ITEM Nos.34 + 35 + 45 COURT NO.1 SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 101/2026

MRITUNJAY TIWARI **Petitioner(s)**

VERSUS

UNION OF INDIA & ANR. **Respondent(s)**

(IA No. 27410/2026 - STAY APPLICATION)

WITH

ITEM NO. 35
Writ Petition(s)(Civil) No(s). 109/2026
(IA No. 28911/2026 - STAY APPLICATION)

ITEM NO. 45
Writ Petition(s)(Civil) No(s). 108/2026
(IA No. 28861/2026 - GRANT OF INTERIM RELIEF)

Date : 29-01-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Parties : **Mr. Satyam Pandey, AOR**
Mr. Neeraj Kumar Singh, Adv.
Mr. Kisalaya Shukla, Adv.
Mr. Sandeep Kumar Dwivedi, Adv.
Mr. Makardhvaj Yadav, Adv.
Mr. Vishweshwar Mishra, Adv.
Mr. Raghvendra Upadhyay, Adv.
Ms. Purnima Jain, Adv.
Mr. Awadhesh Kumar, Adv.
Mr. Umesh Pal, Adv.
Mr. Deelip Kumar, Adv.
Ms. Rashika Khanna, Adv.
Mr. Pradeep Kumar Dwivedi, Adv.
Mr. Pradeep Kumar, Adv.

Mr. Raj Kishor Choudhary, AOR
Mr. Shakeel Ahmed, Adv.
Mr. Vikram Patralekh, Adv.
Mr. Syed Faizan Ali, Adv.
Ms. Shalini Tripathi, Adv.

Mr. Hari Shankar Jain, Adv.
Mr. Vishnu Shankar Jain, Adv.

Mr. Parth Yadav, AOR
Ms. Mani Munjal, Adv.
Ms. Marbiang Khongwir, Adv.
Mr. Shaurya Krishna, Adv.
Mr. Saurabh Singh, Adv.

Ms. Indira Jaising, Sr. Adv.
Mr. Prasanna S., AOR
Ms. Disha Wadekar, Adv.
Mr. Paras Nath Singh, Adv.
Ms. Injila Muslim Zaidi, Adv.
Mr. Ashish Reddy, Adv.
Ms. Apoorva Singh, Adv.

Mr. Ashutosh Dubey, Adv.
Ms. Rajshri Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. Amit P. Shahi, Adv.
Ms. Ishita, Adv.

Mr. Tushar Mehta, Solicitor General
Mr. Manoj Ranjan Sinha, Adv.
Mr. Vishal Agrawal, Adv.
Mr. Bhuwan, Adv.

Dr. Vinod Kumar Tewari, AOR
Mr. Bhoopesh Pandey, Adv.
Mr. S.K. Warish Ali, Adv.

For Respondent(s):

UPON hearing the counsel the Court made the following

O R D E R

1. Issue notice, returnable on 19.03.2026.

2. On the asking of Court, Mr. Tushar Mehta, learned Solicitor General of India, accepts notice on behalf of respondent Nos. 1 and 2.

3. We have heard learned counsel appearing for the Petitioner(s), learned Solicitor General of India, as well as Ms. Indira Jaising, learned Senior Advocate, and have perused the University Grants Commission (Promotion of Equity in Higher Education Institutions)

Regulations, 2026 (hereinafter "2026 UGC Regulations"/"Impugned Regulations").

4. The Petitioner(s) have primarily contended that the incorporation of Clause 3(c) in the 2026 UGC Regulations defining "Caste-based Discrimination" is restrictive and exclusionary in its formulation, as the individuals belonging to non-reserved or general classes are rendered completely remediless under the statutory framework, even if they are subjected to caste-based discrimination or institutional bias within higher education institutions. It is their case that the Impugned Regulations proceed on an unfounded presumption that caste-based discrimination is necessarily unidirectional and can never operate against persons belonging to non-reserved or general categories.

5. Upon a *prima facie* consideration, it appears to us that some of the provisions of the Impugned Regulations suffer from certain ambiguities, and the possibility of their misuse cannot be ruled out. We are of the *prima facie* view that the following substantial questions of law arise for consideration and would require detailed examination:

> **(i) Whether the incorporation of Clause 3(c) in the Impugned Regulations, defining "Caste-based Discrimination", bears a reasonable and rational nexus to subserve the object and purpose of the 2026 UGC Regulations, particularly in light of the fact that no distinct or special procedural mechanism has been prescribed to address caste-based discrimination, as opposed to the exhaustive and inclusive definition of**

"Discrimination" provided under Clause 3(e) of the Impugned Regulations?

(ii) Whether the introduction and operationalisation of "caste-based discrimination" under the Impugned Regulations would have any bearing on the existing constitutional and statutory sub-classification of the Most Backward Castes within the Scheduled Castes, Scheduled Tribes, and Other Backward Classes, and whether the Impugned Regulations provide adequate and effective protection and safeguards to such Extremely Backward Castes against discrimination and structural disadvantage?

(iii) Whether the inclusion of the expression "segregation" in Clause 7(d) of the Impugned Regulations, in the context of allocation of hostels, classrooms, mentorship groups, or similar academic or residential arrangements, *albeit* on transparent and non-discriminatory criteria, would amount to a "separate yet equal" classification, thereby infringing the constitutional guarantees of equality and fraternity under Articles 14, 15 as well as the Preamble to the Constitution of India?

(iv) Whether the omission of the term "Ragging" as a specific form of discrimination in the framework of the Impugned Regulations, despite its existence in the University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2012, constitutes a regressive and exclusionary legislative omission? If so, whether such

omission is violative of unequal treatment of victims of discrimination by creating an asymmetry in access to justice and thus falls foul of Articles 14 and 21 of the Constitution of India??

(v) Any other ancillary question that may arise or be proposed by the parties during the course of these proceedings and warrant the intervention of this Court.

6. During the course of hearing, it has been pointed out that the issues raised in W.P. (Civil) No. 1149/2019 shall also have bearing while examining the constitutionality/validity of the Impugned Regulations. Accordingly, these writ petitions are ordered to be heard along with the above-mentioned writ petition. All the matters are directed to be listed before a three-Judge bench on the date fixed.

7. Meanwhile, the University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026, are directed to be kept in abeyance.

8. In exercise of our powers under Article 142 of the Constitution, we further direct that the University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2012, will continue to operate and remain in force till further orders.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR