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

% *Date of Decision: 16.09.2026*

CNR No. DLHC010438662026

+ **W.P.(C) 13504/2026 & CM APPL. 63013/2026**

VIJETA

.....Petitioner

Through: Mr. Barun Kumar Sinha, Mrs. Pratibha Sinha, Mr. Snehh Vardhan & Mr. Vaibhav Singh, Advs.

Versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Jivesh Tiwari, Mr. Amit Gupta, Mr. R.V. Prabhat, Mr. Shubham Sharma & Mr. Naman, Advs. for UoI.
Mr. Sameer Vashisht, Adv. for R-2.
Mr. Mohinder J.S. Rupal, Adv. for R-3&4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

DEVENDRA KUMAR UPADHYAYA, CJ (Oral)

1. Heard learned Counsel for the Petitioner, Mr. Chetan Sharma, learned Additional Solicitor General (“ASG”) representing the Respondent No. 1 - Union of India (“UoI”), Mr. Sameer Vashisht, learned Standing Counsel (Civil) for Respondent No. 2 - Government of NCT of Delhi (“GNCTD”) and Mr. Mohinder J.S. Rupal, learned Counsel for Respondent Nos. 3 & 4 - University of Delhi (“UoD”) and Chief Election Officer (“CEO”).

2. This Petition filed as a Public Interest Litigation (“PIL”) challenges the Notice dated 11.09.2026 issued by the CEO whereby list of candidates after scrutiny and withdrawal of the Nomination Papers, who have been



found eligible for contesting for various posts of Delhi University Students' Union ("DUSU") 2026-27, has been published. Challenge has also been made to the Notification dated 13.08.2026 issued by the Registrar of Delhi University whereby the schedule for election of office bearers of DUSU and members of Central Council: 2026-27 has been declared.

3. So far as challenge to the election Notification dated 13.08.2026 is concerned, it has been argued by learned Counsel for the Petitioner that the said Notification contains certain Notes including Note (d) which states that certain documents such as Code of Conduct, Constitution of DUSU, etc. may be seen on Delhi University website. His submission is that since the documents mentioned in Note (d) of the Notification dated 13.08.2026 contain details of Rules and Regulations regulating the conduct of election and also the conduct of candidates during campaign for the election, etc., such documents ought to have been published along with the Notification dated 13.08.2026. Learned Counsel for the Petitioner submitted that the absence of publication of documents as mentioned in Note (d) of the Notification dated 13.08.2026 deprives the students participating in the elections to apprise themselves of the exact provisions regulating the elections and accordingly the Notification dated 13.08.2026 itself is bad in law.

4. When we consider the aforesaid arguments made by learned Counsel for the Petitioner, we find that the same are bereft of any credence. Note (d) of the Notification dated 13.08.2026 is extracted hereinbelow:

“(d) The Code of Conduct, Constitution of DUSU, decision of Hon’ble Supreme Court of India regarding Students’ Union Election “University of Kerala v. Council, Principals, Colleges, Kerala and Others” (Lyngdoh Committee



Recommendation), Hon'ble Delhi High Court order dated 29.05.2018 and dated 11.11.2024 in W.P (C) No.7824/2017 titled Prashant Manchanda v. Union of India & Ors (Defacement Case), The Delhi Prevention of Defacement of Property Act, 2007 and NGT order may be seen on DU Website."

5. In the afore-quoted Note (d) of the Notification dated 13.08.2026, the Registrar, UoD has only stated that Code of Conduct, Constitution of DUSU, decision of Hon'ble Supreme Court and certain orders passed by this Court, Delhi Prevention of Defacement of Property Act, 2007 (**"Defacement Act"**) and certain orders passed by National Green Tribunal may be seen on its UoD website. It is not the case set up by the Petitioner that such documents are not accessible to students and for that matter anyone else, on the UoD website. The said documents are already available in public domain and moreover they are available on UoD website and therefore anyone intending to have access to such documents can easily visit the UoD website and apprise himself / herself of the contents thereof.

6. Accordingly, we are of the opinion that merely because the documents mentioned in Note (d) appended to the Notification dated 13.08.2026 have not been annexed with the Notification, it will not in any manner vitiate the Notification itself. Thus, the prayer in respect of Notification dated 13.08.2026 merits rejection which is hereby rejected.

7. So far as challenge to the Notice dated 11.09.2026 issued by the CEO, UoD which only enlists the candidates who have been found eligible to contest elections for various posts of DUSU is concerned, the submission of learned Counsel for the Petitioner is that majority of the candidates are affiliated with one or the other student organization which are affiliated to



certain political parties and therefore considering the fact that the affiliation of such candidates with the political parties is established, permitting them to contest the elections runs contrary to the recommendations made by the Lyngdoh Committee which were accepted by Hon'ble Supreme Court in its judgment in the case of *University of Kerala v. Council of Principals of Colleges, Kerala & Ors.* (2010) 1 SCC 353.

8. Drawing our attention to the DUSU Constitution, the learned Counsel for the Petitioner submitted that Clause 6(i) of the DUSU Constitution permits only those students who are members of DUSU and who are studying in colleges / institutions either recognized by UoD or admitted to its privileges. Our attention has also been drawn to the Circular dated 28.11.2006 issued by the Government of India whereby recommendations of the Lyngdoh Committee, as accepted by the Hon'ble Supreme Court, for its implementation to student union elections, have been circulated. Referring to Clause 6.3 of the recommendations, it has been stated that the said recommendation in no uncertain terms states that Student Elections and Student Representation shall be disassociated from political parties. Learned Counsel for the Petitioner has also referred to Clause 6.3.1 of the recommendations and stated that any person, candidate or member of the student organization found violating the Rules shall be subjected to disciplinary proceedings in addition to the candidature, as the case may be, being revoked. Clauses 6.3 and 6.3.1 of the Lyngdoh Committee recommendations which form part of the letter / Circular dated 28.11.2006 are extracted below:

“6.3 Disassociation of Student Elections and Student Representation from Political Parties.



6.3.1 During the period of the elections no person, who is not a student on the rolls of the college/university, shall be permitted to take part in the election process in any capacity. Any person, candidate, or member of the student organisation, violating this rule shall be subject to disciplinary proceedings, in addition to the candidature, as the case may be, being revoked.”

9. Learned Counsel for the Petitioner further stated that different student organizations through press releases and other mediums of publication have announced the list of candidates who are contesting the elections for DUSU 2026-27. Our attention has also been drawn to a press release issued by National Students Union of India (“NSUI”) whereby it has been declared that the candidates mentioned therein have been finalized by NSUI. It is also stated that the address of NSUI, as is reflected from the press release, is 5, Raisina Road, New Delhi-110001 which is office of the Youth Wing of the Indian National Congress, a political party.

10. Learned Counsel for the Petitioner has also drawn our attention to a poster issued by Akhil Bharatiya Vidyarthi Parishad which also is the Student Wing of a political party (Bharatiya Janta Party) where banner of its candidates has been reflected. Similarly, the Students’ Federation of India, a student wing of another political party [Communist Party of India (Marxist)] has also been referred to which declares candidates of alliance of students’ organizations, namely Students’ Federation of India and All India Students’ Association.

11. Another poster, allegedly issued by or on behalf of one candidate, has also been referred to which depicts the said candidate to be belonging to a



political Party, namely, Aam Aadmi Party. The said poster, as stated by learned Counsel for the Petitioner, not only contains the name of the political party but the election symbol of the said political party as well.

12. On the aforesaid counts, it has been stated that the practice being adopted by the candidates and permitted by UoD is contrary to the Clause 6.3 of the Lyngdoh Committee recommendations and as such the same cannot be permitted and therefore the Notice dated 11.09.2026 finalizing the list of eligible candidates to contest the election needs to be quashed.

13. Learned ASG representing the UoI has stated that the recommendations made by Lyngdoh Committee, in view of its binding nature, pursuant to the judgment of Hon'ble Supreme Court in *University of Kerala (supra)* have to be followed by UoD and students alike.

14. Mr. Mohinder J.S. Rupal, learned Counsel representing the UoD has stated that UoD does not entertain any student organization, much less any political party. So far as election to DUSU is concerned, he has stated that the list whereby the eligible candidates have been declared to participate in the election does not mention the name of either the students' organizations or the political party concerned and as such the practice being adopted by UoD is as per the recommendations of the Lyngdoh Committee, the Constitution of DUSU as also the Model Code of Conduct.

15. Having heard the learned Counsel for the Parties on this aspect, the question which falls for our consideration and determination is as to whether the declaration made by certain students' organizations of its candidates who are found eligible to participate in the election process will or will not violate Clause 6.3 of Lyngdoh Committee recommendations. The said Clause has already been extracted above.



16. Clause 6.3 of the Lyngdoh Committee recommendations appears to be in the form of a heading which speaks about disassociation of Student Elections and Student Representation from political parties. Whereas Clause 6.3.1 of the recommendations prohibits participation of any person in the election process in any capacity who is not a student on the rolls of the college / university. It further speaks of taking disciplinary proceedings against any such person in relation to the revocation of his candidature.

17. In our opinion, Clauses 6.3 and 6.3.1 when read together would firstly mean that the entire election process of students' union and representation of the students should be completely disassociated from political parties. Secondly, no person other than a *bona fide* student of the college / university can be permitted to participate in the election process in any capacity. Further, if any such person, who is not a *bona fide* student either of the college or university, participates in the election process, he may be subjected to disciplinary proceedings and participation of such a person may lead to rejection of candidature as well. What is prohibited is thus association of political parties in the student election process. The students' organizations who have made certain declarations in media and otherwise regarding affiliation of certain candidates to the organization cannot be termed to be political parties. A political party though is not defined in the recommendations of the Lyngdoh Committee or anywhere else in the documents mentioned in the Note appended to the Election Notification dated 13.08.2026, however, some help in this respect can be taken from the provisions of Representation of the People Act, 1951 ("**RP Act**") which contains a clause defining political party. Section 2(f) of the RP Act defines a "political party" to mean an association or a body of individual citizens of



India registered with the Election Commission as a political party under Section 29A. Section 29A of the RP Act forms part of Part-IVA of the RP Act.

18. We are, thus, of the view that until and unless anyone, may be a student who is a member of a political party as defined in RP Act, participates in the election process, merely because he is a member of the student wing of such a political party, would not amount to association of such a student with the political party and therefore there will be no violation of Clause 6.3 or Clause 6.3.1 of the Lyngdoh Committee recommendations in such a circumstance. Clause 6.3.1 of the Lyngdoh Committee recommendations prohibit participation of any person in the election process in any capacity who is not a *bona fide* student of the college or the university.

19. Thus, any person who is a member of a political party or otherwise associated with the political party has no role whatsoever in the election process of DUSU or for that matter elections of any other student union of any other colleges / university. It is, thus, the duty of the CEO, UoD to ensure that the elections of DUSU which are going on are completely free from any participation and interference, even remotely, by persons associated with the political parties.

20. In the light of the aforesaid, if we peruse the poster which has been appended at page 81 of the present Petition, we find that a particular candidate is not only proclaiming by the said poster / post his candidature for the post of President but the poster also clearly indicates his association with a particular political party. The said poster even bears the election symbol of the political party as given to it by the Election Commission



2026:DHC:7957-DB



under the relevant provisions of RP Act. Such prohibited activity needs to be checked by UoD authorities and CEO, UoD.

21. In view of the discussions made above, though challenge made in this Writ Petition fails, however, the CEO, UoD / other responsible authorities are expected to ensure that any interference from any person associated with or member of a political party is duly checked and the Code of Conduct, the recommendations of the Lyngdoh Committee as accepted by the Hon'ble Supreme Court in *University of Kerala (supra)*, orders passed by this Court from time to time and the provisions of Defacement Act are fully complied with in letter and spirit. Any failure on the part of UoD authorities in implementation and compliance of these provisions cannot be approved.

22. The present Petition as well as the pending Application are disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

SEPTEMBER 16, 2026

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