

ITEM NO.301

COURT NO.13

SECTION X

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

WRIT PETITION (CIVIL) NO.531/2025

AYESHA JAIN

...PETITIONER

VERSUS

AMITY UNIVERSITY, NOIDA & ORS.

...RESPONDENTS

[IA No.104611/2025 - EXEMPTION FROM FILING O.T.]

DATE : 08-01-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE N.V. ANJARIA

[SPECIAL BENCH]

[PART-HEARD BY HON. AMANULLAH AND HON. ANJARIA, JJ.]

APPEARANCES:

For Petitioner: Ms. Charu Mathur, AOR

For Respondents:

Amity University/R-1:

Mr. Ashok K. Mahajan, AOR
Mr. Amitesh Kumar, Adv.
Ms. Priti Kumari, Adv.
Mr. Pankaj Kumar Ray, Adv.
Mr. Rajan Chawla, Adv.
Mr. Gautam Chauhan, Adv.

Ministry of Education/R-2:

Ms. Archana Pathak Dave, ASG
Mr. Kamal Digpaul, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Abhishek Karnik, Adv.
Ms. Harshita Choubey, Adv.
Mr. Sudarshan Lamba, AOR

UGC Through its Secretary/R-3

AND

UoI Through Cabinet Secretary/R-4:

Mr. Tushar Mehta, Solicitor General
Mr. Parmanand Gaur, AOR
Mr. Vibhav Mishra, Adv.

Ms. Megha Gaur, Adv.
Ms. Dipti Aggarwal, Adv.

State of Madhya Pradesh/R-5:

Ms. Manisha T. Karia, Sr. AAG
Mr. Deepin Deepak Sahni, Adv.
Ms. Ananya Arora, Adv.
Mr. Varun Khetwani, Adv.
Ms. Shreya Gupta, Adv.
Mr. Vishal Navale, Adv.
Mr. Pashupati Nath Razdan, AOR

State of Odisha/R-6:

Mr. P. V. Yogeswaran, AOR
Ms. Shailja Singh, Adv.

State of Jharkhand/R-7:

Ms. Pallavi Langar, AOR
Ms. Pragya Baghel, Adv.
Mr. Sujeet Kumar Chaubey, Adv.

State of Uttar Pradesh/R-8:

Mr. Samar Vijay Singh, AOR
Ms. Sabarni Som, Adv.
Mr. Aman Dev Sharma, Adv.
Mr. Gaj Singh, Adv.

State of Andhra Pradesh/R-9:

Mr. Sidharth Luthra, Sr. Adv.
Mr. Guntur Pramod Kumar, AOR
Ms. Prerna Singh, Adv.
Mr. Dhruv Yadav, Adv.
Mr. Karl P Rustomkhan, Adv.

State of Arunachal Pradesh/R-10:

Ms. Disha Singh, AOR
Ms. Eliza Bar, Adv.

State of Assam/R-11:

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

State of Bihar/R-12:

Mr. Samir Ali Khan, AOR
Mr. Pranjal Sharma, Adv.

State of Chhattisgarh/R-13:

Mr. Vinayak Sharma, Adv.

State of Goa/R-14:

Mrs. Shirin Khajuria, Sr. Adv.
Ms. Bhavana Duhoon, AOR
Ms. Swati Tiwari, Adv.
Mr. Anshul Syal, Adv.

State of Gujarat/R-15: *No appearance*

State of Haryana/R-16:

Mr. Lokesh Sinhal, Sr. AAG
Mr. Samar Vijay Singh, AOR
Ms. Sabarni Som, Adv.
Mr. Aman Dev Sharma, Adv.
Mr. Gaj Singh, Adv.

State of Himachal Pradesh/R-17:

Mr. Vaibhav Srivastava, AAG
Ms. Sugandha Anand, AOR
Mr. Bhargava Ravi Kumar, Adv.

State of Karnataka/R-18:

Mr. Nishanth Patil, A.A.G.
Mr. Sanchit Garga, AOR
Mr. Arijit Dey, Adv.
Mr. Shashwat Jaiswal, Adv.

State of Kerala/R-19:

Mr. Nishe Rajen Shonkar, AOR
Mr. Santhosh K., Adv.

State of Maharashtra/R-20: *No appearance*

State of Manipur/R-21:

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

State of Meghalaya/R-22:

Mr. Amit Kumar, Adv. General
Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.
Mr. Aditya Kumar, Adv.

State of Mizoram/R-23:

Mr. Anando Mukherjee, AOR

State of Nagaland/R-24:

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.
Ms. Yanmi Phazang, Adv.

State of Punjab/R-25:

Mr. Gaurav Dhamme, Adv.
Mr. Siddhant Sharma, AOR

State of Rajasthan/R-26:

Mr. Shiv Mangal Sharma, AAG
Ms. Nidhi Jaswal, AOR

State of Sikkim/R-27:

Mr. Basava Prabhu S Patil, Adv. Gen.
Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Aakash Thakur, Adv.
Mr. Arijeet Shukla, Adv.
Mr. Sivanandh Lahiri, Adv.
Mr. Samarth Kashyap, Adv.

State of Tamil Nadu/R-28:

Mr. Amit Anand Tiwari, AAG
Ms. Misha Rohatgi Mohta, Adv.
Mr. Amulya Upadhyay, Adv.

State of Telangana/R-29:

Ms. Devina Sehgal, AOR
Mr. Yatharth Kansal, Adv.
Mr. M. Srikanth Varma, Adv.

State of Tripura/R-30:

Mr. Shuvodeep Roy, AOR
Mr. Saurabh Tripathi, Adv.
Mr. Deepayan Dutta, Adv.

State of Uttarakhand/R-31: *No appearance*

State of West Bengal/R-32: No appearance slip submitted

UT of Andaman and Nicobar/R-33: *No appearance*

UT of Dadra and Nagar Haveli and Daman and Diu/R-34: *No appearance*

NCT of Delhi/R-35: *No appearance*

UT of Jammu & Kashmir/R-36:

Mr. Parth Awasthi, Adv.
Mr. Pashupati Nath Razdan, AOR

UT of Ladakh/R-37: *No appearance*

UT of Lakshadweep/R-38: *No appearance*

UT of Puducherry/R-39:

Mr. Aravindh S., AOR
Mr. Akshay Gupta, Adv.
Ms. Anika Bansal, Adv.

UT of Chandigarh/R-40: *No appearance*

UGC through Chairman/R-41: *No separate appearance*¹

Upon hearing learned Counsel, the Court dictated the following

O R D E R

At the outset, Mr. Tushar Mehta, learned Solicitor General, submits that he is appearing on behalf of R-4/Union of India (hereinafter referred to as the 'UoI') and R-3/University Grants Commission (hereinafter referred to as the 'UGC'). He submits that though both entities have filed their respective affidavits, however the affidavit of the UoI has not been filed by the Cabinet Secretary. Learned Solicitor General submits that unlike the administration in the States, where the Chief Secretary heads the bureaucratic set-up, at the Union-level, the Cabinet Secretary, in terms of the working hierarchy, is not in control of the department(s) concerned and thus, the Secretary, Department

¹ The Court takes note of the Chairman, UGC as duly represented in terms of the appearance slip submitted for R-3.

of Higher Education, Ministry of Higher Education has filed the affidavit of the UoI.

2. Before moving further, we may reproduce the relevant extracts from the Order dated 20.11.2025 [2025 SCC OnLine SC 2557]:

'7. Accordingly, the Government of India through the Cabinet Secretary, all the States and Union Territories (including the National Capital Territory of Delhi) through their Chief Secretaries, and the UGC through its Chairman, be added as party-respondents to this writ petition by the Registry.

xxx

9. The Cabinet Secretary to the Government of India and all Chief Secretaries to the State Governments/Union Territory Administrations shall obtain and collate the information described supra from all concerned Ministries/Departments functioning under their jurisdiction and file affidavits personally affirmed by them. The Chairman, UGC will act likewise. There shall not be any delegation of such filings.

10. Further, responsibility for every disclosure and its correctness shall rest with the deponent(s) concerned.'

(emphasis supplied)

3. We are quite surprised as to how the Cabinet Secretary was under the misconception that despite a categorical Order of this Court to the effect that the affidavit has to be personally affirmed by him as also the fact that we had specifically disallowed any delegation of such filing, UoI's affidavit has, instead, been filed by the Secretary, Department of Higher Education, as noted hereinabove. Learned Solicitor General submitted that a request for exemption from filing the Cabinet Secretary's

personally-affirmed affidavit has, in fact, been so made in UoI's affidavit. In this backdrop, learned Solicitor General further submitted that the request therein be considered. It goes without saying that if the Cabinet Secretary was in any 'technical' difficulty to file a personally-affirmed affidavit, it was always open to him to make an appropriate prayer in this behalf, however either through his own affidavit or by way of an appropriate application. Neither course of action was adopted by him. Furthermore, at this juncture, we are unable to understand as to how the Secretary, Department of Higher Education, through his affidavit, could have made any request seeking exemption apropos what was directed to be done personally by the Cabinet Secretary. As stated above, the Cabinet Secretary was very much at liberty to apprise this Court as to whatever he wanted to, however, only by way of his own affidavit. Again, the Cabinet Secretary was also at liberty to prefer an application explaining the administrative/factual set-up/position and pray even for a permanent exemption as also sought permission to delegate future filings to the Secretary concerned.

4. The learned Solicitor General submits that a specific affidavit/application seeking exemption of the Cabinet Secretary, from filing a personally-affirmed affidavit

and/or also to delegate his filings to the concerned Secretary would be filed by the Cabinet Secretary. He would reiterate that in UoI's affidavit, as filed by the Secretary, Department of Higher Education, it has been endeavoured to explain as to why and under what circumstances, the affidavit has not been/could not be filed by the Cabinet Secretary himself.

5. On a query of the Court as to why such application/affidavit personally affirmed by the Cabinet Secretary was not moved timely, learned Solicitor General fairly submitted that it was probably due to some inadvertence/misconception.

6. Be that as it may, we do not dwell further on the issue. We say no more, *in praesenti*, but only in view of the persuasiveness of the learned Solicitor General.

7. As such, while permitting the Cabinet Secretary to file appropriate affidavit/application, UoI is permitted to revisit the matter to take appropriate steps. The UoI may file fresh/further/additional affidavit(s) duly personally-affirmed by the Secretary of the Ministry(ies)/Department(s) concerned, within a period of two weeks from today.

COMPLIANCE BY THE STATES AND UNION TERRITORIES²:

² Hereinafter referred to as 'UTs'.

8. On the issue of compliance of the last Order, apart from UoI and UGC, three categories emerge:

(i) Where the Order has been complied with and necessary affidavit has been filed by the States:

Assam
Arunachal Pradesh
Haryana
Karnataka
Jharkhand
Manipur
Meghalaya
Punjab
Nagaland
Uttar Pradesh
Tripura
Sikkim

(ii) Where appearance has been entered, but no affidavit has been filed by the States/Union Territories:

Andhra Pradesh
Bihar
Chhattisgarh
Himachal Pradesh
Kerala
Madhya Pradesh
Odisha
Rajasthan
Goa
Mizoram
Tamil Nadu
Telangana
UT of Puducherry
UT of J & K
West Bengal

(iii) Where neither appearance has been entered nor affidavit has been filed by the States/Union Territories:

Gujarat
Maharashtra
Uttarakhand
UT of Andaman & Nicobar
UT of Dadra and Nagar Haveli and Daman and Diu
NCT of Delhi
UT of Ladakh
UT of Lakshadweep
UT of Chandigarh

9. Apropos Category (i), we would only indicate that where any of these States/UTs wish to place on record any further/additional affidavit, either documents or information, liberty to do so is granted, but within a period of two weeks from today.

10. With regard to Category (ii), where only learned counsel have entered appearance, issue notice to the concerned Chief Secretaries as to why appropriate action not be taken against them for not filing the affidavits as directed, and not even bothering to seek exemption/extension of time.

11. Coming to Category (iii), notice is issued against the concerned Chief Secretaries as to why contempt proceedings not be initiated against them for default of our Order dated 20.11.2025, as also for failure to ensure proper representation before the Court in the present proceedings.

FURTHER DIRECTIONS:

12. List on 28.01.2026 at 3PM as part-heard.

13. Learned counsel for the respective parties shall file a brief three-page synopsis of their detailed affidavit(s), indicating names and number of Universities concerned with basic details, for ready reference, at least a day prior to the next date.

14. After this Order was dictated in open Court, learned counsel for R-5/State of Madhya Pradesh requested that the affidavit be permitted to be filed today. Considered and accepted. Affidavit, if filed today, be taken on record. We have, thereafter, mused on 'parity' and 'proportionality'! In this backdrop, we extend similar treatment to those similarly-situated. Thus, so long as affidavits (compliant with Order dated 20.11.2025) are filed today, by the States/UTs in Category (ii), their Chief Secretaries need not file responses in terms of Paragraph 10 *supra*.

15. It transpires that the State of Arunachal Pradesh has filed an affidavit not affirmed by its Chief Secretary. In the circumstances, let the concerned Chief Secretary explain as to why a personally-affirmed affidavit was not forthcoming, despite specific Order of this Court.

PROCEDURAL DIRECTION:

16. Registry to delete R-41 as the said respondent is already accorded for as R-3. R-3 to now be read as

'University Grants Commissions *through* its Chairman'. R-34 be also corrected to properly reflect as 'Union Territory of Dadra and Nagar Haveli and Daman and Diu'. Memo of Parties be accordingly amended by the Registry forthwith.

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR