—Whoever contravenes the provisions of section 22 or section 23 shall be punishable with fine which may extend to one thousand rupees, and if the person contravening is an association or other body of individuals, every member of such association or other body who knowingly or wilfully authorises or permits the contravention shall be punishable with fine which may extend to one thousand rupees.*

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26. Power to make regulations.— *(1) The Commission consistent with this Act and the rules made thereunder,—*

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(f) defining the minimum standards of instruction for the grant of any degree by any University;"

(g) regulating the maintenance of standards and the co-ordination of work or facilities in Universities."

46. Mr. Sinha has not been able to point out any specific provision under the UGC Act which confers any power upon UGC to impose a penalty of the nature which has been imposed *vide* impugned order dated 16.01.2025 i.e.

debarring the petitioner from enrolling Ph.D. students for the next five years, and perusal of the above quoted provisions shows that there exists none.

47. Mr. Sinha has in fact relied upon Preamble, as well as, Section 12(j) of the UGC Act to justify the penalty imposed on the petitioner-University.

48. A conjoint reading of Preamble and Section 12(j) of the UGC Act envisage that regulatory authority of the UGC is limited to co-ordination and determination of standards in universities and performance of such functions by the UGC as may be deemed necessary for advancing the cause of higher education in India. Neither the Preamble nor Section 12(j) contemplates imposition of penalty in the event of non-compliance with the provisions of the Act or the Regulations framed thereunder.

49. Except for limited power found under Section 12A of the UGC Act, which allows initiation of an inquiry only against a college, followed by passing of a prohibitory order with the approval of the central government, no power of debarment as exercised by UGC in the impugned order dated 16.01.2025, can be found under the UGC Act and the Regulations referred to in the SCN and the impugned order.

50. Notably, the power conferred under Section 12A is also confined solely to colleges and not Universities, and that too concerning issues of donations, and levy or charging of fee beyond the scale specified by the UGC.

51. Likewise, under Section 14, the UGC can only withhold from a University, grants proposed to be made out of the fund of the UGC, in case such University grants affiliation to any college in contravention of the provisions of the Act or the Rules made thereunder. Whereas, Section 24 provides for imposition of penalty which may extend to Rs.1000/-, in case a

person contravenes the provisions of Section 22 or Section 23 of the UGC Act.

52. Clearly, there is no provision in the Act, which confers power on the UGC to debar the University from enrolling Ph.D. scholars for alleged non-adherence of its provisions.

53. The UGC Ph.D. Regulations of 2009, 2016, as well as, 2022 have been formulated by the UGC in exercise of its power conferred by Clauses (e)/(f) and (g) of sub-section (1) of Section 26 of the UGC Act. The said Ph.D. Regulations, which are available on the record of this petition, have been perused by the Court. It appears that the said Regulations provide for the minimum standards, as well as, lays down the procedures for award of Ph.D. degree, but the said Regulations neither prescribe any consequence of non-compliance with any of the provisions of said Regulations nor confer any power upon the UGC to debar a University from enrolling Ph.D. students or take any action for alleged non-adherence.

54. This Court finds that only power available to UGC to pass an order prohibiting a private University from offering award of first degree and / or the post graduate degree / diploma, is contained in Regulation 5 of the Regulations of 2003, which reads as under:

> *"**UGC (ESTABLISHMENT OF AND MAINTENANCE OF STANDARDS IN PRIVATE UNIVERSITIES) REGULATIONS, 2003***
>
> ***5. Consequences of violations***
>
> ***5.1. After inspection and assessment of a private university providing first degree and / or post graduate degree/diploma courses, the UGC may indicate to the university any deficiency and non-conformity with the relevant UGC Regulations and give it reasonable***

opportunity to rectify the same. If the Commission is satisfied that the private university has, even after getting an opportunity to do so, failed to comply with the provisions of any of the Regulations, the Commission may pass an order prohibiting the private university from offering any course for the award of the first degree and / or the post-graduate degree/diploma, as the case may be, till the deficiency is rectified.

5.2. The UGC may take necessary action against a private university awarding a first degree and / or a post-graduate degree/diploma, which are not specified by the UGC, and inform the public in general through a public notification. A private university continuing such programme(s) and awarding unspecified degree(s) shall be liable for penalty under Section 24 of the UGC Act."

(emphasis supplied)

55. Incidentally, in passing the impugned order dated 16.01.2025, the UGC did not invoke provisions of Regulation 5 of Regulations of 2003.

56. The matter was thus, listed on 12.08.2025 for seeking clarification from the parties as to whether Regulations of 2003 are applicable to the University or not.

57. On this limited aspect, Mr. Tripathi, as well as, Mr. Sinha, were heard on 03.09.2025. Mr. Sinha, on instructions, stated that though the Regulations of 2003 are applicable to the petitioner, however, in the present case the same have not been invoked for the reason that there is already a stay operating on the said Regulations by virtue of an interim order dated 07.08.2009 passed by the Hon'ble High Court of Rajasthan in S.B. Civil Writ petition 8102/2009 pertaining to the University.

58. The position which thus, emerges is that there is no express penal provision specified either under the UGC Act or the Regulations invoked,

which authorises the UGC to impose the penalty debarring the University from offering Ph.D. programmes for the next five years.

59. It is trite that the punishment not prescribed under the statute or statutory Rules, cannot be imposed. Reference in this regard may advantageously be had to the decision of the Hon'ble Supreme Court in ***State of Madhya Pradesh vs. Centre for Environment Protection Research & Development (2020) 9 SCC 781***. In this case, the NGT had held that it was the responsibility of the State and its Transport Department to ensure compliance of the Rules, and passed a direction that the vehicles not complying with pollution norms and not possessing a valid PUC certificate would have to suffer the consequences of suspension and/or revocation of the registration certificate of the vehicle. NGT also held that a vehicle not displaying a valid PUC certificate would not be provided with fuel by any dealer or petrol pump. The State Government of Madhya Pradesh was directed to take necessary steps in this regard by issuing necessary orders and to give wide publicity to such orders.

60. The issue for determination before the Hon'ble Supreme Court was whether NGT could have directed the State Government to issue orders and/or instructions and/or directions to petrol pumps or retail outlets or dealers not to supply fuel to vehicles not having a valid PUC. In this backdrop, the Hon'ble Supreme Court observed that a penalty which is not contemplated in the statute or statutory Rules cannot be imposed. It held that stoppage of supply of fuel to vehicles not complying with the requirement of displaying a valid PUC certificate is not contemplated either under the Motor Vehicles Rules or in the NGT Act, therefore, motor vehicles not

complying with such a requirement cannot be debarred from being supplied fuel. The relevant excerpts from the said decision reads thus:

> *"54.* ***It is well settled that when a statute or statutory rules prescribed a penalty for any act or omission, no other penalty not contemplated in the statute or statutory rules can be imposed****. It is well settled that when statute requires a thing to be done in a particular manner, it is to be done only in that manner.*
>
> *55. There can be no doubt that strong measures must be taken to protect the environment and improve the air quality whenever there is contravention of statutory rules causing environmental pollution.* ***Stringent action has to be taken, but in accordance with law****.*
>
> *56.* ***Stoppage of supply of fuel to vehicles not complying with the requirement to have and/or display a valid PUC certificate is not contemplated either in the 1989 Rules or in the NGT Act. Motor vehicles not complying with the requirement of possessing and/or displaying a valid PUC certificate cannot be debarred from being supplied fuel****.*
>
> *xxx xxx xxx*
>
> *58. This Court is, therefore, constrained to hold that the learned Tribunal had no power and/or authority and/or jurisdiction to pass orders directing the appellant State Government to issue orders, instructions or directions on dealers, outlets and petrol pumps not to supply fuel to vehicles without PUC certificate. The first two questions are answered accordingly."*
>
> (emphasis supplied)

61. Similarly, in ***Vijay Singh vs. State of Uttar Pradesh & Ors., (2012) 5 SCC 242***, a question arose as to whether the disciplinary authority after holding disciplinary proceedings can impose punishment not prescribed under statutory rules. The Hon'ble Supreme Court observed as under:

> *"11.* ***Admittedly, the punishment imposed upon the appellant is not provided for under Rule 4 of the 1991***

Rules. *Integrity of a person can be withheld for sufficient reasons at the time of filling up the annual confidential report.* ***However, if the statutory rules so prescribe, it can also be withheld as a punishment****. The order passed by the disciplinary authority withholding the integrity certificate as a punishment for delinquency is without jurisdiction, not being provided under the 1991 Rules, since the same could not be termed as punishment under the Rules.* *The Rules do not empower the disciplinary authority to impose "any other" major or minor punishment.* ***It is a settled proposition of law that punishment not prescribed under the Rules as a result of disciplinary proceedings cannot be awarded.***

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15. Imposing the punishment for a proved delinquency is regulated and controlled by the statutory rules. Therefore, while performing the quasi-judicial functions, the authority is not permitted to ignore the statutory rules under which punishment is to be imposed. The disciplinary authority is bound to give strict adherence to the said rules. ***Thus, the order of punishment being outside the purview of the statutory rules is a nullity and cannot be enforced against the appellant.***

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21. ***Undoubtedly, in a civilised society governed by the Rule of Law, the punishment not prescribed under the statutory rules cannot be imposed.*** *Principle enshrined in criminal jurisprudence to this effect is prescribed in the legal maxim nulla poena sine lege which means that a person should not be made to suffer penalty except for a clear breach of existing law.*

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22. In S. Khushboo v. Kanniammal [(2010) 5 SCC 600 : (2010) 2 SCC (Cri) 1299 : AIR 2010 SC 3196] this Court has held that ***a person cannot be tried for an alleged offence unless the legislature has made it punishable by law*** *and it falls within the offence as defined under Sections 40, 41 and 42 of the Penal Code, 1860, Section 2(n) of the*

Code of Criminal Procedure, 1973, or Section 3(38) of the General Clauses Act, 1897. ***The same analogy can be drawn in the instant case though the matter is not criminal in nature****."*

(emphasis supplied)

62. In ***College of Applied Education and Health Sciences vs. NCTE & Anr.***, ***2022 SCC OnLine Del 3810***, a co-ordinate bench of this Court had an occasion to deal with a similar issue. The question posed before the Court was as to whether imposition of penalty by the respondent/NCTE therein, declaring academic session 2022-23 in respect of petitioner institutes as a 'zero academic year' and thereby restricting fresh intake of students could have been imposed without there being any provision in the NCTE Act, which vests the NCTE to impose such penalty. The Court made following pertinent observations:

"19. The ambit and scope of powers of NCTE can be gleaned by looking at the preamble to the Act, 12 read with functions of NCTE as laid down in Section 12 and 12A of the Act, which have been extracted earlier. Section 12 of the Act and the subsections therein, although strongly relied upon by counsel for NCTE, does not advance their case. It only stipulates the functions of NCTE, and does not vest the power on it to prescribe, impose or enforce penalties. In fact, none of the above extracted provisions sanction NCTE to take the Impugned Action. ***It emerges, upon a plain perusal of the provisions of the Act, that except for initiation of penal action of withdrawal of recognition under Section 17, there is no other express penal provision specified in the Act. Thus, the penalty of "zero academic year" is a concept which is foreign to the scheme of the Act****.*

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28. ***At this juncture, it will bode well to reiterate a well recognized principle of law which forms part of***

> ***administrative jurisprudence and is squarely applicable to the circumstances – where power is given to do a certain thing in a certain way, the thing must be done in that way or not at all and that other methods of performance are necessarily forbidden.*** *From the foregoing discussion, it is clear that considering that the only remedy available was de-recognition, it was not open to NCTE to have taken any other penal measure as it deemed fit. Above all, non-adherence to the timelines given in Section 17 and instantaneous implementation of penalty prejudices not only the Petitioner-TEIs, but also the students pursuing a course with them. In* ***Maharishi Dayanand Educational Society v. NCTE****, it was held that Regional Committee is duty bound to accord an opportunity of hearing before passing order under Section 17 of the Act, in view of the fact that such an order would certainly affect the students, if not the Petitioners-TEIs. From the foregoing discussion it emerges that the Impugned Action cannot be called a lesser penalty which can be covered under the umbrella of a larger penalty envisaged by the Legislature."*
>
> (emphasis supplied)

63. Another incidental issue which needs to be addressed is as to whether in absence of specific express statutory provision, the UGC could have taken impugned action under the broader regulatory powers conferred upon it under the UGC Act. The law is well settled that powers of a statutory body like UGC are derived, controlled and restricted by the statutes which create them and the Regulations framed thereunder. Any action of such bodies in excess of their power or in violation of the restrictions placed on their powers is ultra vires.[1]

64. This Court was confronted with similar issue in ***College of Applied Education and Health Sciences*** (supra). It was observed that the statutory

[1] Sukhdev Singh and Ors. v. Bhagatram Sardar Singh Raghuvanshi and Anr., (1975) 1 SCC 421.

authorities cannot constrict or widen the scope of the Act to bring into existence substantive rights or obligations or disabilities not contemplated therein. It was further observed that statutory authorities have no trappings of a court of law, and thus lack prerogative of inherent judicial powers, therefore, cannot invoke the doctrine of inherent power. The relevant observations from the said decision reads thus:

> *"20.* ***The above discussion then lends itself to the question of whether there exists an implied provision or inherent power which could vest in NCTE the authority to pass the Impugned Action.*** *On this aspect, it is crystal clear than NCTE is a creation of statute.* ***It is a well-settled proposition of law that powers and functions of statutory bodies are derived, controlled and restricted by the statutes which create them****. Thus, every action or decision taken by NCTE must relate back to or derive from some or the other provision of the Act.* ***Statutory authorities also cannot constrict or widen the scope of the Act to bring into existence substantive rights or obligations or disabilities not contemplated thereunder. Any such action by such bodies, in excess of their power, or in violation of restrictions placed on their powers, is wholly ultra vires****. Statutory authorities have no trappings of a court of law, and thus lack prerogative of inherent judicial powers. Being a creation of the Legislature, statutory bodies cannot justify their action by invoking the doctrine of inherent power, which are plenary powers enjoyed by a court of law. When express power has been given to the Regional Committee under the Act, it is impermissible for NCTE to resort to any general or implied powers under the law****. Having considered the above, as regards its status as a statutory body, in the opinion of the Court, NCTE cannot claim or assert the existence or exercise of any implied, inherent or plenary powers. The case laws relied upon by the Respondents in this regard, based upon the criminal justice system, are also not relevant.*

21. It is the case of NCTE that even in the absence of a statutory provision, the said power is implied in the Act, and places reliance on the judgment of the Supreme Court in Bidi, Bidi Leaves and Tobacco Merchants' Association v. State of Bombay, wherein the doctrines of necessary implication and proportionality haf been utilized. ***It needs no reiteration that the power to levy penalty is essentially a legislative function.*** *The court is not convinced that in absence of the Impugned Decision, PAR would be rendered a toothless exercise and hence is necessary to allow NCTE to impose the Impugned Action.* ***It is not a case where the Act has provided no penal measures whatsoever****. Penal action under Section 17 is available, and can be enforced against non-compliant TEIs. No doubt, where an Act confers jurisdiction, it impliedly also grants certain powers to do all such acts or employ such means which are necessary for its execution. However, before implying the existence of such power, the Court must be satisfied that existence of that power is absolutely essential for discharge of the power conferred and it is not a case where it is merely convenient to have such a power.* ***In the instant case, as we have seen from the above analysis, powers of NCTE are defined and circumscribed by the provisions of the Act, and express power has been given to regional committees under Section 17 of the Act. It is therefore impermissible for NCTE to resort to doctrine of necessary implication and proportionality, to justify imposition of penal consequences. To underscore, in view of express provision, viz. Section 17, power of imposing new penalties, beyond the provisions of the Act, cannot be permitted under the exercise of power by way of necessary implication.*** *In other words, power to impose the condition of filing of PAR under Section 12 of the Act, does not necessarily mean or imply that NCTE is also vested with the power to impose penal consequence. Since the Act prescribes a particular body (Regional Committees) to exercise a specific power, it is to be exercised by that body*

alone, and cannot be exercised by NCTE, in absence of any delegation of such powers to it."

(emphasis supplied)

65. Clearly, the penalty that has been awarded to the University in the impugned order dated 16.01.2025 is neither traceable to the provisions of the UGC Act nor to the Regulations which have been invoked in the impugned order. Awarding of penalty in the absence of express provisions in the UGC Act, cannot be justified by way of implication under the broader regulatory functions or powers of the UGC referred to in the preamble or Section 12(j) of the UGC Act.

66. In that view of the matter, the impugned order dated 16.01.2025 being outside the purview of the statute[2] and the statutory Regulations invoked, is a nullity and liable to be set aside.

67. Before closing the judgment, the decisions relied upon by the UGC in support of its case, may be adverted to. In ***Gujarat University*** (supra), the Hon'ble Supreme Court while dealing with Entry 66 of List I of Seventh Schedule which provides for power to coordinate and to determine standards, observed that power to legislate on coordination of standards in institutions of higher education under said Entry includes the power to legislate for preventing the removal of disparities in standard. Essentially, the issue involved was with regard to the power to legislate, which is not the situation here. In the instant case, question concerns the power of the executive to award punishment beyond provisions of a legislation. Therefore, reliance placed by Mr. Sinha on the said decision is misplaced.

[2] UGC Act.

68. Similarly, reliance placed on the decision of ***Dr. Preeti Srivastava*** (supra) is also misplaced. In the said decision, issue which fell for consideration before the Supreme Court was, as to whether it is permissible for state authorities controlling medical institutions in the States to prescribe different admission criteria, in the sense of prescribing different minimum qualifying marks. Answering the question posed, it was held that while prescribing the criteria for admission to the institutions for higher education including higher medical education, the State may lay down qualifications in addition to those prescribed by the Union of India under Entry 66 of List I, but any lowering of norms laid down can and does have an adverse effect on the standards of education in the institutes of higher education. Incidentally, in the said decision there was no issue involving powers conferred on the UGC under the UGC Act.

69. Likewise, in ***Adhiyaman Educational & Research Institute*** (supra), the issue dealt with by the Hon'ble Supreme Court did not concern the UGC's power to award punishment beyond the provisions of the UGC Act and the Regulations framed thereunder. In the said case, the issue pertained to a conflict between a Central and State statute, wherein the Court with reference to Article 254 of the Constitution laid that if the two were inconsistent and repugnant with each other, the Central statute will prevail and any de-recognition of an institution by the State Government or disaffiliation by the State University on grounds which are inconsistent with those enumerated in the Central statute will be inoperative. Therefore, the said decision is clearly distinguishable.

70. Even reliance placed upon the decision in ***Neha Anil Bobde*** (supra) is equally misplaced. In the said case, a notification for conducting the NET

examination on 24.06.2012 for determining eligibility of India nationals for the award of JRF and the eligibility for Lectureship in Indian universities and colleges were issued by UGC. The conditions for eligibility were stipulated in the notification. It was further stated that final qualifying criteria for JRF and eligibility for Lectureship would be decided by the University before declaration of result. After the exam was conducted, "qualifying criteria" was fixed. The issue before the Hon'ble Supreme Court was whether UGC had the power to fix the final criteria for those students who had obtained the minimum marks in all the papers, before the final declaration of results. In that context it was laid that power of UGC to prescribe, as it thinks fit, the qualifying criteria for maintenance of standards of teaching, examination, etc. cannot be disputed, and notification issued by the UGC for holding NET on 24.06.2012 was in exercise of statutory powers. Pertinently, it was not a case of awarding of punishment contrary to the UGC Act or the Regulations framed thereunder.

71. In view of the above discussion, the petition is allowed, and the impugned order dated 16.01.2025 as well as impugned public notice dated 16.01.2025, are quashed and set aside.

72. The petition alongwith pending application, if any, is disposed of.

VIKAS MAHAJAN, J

SEPTEMBER 15, 2025/N.S. ASWAL