

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 7110 of 2026

Radha Govind University (a Private University), having its Campus at Lalki Ghati, Ramgarh, PO & PS-Ramgarh, District-Ramgarh, through its Registrar In-Charge, namely, Ashok Kumar, S/o Arjun Mahto, R/o 63, Dhanharaa Sandi, PO-Bharech Nagar, PS-Ramgarh, District-Ramgarh

... .. Petitioner

Versus

1. The State of Jharkhand, through its Chief Secretary, Ranchi
2. The Secretary, Department of Higher and Technical Education, Government of Jharkhand, Ranchi
3. The Director, Directorate of Higher Education, Department of Higher and Technical Education, Government of Jharkhand, Ranchi

... .. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Indrajit Sinha, Advocate
Mr. Ankit Vishal, Advocate

For the Respondents : Mr. Manish Kumar, Sr. SC-II
Mrs. Nirupama, AC to Sr. SC-II

Order No. 07

Dated: 30.10.2026

1. The present writ petition has been filed for quashing the show cause notice as contained in letter no. 1776 dated 19.08.2026 (Annexure-8 to the writ petition) issued to the Vice-Chancellor of the petitioner-Radha Govind University by the respondent no. 3 – the Director, Directorate of Higher Education, Department of Higher and Technical Education, Government of Jharkhand, whereby the petitioner has been asked to explain as to why an administrator should not be appointed by the State Government to oversee the University's operations and secure all the records. The petitioner has further been prohibited from accepting new admissions across all courses of study from the date of issuance of the said letter until the University conclusively proves full compliance with UGC and State regulatory norms. The respondent no. 3 has also directed the petitioner to keep the under-graduate degrees awarded to the 33 candidates and the

Ph.D. degree awarded to Mr. Gautam Kumar in abeyance.

Fact of the case

2. The fact of the case as stated in the writ petition is that the petitioner-University was established in terms of the Radha Govind University Act, 2018 (hereinafter referred to as "the Act, 2018") duly published by the Law Department, Government of Jharkhand in the Extraordinary Edition of Jharkhand Gazette vide Notification No. 974 dated 11.10.2018. The petitioner offers various courses to the students in different fields such as Pharmacy, Humanities & Social Sciences, Law, Education, Yoga, Nursing etc. These courses have been duly approved by the competent authorities, including the Pharmacy Council of India, Jharkhand Nurses Registration Council, Bar Council of India, National Council for Teacher Education, Jharkhand Academic Council and All India Council for Technical Education (AICTE). Furthermore, 216 teaching staff and 183 non-teaching staff have been appointed by the petitioner to ensure effective and smooth running of the University and at present, around 7500 students are enrolled in the University in the aforesaid courses offered by the petitioner including Ph.D programme.
3. The petitioner is a self-financed University in view of Section 3(9) of the Act, 2018 which provides that the University shall not receive any grant-in-aid or other financial assistance from the State Government or the Central Government.
4. The respondent no. 3 vide notification as contained in memo no. 953 dated 07.05.2026 constituted an enquiry committee to enquire about the alleged irregularities in the management of

petitioner-University and the said Committee inspected the University on 12.05.2026 and 13.05.2026, however, according to the petitioner, the final report of the enquiry committee was not served to it.

5. The respondent no. 3 vide impugned letter no. 1776 dated 19.08.2026, has issued a show cause notice to the petitioner to explain within 15 days of the receipt of the said letter as to why an administrator should not be appointed by the State Government to oversee the University's operations and to secure all records alleging inter alia that there was apparent breakdown of statutory governance as well as financial management. The petitioner-University has further been prohibited from accepting any new admission across all the courses of study from the date of issuance of the said letter until the University conclusively proves full compliance with UGC and State regulatory norms. Moreover, the respondent no. 3 has also directed the University to keep the under-graduate degrees awarded to the 33 candidates and the Ph.D. degree awarded to one Mr. Gautam Kumar in strict abeyance.

Argument on behalf of the petitioner

6. Mr. Indrajit Sinha, learned counsel, appearing on behalf of the petitioner, submits that admissions in various courses had commenced prior to the issuance of impugned show cause notice dated 19.08.2026 and the seats in the various courses offered by the petitioner such as B.A. LL.B (5 years Integrated course), Humanities & Social Sciences (Four years undergraduate Programme), Sciences (Four years undergraduate programme)

LL.B, B.Pharma, GNM, B.Tech, BBA, Polytechnic, BCA, Humanities & Social Sciences-PG, LL.M., B.Ed., M.Ed., B.P.Ed (Bachelor of Physical Education), B.Lib, M.Lib, MBA, ANM, MCA, PGDCA, B.Sc. Nursing and B.Sc. Agricultural Science are still vacant. It is submitted that the petitioner vide memo no. 702/2026 dated 25.07.2026, had issued the admission notice for Ph.D programme wherein the last date of submission of application form was fixed as 31.08.2026.

- 7.** It is further submitted that the admissions in B.Ed., M.Ed. and B.P.Ed. courses were also under process as the Officer on Special Duty, Jharkhand Combined Entrance Competitive Examination Board vide letter no. 903 dated 17.08.2026, had forwarded the provisional list of candidates recommended through 2nd round of online counselling, who had been allotted the petitioner's college to pursue B.Ed. Course. Further, the petitioner has also been provided the list of candidates for admission in M.Ed. and B.P.Ed. courses.
- 8.** It is argued that the respondent no. 3 has issued the impugned show cause notice dated 19.08.2026 in contravention of the provisions as contained in Section 43 of the Act, 2018 which is a self-contained Code. Section 43 of the Act, 2018 is the only provision which empowers the State Government to take appropriate action against the petitioner in case of contravention of any of the provisions of the Act, 2018, the Rules, the Statutes or the Ordinances made thereunder or in a situation of financial mismanagement or mal-administration in the University.
- 9.** It is also argued that as per Section 43(1) of the Act, 2018, if the

State Government is of the opinion that the University has contravened any provisions of the said Act, the Rules, Statutes or the Ordinances made thereunder or a situation of financial mismanagement or mal-administration has arisen in the University, the State Government shall issue a notice requiring the University to show cause within 45 days as to why an Administrator be not appointed. However, in the impugned show cause notice, only 15 days' time has been given to the petitioner to reply the allegations levelled against it and as such, the said show cause notice is non-est in the eyes of law on the ground of non-adherence to the statutory period of 45 days to reply a show cause notice as mandated under Section 43(1) of the Act, 2018.

- 10.** It is further contended that even otherwise the impugned show cause notice is without jurisdiction as there is nothing on record to suggest that the State Government has formed an opinion in terms of Section 43 of the Act, 2018 that the petitioner-University has contravened any provisions of the said Act, the Rules, Statutes or the Ordinances made thereunder or a situation of financial mismanagement or mal-administration has arisen in the University.
- 11.** It is also contended that the State Government does not have the power under the Act, 2018 to restrain the petitioner from taking new admissions in different courses nor does the State Government possess the power to keep the degrees issued by the petitioner in strict abeyance. At best, the respondents can appoint an Administrator, that too only after following the due procedure as prescribed in Section 43 of the Act, 2018.

Argument on behalf of the respondent-State

- 12.** Mr. Manish Kumar, learned Sr. SC-II appearing on behalf of the respondent-State, submits that at the stage of issuance of show cause notice, a limited interference is warranted by the High Court exercising jurisdiction under Article 226 of the Constitution of India. Ordinarily, the High Court does not interfere with a show-cause notice, subject to exceptions including want of jurisdiction or manifest illegality.
- 13.** It is also submitted that vide impugned show cause notice dated 19.08.2026, the petitioner has been called upon to submit explanation concerning the proposed appointment of an Administrator to oversee the University's operations pursuant to the report submitted by the enquiry committee which suggested massive systemic administrative lapses, statutory non-compliances and academic irregularities within the University, however, no such appointment has been made vide said letter.
- 14.** Section 36(1) of the Act, 2018 expressly empowers the State Government to make assessment for the purpose of ascertaining the standards of teaching, examinations and research or any other matter relating to the University whereas Section 36(2) and 36(3) of the Act, 2018 provide for issuance of recommendations to the University on the basis of such assessment for corrective action and for issuance of directions, if the university fails to comply with the recommendations within a reasonable time.
- 15.** It is further submitted that an enquiry was conducted in the petitioner-University by a committee constituted by the

respondent no. 3 relating to academic qualifications and documents of one Gautam Kumar, who was enrolled in the Ph.D programme of the petitioner-University. The enquiry also covered the entire process of admission, registration and academic progression. The respondents had also received complaints regarding award of undergraduate degrees to 33 students, non-adherence to UGC Regulations governing the Ph.D. programme, maladministration and non-compliance with the Act, 2018, financial mismanagement and lack of transparency, non-compliance of the land and infrastructure requirements as well as unregulated and excessive student intake. In order to ascertain the relevant facts and to afford opportunity to the petitioner for placing its records and explanation before the state authorities, notification no. 953 dated 07.05.2026 was issued constituting an enquiry committee which inspected the premises of petitioner-University on 12.05.2026 and 13.05.2026 as well as examined the relevant records and documents of the petitioner-University. The Enquiry Committee submitted its report highlighting massive systemic administrative lapses, statutory non-compliances, and academic irregularities in the petitioner-University.

- 16.** The inspection conducted by the Enquiry Committee in the petitioner-University on 12.05.2026 and 13.05.2026 should not be treated to be a statutory enquiry done under Section 43(2) of the Act, 2018. Undoubtedly, the appointment of an Administrator can only be done by mandatorily complying the provisions of Section 43 of the Act, 2018. It is, however, submitted that if 15 days' period given in the impugned show cause notice requires

correction, appropriate directions may be issued to secure the statutory opportunity as well as lawful scrutiny.

- 17.** It is also contended that the petitioner-University has arbitrarily created extra-statutory executive positions such as 'Pro-Chancellor' in the Governing Body as contemplated under Statute No. 15 and 'Chief Executive Officer' in the Board of Management as contemplated under Statute No. 16 adopted by the governing body of the petitioner-University, which are in complete defiance of Sections 22 and 23 of the Act, 2018.
- 18.** It is further contended that the admission is restrained in the petitioner-University in order to protect the prospective students against unresolved institutional deficiencies. Its legal basis and continuance must be assessed under Section 36 of the Act, 2018 including its procedural conditions. The legality of the operative directions including those concerning degrees and audit, must be assessed independently against the applicable statutory powers and procedure. Any relief concerning a particular direction should preserve the competent authority's power to examine the underlying irregularities and to pass a lawful reasoned order.
- 19.** It is lastly submitted that the present writ petition has been filed seeking blanket interim protection and as such the same may be rejected. Moreover, any relief may be confined to the particular procedural irregularity or jurisdictional defect found in the management of the petitioner-University with liberty to the State authority to proceed in accordance with Sections 36 and 43 of the Act, 2018.

Analysis and Finding of the Court

- 20.** Heard learned counsel for the parties and perused the materials available on record.
- 21.** The thrust of the argument made by learned counsel for the petitioner is that the impugned show cause notice dated 19.08.2026 has been issued without following due procedure as prescribed in the provisions of Section 43 of the Act, 2018 as well as vide impugned show cause notice, only 15 days' time has been given to the petitioner to reply instead of 45 days, as mandated in the said Section. It has further been emphasised that before issuing the impugned show cause notice, the State Government has not formed any opinion that the petitioner-University has contravened any provision of the Act, 2018, the Rules, Statutes or the Ordinances made thereunder or a situation of financial mismanagement or maladministration has arisen in the University.
- 22.** It would be profitable to refer Section 36 of the Act, 2018, which reads as under:

36. Powers of State Government to give directions.

(1) The State Government may, for the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the University, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit.

(2) The State Government shall communicate its recommendations to the University on the basis of such assessment for corrective action. The

University may adopt such corrective measures and make efforts so as to ensure the compliance of the recommendations.

(3) The State Government may give such directions as it may deem fit if the University fails to comply with the recommendation made under sub-section (2) within a reasonable time. The directions given by the State Government shall be immediately complied by the University.

23. In view of Section 36 of the Act, 2018, the State Government has the power to make an inquiry through such person or persons as it may deem fit to ascertain the standards of teaching, examination and research or any other matter relating to the University and on the basis of such assessment, to communicate its recommendations to the University for taking corrective action. The State Government has further been empowered to give such directions to the University as it may deem fit, if the University fails to comply with the recommendations made by the State Government within a reasonable time and the University is bound to comply the directions so given by the State Government.

24. I have also perused Section 43 of the Act, 2018 which confers special power to the State Government to appoint an administrator for the University under certain circumstance. Sub-section (1) of Section 43 provides that where in the opinion of the State Government, the University has contravened any of the provisions of this Act, the Rules, the Statutes or the Ordinances made thereunder or has violated any of the directions issued by it under the Act, 2018 or a situation of financial mismanagement or maladministration has arisen in the University, it shall issue a

notice requiring the University to show cause within forty-five days as to why an administrator be not appointed.

- 25.** Sub-section (2) of the Section 43 provides that if after receiving reply of the university, the State Government is satisfied that there is a prima facie case of contravention of any of the provisions of the said Act, the Rules, the Statutes or the Ordinances made thereunder, or violation of directions issued by it under the Act or there is financial management or maladministration, it shall make an order of such inquiry as it may consider necessary. Sub-section (3) of Section 43 provides for appointment of an inquiry officer or officers to inquire into any of the allegations and to make report thereon. Sub-section (4) of the said Section provides that the inquiry officer or officers shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908. Sub-section (5) of the said Section empowers the State Government to appoint an administrator if it is satisfied from the inquiry report submitted by the inquiry officer or officers that the University has contravened all or any of the provisions of the Act or the Rules, the Statutes or the Ordinances made thereunder, or has violated any of the directions issued by it under the Act or there is financial mismanagement or maladministration in the University, which threatens the academic standard of the University. Sub-section (6) of the said Section authorizes the administrator to exercise all the powers and perform all the duties of the Government Body and the Board of Management under the Act, 2018 and to administer the affairs of the University till the last batch of the students of the regular

courses have completed their courses and they have been awarded with degrees, diplomas or as the case may be, awards. Further, Sub-section (7) of Section 43 provides that after awarding the degrees or diploma to the last batches of the students of the regular courses, the administrator shall make a report to that effect to the State Government. Sub-section (8) of the said Section provides that on receipt of the report of the administrator, the State Government shall dissolve the University and thereafter all the assets and liabilities of the University shall vest in the sponsoring body. Thus, Section 43 is the self-contained Code which provides the procedure for appointment of an administrator, power of administrator as well as the dissolution of the private University and disposal of its rights and liabilities.

- 26.** No doubt, the State Government has power to make inquiry towards operations of the petitioner, which is a private University, to ascertain the standards of teaching, examination and research or any other matter relating to the petitioner and to direct it to follow all the corrective measures suggested by the State Government. The State Government has also the power to appoint an administrator for the private University if it finds that the University has contravened any of the provisions of the Act, 2018, the Rules, the Statutes or the Ordinances made thereunder or has violated any of the directions issued by the State Government under the Act or a situation of financial mismanagement or mal-administration has arisen in the University. However, before issuing direction to appoint an administrator, the State Government has to mandatorily follow

with the procedure prescribed under Section 43 of the Act, 2018. The said Section clearly stipulates that a private University must be given a show-cause notice allowing 45 days to file a reply. It further provides that after receiving the reply of the University, if the State Government is satisfied that there is a prima facie case of contravention of any of the provisions of the Act, 2018, the Rules, the Statutes or the Ordinances made thereunder or the petitioner-University has violated any of the directions issued by the State Government under the Act or if a situation of financial mismanagement or maladministration has arisen in the University, then the State Government shall appoint an inquiry officer or officers to inquire into any of the allegations who shall provide due opportunity of hearing to the University during the course of inquiry and shall submit the inquiry report thereon. Thereafter, on receipt of the inquiry report, if the State Government is satisfied that any of the situations mentioned in Section 43(1) has happened in the University, then it shall appoint an administrator.

- 27.** In the case in hand, though the show cause notice dated 19.08.2026 does not mention about the specific provision under which it was issued, learned counsel for the respondent-State has submitted that the same has been issued under Section 43 of the Act, 2018 with respect to appointing an administrator in the petitioner-University as the report of the enquiry committee constituted vide notification no. 953 dated 07.05.2026 highlighted massive systemic administrative lapses, statutory non-compliance, and academic irregularities in the petitioner-

University. However, on bare perusal of the said notice, it appears that only fifteen days' time has been given to the petitioner to respond to the said show cause notice which apparently violates the procedure as mandated under Section 43 of the Act, 2018.

28. The learned counsel for the respondent-State has not been able to justify the said infirmity in the show cause notice, rather he has tried to argue that if any procedural defect is found in the said show cause notice, the State Government may be given liberty to proceed in accordance with Sections 36 and 43 of the Act, 2018. The petitioner-University may also be directed to participate in the proceedings and furnish its explanation by submitting supporting documents before the competent authority of the State.

29. In the case of **Hukam Chand Shyam Lal Vs. Union of India & Ors.** reported in **(1976) 2 SCC 128**, as has been relied upon by the learned counsel for the petitioner, the Hon'ble Supreme Court has held that where a power is required to be exercised by a particular authority in a certain way, it should be exercised in that manner or not at all, and all other modes of performance are necessarily forbidden. It is imperative to observe this rule particularly when the power is of a drastic nature. The exercise of such power in a mode other than the one provided, will be violative of the fundamental principles of natural justice.

30. In the case of **Chandra Kishore Jha Vs. Mahavir Prasad & Ors.** reported in **(1999) 8 SCC 266**, the Hon'ble Supreme Court has held that if a Statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in

no other manner.

- 31.** Another aspect in the matter is that by the said show cause notice, the State Government has restricted the petitioner-University from taking further admissions from the date of issuance of the impugned letter until the petitioner conclusively proves full compliance with UGC and State regulatory norms. The contention of the respondent-State is that the said direction has been issued to safeguard the interest of the students and to maintain academic integrity.
- 32.** I am of the view that the said direction could not have been issued by the State Government at the stage of issuance of show cause notice because the said direction itself was a punitive action. It is a settled proposition of law that the purpose of giving show cause notice to a delinquent is to provide it a formal opportunity to explain or justify its conduct before an authority takes any adverse or punitive action against it. Fairness and transparency in a decision-making procedure is ensured by giving the delinquent a fair right to be heard.
- 33.** Moreover, Section 43 of the Act, 2018 clearly stipulates that the batch of the students pertaining to the regular courses running at the time of appointment of an administrator would be the last batch of the students and after awarding the required degrees or diplomas to the concerned students, the State Government shall dissolve the University on receipt of the report of administrator. However, Section 43 of the said Act does not empower the State Government to stop admission in various courses of the petitioner-University in anticipation of appointment of an

administrator. There is a clear mechanism provided in the said Section itself to deal with the interest of the students who have already taken admission before appointment of an administrator. Thus, I am of the considered view that even if the admission is taken by the University, the same would not cause any prejudice to the students. There is no substance in the argument of the learned counsel for the respondent-State that further admission in various courses of the petitioner-University has been restrained in the interest of the students.

34. The Hon'ble Supreme Court, in the case of **The State of Jharkhand Vs. Rukma Kesh Mishra** reported in **2025 SCC OnLine 676**, has referred its earlier judgment rendered in the case of **Union of India & Anr. Vs. Kunisetty Satyanarayana** reported in **(2006) 12 SCC 18**, wherein it was held that ordinarily no writ lies against a show cause notice or charge-sheet. The reason behind the said proposition is that a mere show-cause notice or charge-sheet does not give rise to any cause of action, as it does not amount to an adverse order affecting the rights of any party unless the same has been issued by a person having no jurisdiction to do so. Writ jurisdiction under Article 226 of the Constitution is a discretionary jurisdiction and hence such discretion should not ordinarily be exercised by interfering with a show-cause notice or charge-sheet. Nonetheless, in certain rare and exceptional cases, the High Court can interfere with a show cause notice or charge-sheet, if it is found to be issued without jurisdiction or is apparently illegal.

35. In the present case, the impugned show cause notice dated

19.08.2026 does not only fail to satisfy the mandatory requirement of Section 43 of the Act, 2018 but also fails to ensure fairness and transparency. Thus, to subserve the interest of justice, it seems expedient to exercise the extraordinary writ jurisdiction even at the stage of issuance of show cause notice.

36. In view of the aforesaid reasons, the impugned show-cause notice issued vide letter no. 1776 dated 19.08.2026 including the directions contained thereunder, is hereby quashed. The respondent-State is, however, be at liberty to exercise any of the powers conferred to it under different provisions of the Act, 2018 strictly in accordance with law.

37. The writ petition is, accordingly, disposed of.

38. The pending I.As, if any, also stand disposed of.

(Rajesh Shankar, J.)

October 30, 2026
Manish/**A.F.R.**

Uploaded on 30.10.2026