

GAHC010077082026



2026:GAU-AS:8992-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/159/2026

ANJUMAN ARA BEGUM
D/O. LT. AYUB ALI,
R/O. FLAT NO. 1B, DALIMI RESIDENCY, GHORAMARA,
BHETAPARA, SURUJMUUKHI PATH, GUWAHATI,
KAMRUP (M), PIN-7810280.

.....Appellant

-VERSUS -

THE ASSAM ROYAL GLOBAL UNIVERSITY,
REP. BY ITS REGISTRAR ADMINISTRATION,
BETKUCHI, NH 37, GUWAHATI-781035, ASSAM.

.....Respondent

- BEFORE -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

For the Appellant : Ms. U. Chatterjee, Advocate (through Video Conferencing).
: Mr. A.S. Choudhury, Advocate.
For the Respondents : Mrs. R.S. Chowdhury, Advocate.
Date of hearing : 22.06.2026.
Date of Judgment : 22.06.2026.

JUDGMENT & ORDER (ORAL)

(Ashutosh Kumar, CJ)

We have heard Ms. U. Chatterjee, learned Advocate for the appellant and Mrs. R.S. Chowdhury, learned Advocate for the sole respondent/Assam Royal Global University.

2. The appellant, a Senior Academic and human rights Scholar, has preferred this appeal, assailing the judgment dated 17.03.2026 passed by a learned Single Judge of this Court in WP(C) No.7101/2025, dismissing the writ petition preferred by her as not maintainable under Article 226 of the Constitution of India, holding that her termination from Assam Royal Global University, a private University, was only a private contractual matter between the employer and the employee and did not involve any public function, amenable to writ jurisdiction.

3. The appellant strongly contests the afore-noted reasons for dismissal of her writ petition on the ground that her termination goes far beyond a simple employment dispute. Her termination was without any inquiry or show-cause notice, which directly disrupts statutorily regulated Ph.D. supervision processes, governed by the binding University Grants Commission (UGC) Regulations.

The termination has also adversely affected the validity of many Ph.D. theses, third party rights of her Research Scholars, academic standards for the University and her own statutory role as a recognized Ph.D. Supervisor.

The appellant, therefore, seeks setting aside of the judgment impugned, the termination order and consequent reinstatement along with protection of her intellectual property rights in the concerned theses as also substantial compensation.

4. The appellant was appointed as an Associate Professor at Royal School of Law and Administration, Assam Royal Global University sometimes in the year 2022. She claims to have successfully completed her probation and has received salary revisions and incentives for excellent performance. She was also nominated as a Ph.D. Guide in March, 2023. At the time of her termination, she had been guiding six Ph.D. scholars, two out of them were at the final pre-submission stage.

5. The contention of the appellant is that on the request of one of her Scholars to change the Guide, the same was allowed by the University. When she protested, she was asked to resign and her official email and her HR access were refused. Her complaint to the Vice Chancellor and the Chancellor of the University also received no response.

6. She was served with a termination letter on 25.10.2025, which letter was dated 17.10.2025 and it cited “insubordination” and “major misconduct” as the reasons for termination. The University hurriedly assigned her scholars to a new Supervisor, who, according to the appellant, is ineligible under the UGC Rules for being a Guide for Ph.D. scholars.

7. The issue before the learned Single Judge was whether a

private University which is regulated by UGC norms is amenable to writ jurisdiction and whether the dispute between the appellant and the respondent involves only a contract of service.

8. The learned Single Judge dismissed the writ petition solely on the ground of maintainability, as noted above, holding that the termination of the appellant was a private affair between the University and the appellant, arising out of a contract of service.

9. Ms. U. Chatterjee, learned Advocate for the appellant has submitted that the respondent/ University cannot be allowed to terminate a Professor in the University by-passing all norms. True it is that the University in question is a private University but it is bound by UGC Regulations. A UGC recognized institution is necessarily required to follow and comply with all UGC norms and Regulations governing appointments, service conditions, research supervision, Ph.D. course and has to maintain academic standards.

There is a pervasive control of statutory authorities on the University and, therefore, a writ petition against such University would be maintainable. The correct test is to find out the nexus between the act, against which grievance has been laid, and discharge of public duty. Since the University is imparting education which is necessarily a public function, it would be amenable to writ jurisdiction.

10. Ms. Chatterji has referred to the judgment of the Full Bench of Allahabad High Court in **Roychan Abraham -Vs- State of Uttar Pradesh & Ors. :: 2019 SCC OnLine All 3935** and the judgments of Supreme

Court rendered in ***Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust & Ors. -Vs- V.R. Rudani & Ors. :: (1989) 2 SCC 691; Dr. Janet Jeyapaul -Vs- S.R.M. University & Ors. :: (2015) 16 SCC 530; K. Krishnamacharyulu & Ors. -Vs- Shri Venkateshwara Hindu College of Engineering & Anr. :: (1997) 3 SCC 571 and St. Mary's Education Society & Anr. -Vs- Rajendra Prasad Bhargava & Ors. :: (2023) 4 SCC 498.***

11. The sum and substance of the argument of the appellant is that an institution recognized under the UGC framework, indubitably discharges higher public function and therefore, is amenable to writ jurisdiction. Imparting education is a constitutional and public function and, therefore, the teachers and professors do acquire an element of public interest in the performance of their duties and that termination of a professor from service involves a significant public law element directly pertaining to the obligations of the University to adhere to the binding regulations laid down by the UGC.

12. Counterveiling arguments have been made by Ms. R.S. Chowdhury, learned Advocate for the respondent/University, who, by referring to the various decisions of the Supreme Court has submitted that the determinative test for bringing an entity within the ambit of Article 12 of the Constitution of India is the existence of deep and pervasive state control, particularly in the matters of funding, administration and functional autonomy. Mere regulatory control; or statutory recognition; or incorporation by statute would not be sufficient to clothe a body with the character of a state as enunciated in Article 12 of the Constitution and that in cases of termination and retirement of an employee of a private

University, no public law element is involved.

13. Ms. Chowdhury has referred to the decision of the Supreme Court in ***P.K. Biswas -Vs- Indian Institute of Chemical Biology :: (2002) 5 SCC 111; Ramakrisha Mission & Anr. -Vs- Kago Kunya & Ors. :: (2019) 16 SCC 303; VST Industries Limited -Vs- Workers' Union :: (2001) 1 SCC 298; Army Welfare Education Society, New Delhi -Vs- Sunil Kumar Sharma & Ors :: (2024) 16 SCC 598.***

14. It has thus been argued on behalf of the respondent/University that the learned Single Judge has rightly dismissed the writ petition as not maintainable.

15. It would be profitable here to reproduce the summary of the grounds with respect to maintainability of a writ petition under Article 226 of the Constitution of India by the Supreme Court in the case of ***St. Mary's Education Society -Vs- Rajendra Prasad Bhargava*** (supra), which has been quoted by the learned Single Judge in the impugned judgment as well.

“75. *We may sum up our final conclusions as under:-*

75.1. An application under Article 226 of the Constitution is maintainable against a person or a body discharging public duties or public functions. The public duty cast may be either statutory or otherwise and where it is otherwise, the body or the person must be shown to owe that duty or obligation to the public involving the public law element. Similarly, for ascertaining the discharge of public function, it must be established that the body or the person was seeking to achieve the same for the collective benefit of the public or a section of it and the authority to do so must be accepted by the public.

75.2. Even if it be assumed that an educational institution is imparting public duty, the act complained of must have a direct nexus with the

discharge of public duty. It is indisputably a public law action which confers a right upon the aggrieved to invoke the extraordinary writ jurisdiction under Article 226 for a prerogative writ. Individual wrongs or breach of mutual contracts without having any public element as its integral part cannot be rectified through a writ petition under Article 226. Wherever Courts have intervened in their exercise of jurisdiction under Article 226, either the service conditions were regulated by the statutory provisions or the employer had the status of 'State' within the expansive definition under Article 12 or it was found that the action complained of has a public law element.

75.3. It must be consequently held that while a body may be discharging a public function or performing a public duty and thus its actions becoming amenable to judicial review by a Constitutional Court, its employees would not have the right to invoke the powers of the High Court conferred by Article 226 in respect of matter relating to service where they are not governed or controlled by the statutory provisions. An educational institution may perform myriad functions touching various facets of public life and in the societal sphere. While such of those functions as would fall within the domain of a 'public function' or 'public duty' be undisputedly open to challenge and scrutiny under Article 226 of the Constitution, the actions or decisions taken solely within the confines of an ordinary contract of service, having no statutory force or backing, cannot be recognised as being amenable to challenge under Article 226 of the Constitution. In the absence of the service conditions being controlled or governed by statutory provisions, the matter would remain in the realm of an ordinary contract of service.

75.4. Even if it be perceived that imparting education by private unaided school is a public duty within the expanded expression of the term, an employee of a non-teaching staff engaged by the school for the purpose of its administration or internal management is only an agency created by it. It is immaterial whether 'A' or 'B' is employed by the school to discharge that duty. In any case, the terms of employment of contract between a school and non-teaching staff cannot and should not be construed to be an inseparable part of the obligation to impart education. This is particularly in respect to the disciplinary proceedings that may be Initiated against a particular employee. It is only where the removal of an employee of non-teaching staff is regulated by some statutory provisions, its violation by the employer in contravention of law may be interfered with by the court. But such interference will be on the ground of breach of

law and not on the basis of interference in discharge of public duty.

75.5 From the pleadings in the original writ petition, it is apparent that no element of any public law is agitated or otherwise made out. In other words, the action challenged has no public element and writ of mandamus cannot be issued as the action was essentially of a private character.”

Emphasis provided]

16. The learned Single Judge, with respect to the prayers made by the appellant in the writ petition, has observed that a matter which lies entirely within the private realm of affairs of a public body, may not lend itself for being dealt with under the writ jurisdiction.

17. The Court has also held that the distinction between the public law and private law elements may be thin one but it cannot be obliterated totally. A dichotomy between the public law and private law remedies would depend upon the factual matrix of each case and the distinction between the public law remedies and private law field cannot be demarcated with precision.

18. Thus, finding that the appellant had been appointed in a private University under certain terms and conditions, inhering in the order of appointment itself and her tenure of guideship being limited to the period till she remained associated as a regular faculty of the University, her termination would not fall within the realm of discharge of duty of a public function/University so as to make it amenable to writ jurisdiction under Article 226 of the Constitution of India.

19. We subscribe to the same view as that of the learned Single Judge which has the sanction of law and hold that the termination of the

services of the appellant was governed by the contract and the first statute of the University which cannot be said to be in the public law domain.

20. For the afore-noted reasons, we affirm the judgment passed by the learned Single Judge and dismiss this appeal.

JUDGE

CHIEF JUSTICE

Comparing Assistant