



\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

Date of Decision: 10.03.2026

%

W.P.(C) 17131/2025**ASSOCIATION OF GAZETTED OFFICERS TECHNICAL
EDUCATION DELHI**PetitionerThrough: Mr. Praveen Swarup, Adv. (through
VC)

versus

**THE CHIEF SECRETARY GNCT OF DELHI
AND ORS.**

.....Respondents

Through: Mr. Dhruv Rohatgi, Panel Counsel,
GNCTD with Ms. Chandrika
Sachdeva, Mr. Dhruv Kumar, Advs.
with Mr. B.S. Rawat, CI, DTTE for
R-1, R-3 and R-4.Mr. Shivendra Singh, Ms. Prakriti
Rastogi, Ms. Aryama Singh Rajpur,
Advs. for R-2.**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****DEVENDRA KUMAR UPADHYAYA, CJ. (ORAL)****CM APPL. 70449/2025**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.



W.P.(C) 17131/2025 & CM APPL. 70448/2025

3. Proceedings of this petition, instituted under Article 226 of the Constitution of India challenge the validity of the Regulations/ Notification 1(1), 2A, 2B, 3A, 3B, 3C framed by the Board of Management of the respondent – University *vide* its decision taken at agenda Items 11.4.1 and 11.4.5 in its meeting held on 30.09.2024. Apart from challenging the said decision of the Board of Management whereby certain Regulations have been framed, the petitioner has also prayed that a direction be issued to the respondents to cease all ongoing admissions to various academic programmes launched in accordance with the impugned Regulations. Another prayer made in the petition is that a direction be issued for fixing the personal accountability of the members of the Board of Management and officers responsible for the impugned decision and for recovery of losses caused to the public exchequer on account of the impugned decision of the Board of Management.

4. The impugned Regulation 2A provides for introducing a Choice Based Credit System, Semester System, Multiple Entry and Exit, Continuous Assessment and Grading System in the light of National Education Policy 2020 in the respondent – University from the academic session 2024-25 onwards.

5. As averred in the petition, Regulation 2B provides for establishing Board of Studies and Committees of Courses.



6. Regulation 3A, 3B and 3C pertain to provisions relating to Diploma, Four-Year Bachelor's and Postgraduate programmes of the respondent – University.

7. It has been contended by learned counsel for the petitioner - Association of Gazetted Officers Technical Education, Delhi that the subject matter on which the impugned Regulations have been framed are covered by Section 31 of The Delhi Skill and Entrepreneurship University Act, 2019 (hereinafter referred to as '**the 2019 Act**') and, therefore, any prescription in relation to the said subjects could be made by the University only by framing Ordinances and not by framing Regulations. It is, thus, the submission on behalf of the petitioner that unless and until Ordinances are framed in accordance with the requirement of Section 31 and other provisions of the 2019 Act, the impugned Regulation would not be valid on the subject matters on which the same have been framed.

8. Drawing our attention to Section 31 of the 2019 Act, it has been contended by learned counsel for the petitioner that Section 31 enlists the subjects on which Ordinances are to be framed, which include the subjects relating to admission of students, the courses of study, qualification pertaining to award of degrees and diplomas and other academic distinctions etc.

9. It is further submitted that since the subject matter of the impugned Regulations categorically fall within the subjects as enlisted in Section 31(1)(a) of the 2019 Act, anything which the University intends to provide for in relation to the said subjects, could be provided for only by making the



Ordinances and not by making the Regulations. It is also the submission on behalf of the petitioner that in terms of Section 31(2), the first Ordinances are to be made by the Vice-Chancellor with the prior approval of the Government and the Ordinances so made may be amended, repealed or added to, at any time by the Board in such manner as may be prescribed and since, in the instant case, the impugned provisions as contained in the Regulations were never framed with the prior approval of the Government, the same cannot be given effect to, being contrary to the provision of Section 31(2) of the 2019 Act.

10. It is also the submission of learned counsel for the petitioner that as mandated by Section 8 of the 2019 Act, the training and teaching in connection with the degree, diploma and certificate programmes of the University shall be conducted in accordance with the Ordinances and Regulations and since the subject matters which are covered by the impugned Regulations are enlisted in Section 31 of the 2019 Act, no such Regulation could be framed and such matters could be provided for only by framing the Ordinances. It has also been argued that as per Section 8 (2) of the 2019 Act, courses and curricula and the authorities responsible for organizing the training and teaching of such courses and curricula are to be prescribed by Ordinances and not by Regulations.

11. Our attention has also been drawn to Section 45 of the 2019 Act, according to which, all the Ordinances framed by the University are to be published in the Official Gazette and are to be laid before the State Legislature and since, in the instant case, the impugned Regulations were



neither published in the Official Gazette nor were they laid before the State Legislature, the same are illegal being contrary to the requirement of Section 45 of the 2019 Act.

12. It is also the submission of learned counsel for the petitioner that Section 53 of the 2019 Act, vests certain powers in the Government for annulment of the orders of the University and since, in the instant case, the impugned Regulations are *void ab initio*, the Government ought to have annulled such Regulations and by not doing so, the illegally framed Regulations are being continued in terms of which various courses and studies are being run by the University which is also not lawful.

13. Referring to Section 2(ae) of the 2019 Act, learned counsel for the petitioner has stated that 'Notification' in the said provision has been defined to mean a notification published in the official Gazette and since the impugned Regulations have not been published in the Official Gazette, therefore, in absence of such publication in the Official Gazette, the Regulations cannot be given effect to, being contrary to Section 2(ae) of the 2019 Act.

14. Opposing the writ petition, learned counsel for the respondent University has submitted that the entire writ petition is based on an absolute misconceived premise for the reason that the provisions which are impugned in the instant writ petition are not Ordinances rather, the same are Regulations, which have been framed in accordance with the provisions contained in Section 32 of the 2019 Act and, therefore, there was no requirement of such Regulations either being placed before the State



Legislature or seeking prior approval of the Government before they were framed.

15. Learned counsel representing the respondent University has also submitted that Section 8 of 2019 Act provides that training and teaching in connection with the degree, diploma and certificate programmes of the University can be conducted not only in accordance with the Ordinances but also in accordance with the Regulations as well, as is clear from such prescription available in Section 8 of the 2019 Act.

16. He has also stated and vehemently argued that Section 32 permits the Board of Management of the University to frame Regulations on the subjects on which there does not exist any provision either in the Act or the Statutes or the Ordinances. His submission is that Section 32 vests adequate power upon the authorities of the University to frame Regulations for conduct of the business of the University if the same is not provided for by the Act or the Statute or the Ordinances. It is further his case that since on subject matter on which the impugned Regulations have been framed, nothing has been provided for either by the Act or the Statutes or the Ordinances, it was legally open to the University to have taken recourse to framing of the Regulations in terms of Section 32 of the 2019 Act and, therefore, there is no illegality in the said Regulations.

17. We have considered the submission made by learned counsel for the respective parties and have also perused the records available before us on this writ petition.



18. The State Legislature has enacted the 2019 Act to provide for quality education in Applied Sciences and skill education and various other disciplines of education. The term ‘Board’ has been defined in Section 2(c) of the 2019 Act which means the Board of Management of the University. Section 2(c) of the 2019 Act is quoted hereunder:

“2. Definitions: - *In this Act, unless the context otherwise requires –*

(a)

(b)

(c) *"Board" means the Board of Management of the University;*

x

x

x”

19. Section 22 of the 2019 Act provides that the Board of Management shall be the principal executive authority of the University and will have all powers necessary to administer the University, however, such powers are only subject to provisions of the Act and the Statutes made under the Act. It also provides that the Board of Management may make Ordinances and Regulations for the purposes of conducting its business. Section 22(1) of the 2019 Act is quoted hereunder:

“22. The Board of Management-(1) *The Board of Management shall be the principal executive authority of the University and, as such, shall have all powers necessary to administer the University subject to the provisions of this Act and the Statutes made there under, and may make Ordinances and Regulations for that purpose and also with respect to matters provided hereunder;*

20. Section 29 of the 2019 Act provides for Statutes and enlists certain subject matters on which Statutes can be made. Section 29 of the 2019 Act is quoted herein below:



“29. Statutes:-*Subject to the provision of this Act, the Statutes may provide for all or any of the following matters, namely-*

- (a) the constitution, powers and functions of the authorities and other bodies of the University, as may be found necessary to be constituted from time to time;*
- (b) the selection and continuance in office of the members of the authorities and bodies of the University, the filling up of vacancies of members and all other matters relating thereto which the university may deem necessary or desirable to provide;*
- (c) the appointing and disciplinary authorities for all Group employees teaching and non-teaching employees of the University;*
- (d) the composition of Selection Committees for direct recruitment in respect of Group A (teaching and non- teaching) and other services for all Groups A, B and C teaching and non-teaching employees of the University;*
- (e) terms and conditions for continuation of the teachers and other employees in the employment shall be such as may be prescribed;*
- (f)the manner of appointment of the officers of the University, terms and conditions of their service, their powers and duties and emoluments;*
- (g) the manner of appointment of the teachers of the University, other academic staff, and other employees and their emoluments;*
- (h) the manner of appointment of teachers and other academic staff working in any other University/Industry for a specified period for undertaking a joint project, their terms and conditions of service and emoluments;*
- (i) the terms and conditions of service of the teachers and other members of the academic staff appointed by the University;*
- (j) the terms and conditions of other employees appointed by the University;*
- (k) the constitution of the pension or the provident fund and the establishment of an insurance scheme for the benefit of the employees of the University;*
- (l) the principles governing the seniority of employees of the University;*



(m) the procedure for any appeal by an employee or a student of the University;

(n) conferment of honorary degrees;

(o) institution of fellowships, scholarships, studentship, medals, prizes and other incentives;

(p) maintenance of discipline among the employees of the University;

(q) establishment of chairs, schools and institutions;

(r) management, supervision and inspection of institutions and centers established and maintained by the University;

(s) the delegation of powers vested in the authorities or the officers of the University;

(t) all other matter which, by or under this Act, are to be, or may be, provided for by the Statutes;”

21. In terms of the provisions of Section 30 of the 2019 Act, the first Statutes shall be those made by the Government with the prior approval of the Chancellor. Sub-Section (2) of Section 30 of the 2019 Act empowers the Board of Management to make new or additional Statutes and amend or repeal the Statutes made under Sub-Section (1). Sub-Section (3) of Section 30 provides that every new Statute or addition to the Statutes or any amendment or repeal thereof shall require the approval of the Chancellor, who may assent thereto or withhold his assent or remit it to the Board for reconsideration. Sub-Section (4) of Section 30 provides that a new Statute amending or repealing an existing Statute shall not be valid unless it has received the assent of the Chancellor. Sub-Section (4) of Section 30 of the 2019 Act is also extracted hereunder:



“30. Statutes how made:- (1) *The first Statutes shall be those made by the Government with the prior approval of the Chancellor within sixty days of the commencement of this Act.*

(2) *The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):*

Provided that the Board shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given a reasonable opportunity of expressing its opinion in writing on the proposed change and any option so expressed within the time specified by the Board has been considered by the Board.

(3) *Every new Statute or addition to the Statutes or any amendment or repeal thereof shall require the approval of the Chancellor, who may assent thereto or withhold his assent or remit it to the Board for reconsideration in the light of the observations, if any, made by him.*

(4) *A new Statute or a Statute amending or repealing an existing Statute shall not be valid unless it has received the assent of the Chancellor, who will take into consideration the views of the concerned department while deciding the matter.”*

22. Apart from the Statutes, the 2019 Act provides for making of Ordinances as well in Section 31. Section 31 enlists certain subjects on which Ordinances can be made by the University. Section 31 of the 2019 Act reads as under:

“31. Ordinances -(1) *Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:-*

(a) *the admission of students, the courses of study and the fees therefore, the qualifications pertaining to the award of degrees and diplomas and other academic distinctions, the conditions for the grant of fellowship and awards and the like;*

(b) *the conduct of examinations, including the terms and conditions of office and appointment of examiners;*

(c) *the conditions of residence of students and their general discipline;*



(d) the management of institutions, schools and centers maintained by the University;

(e) the procedures for the settlement of disputes between the employees and the University, or between the students and the University;

(f) the procedures for the settlement of disputes between the employees and students;

(g) the procedure for any appeal by an aggrieved employee or a student;

(h) maintenance of discipline among the students of the University;

(i) regulation of the conduct and duties of the employees of the University and regulation of the conduct of the students of the University;

(j) the categories of misconduct for which action may be taken under this Act or the Statutes or the Ordinances;

(k) any other matter which, by or under this Act or the Statutes, is to be, or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the prior approval of the Government and the Ordinances so made may be amended, repealed or added to, at any time by the Board in such manner as may be prescribed;”

23. A perusal of Section 31(1)(a) of 2019 Act reveals that the Ordinances can be made in relation to admission of students, courses of study and the fee therefor, the qualifications pertaining to award of degree and diplomas and other academic distinctions etc.

24. The University, apart from having powers to frame Statutes and Ordinances, has also been vested with the authority to frame Regulations under Section 32 of the 2019 Act, which provides that the University may make Regulations, which should be consistent with the Act, Statutes and the Ordinances and Regulations should be made in the manner prescribed by the Statutes, for the conduct of the business of the University and also conduct



of business of the Committees, if any, appointed by the University, and not provided for by the Act, the Statutes or the Ordinances.

25. Section 32 of the Act 2019 reads as under :

“32. Regulations:- *The authorities of the University may make regulations consistent with this Act, the Statutes and the Ordinances, in the manner prescribed by the Statutes for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances.”*

26. Section 45 of the 2019 Act mandates that all the Statutes and Ordinances framed by the University are to be published in the Official Gazette and are also to be laid before the Legislature. Section 45 of the 2019 Act runs as under:

“45. Statutes and Ordinances to be published in the official Gazette and to be laid before the Legislature:-

(1) *Every Statute and Ordinance made under this Act shall be published in the official Gazette.*

(2) *Every Statute and Ordinance made under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of Delhi while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the Statute or the Ordinance or the House agrees that the Statute or the Ordinance, as the case may be, should not be made, the Statute or the Ordinance shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute or Ordinance as the case may be.”*



27. From the perusal of the scheme of the Act and as discussed above, what we find is that for the purpose of conducting the business and affairs of the University, apart from the provisions of the Act, various delegated legislations can also be framed by the University which are (i) Statutes, (ii) Ordinances, and (iii) Regulations.

28. The procedure for making the Statutes and the Ordinances has been laid down in Sections 29, 30, 31 read with Section 45 of the 2019 Act. Apart from the Statutes and Ordinances, as already observed above, the University has been vested with the authority to frame Regulations for conduct of business that are not provided for either by the Act or by the Statutes or by the Ordinances.

29. Differently put, we can safely observe that if a provision has not been provided for either by the Act or the Statute or the Ordinances, Regulations can be framed under Section 32 of the 2019 Act. Section 32 clearly empowers the University to frame Regulations for conduct of its business and affairs and also the business and affairs of the Committees constituted by the University, which are not provided for by the Act or the Statute or the Ordinances.

30. Though, Section 31(1)(a) of the 2019 Act enlists, amongst others, the subjects relating to admission of students, courses of study and qualifications pertaining to the award of degrees, diplomas and other academic distinctions on which an Ordinance may be framed by the University, however, if no such Ordinance has been framed, it is always open, in our considered view, for the University to frame Regulations for



the same.

31. The impugned Regulations, which have been challenged in this petition provide for implementation of Choice Based Credit System, Semester System, Continuous Assessment and Grading System etc., which may fall in the subjects as listed in Section 31(1) of the 2019 Act, however, if no Ordinance has been framed, the Regulations can be framed as there is no bar in the Act to frame Regulations in a situation where no Ordinances have been framed on such subjects.

32. Accordingly, the submission of learned counsel for the petitioner that the subject matters, which are covered by the impugned Regulations could be regulated only by framing Ordinances, in our considered opinion, is highly misconceived. Ordinarily, the Ordinances are to be made on the subject matters enlisted in Section 31(1) of the 2019 Act, however, if no such Ordinance as per Section 31(1) of the 2019 Act is in existence or no such Ordinance has been made, in our considered opinion, it is always open to the University to frame Regulations regulating its business.

33. The submission of learned counsel for the petitioner that since the subject matter on which the impugned Regulations have been framed are enlisted in Section 31, therefore, those subject matters can be regulated only by framing Ordinances, in our opinion, is not tenable for the reason that ordinarily Ordinances should be made, however, in case no such Ordinance is in existence or has been made, the same can be regulated by framing Regulations.



34. It is also to be noticed that as per the provisions contained in Section 22 of the 2019 Act, it is the Board of Management which is the principal executive authority of the University which has all the powers necessary to administer the University, albeit such powers are subject to provisions of the Act and the Statutes. The Board is empowered to make Ordinances and Regulations for the purposes of administering the affairs of the University.

35. If we consider the submissions made by learned counsel for the petitioner in light of what has been discussed herein above, what we find is that the impugned provisions are, in fact, Regulations and not Statutes or Ordinances and, therefore, there is no requirement in terms of Section 45 of the 2019 Act for placing such Regulations before the State Legislature or even publishing the same in the Official Gazette.

36. Much emphasis has been laid on behalf of the petitioner on the provisions contained in Section 8 of the 2019 Act for urging that courses and curricula shall be as prescribed by Ordinances and since the impugned Regulations touch various courses and academic programmes being offered by the respondent – University, provisions in relation thereto can be prescribed only by making Ordinances and not by making Regulations.

37. For appreciating the aforesaid submissions, we need to note Section 8, which is extracted herein below:-

“8. Training and Teaching in the University:- (1) The training and teaching in connection with the degree, diploma and certificate programmes of the University shall be conducted in accordance with the Ordinances and Regulations;
(2) The courses and curricula and the authorities responsible for



organizing the training and teaching of such courses and curricula shall be as prescribed by the Ordinances;”

38. A perusal of the aforequoted provisions of Section 8 reveal that in terms of Section 8(1) the training and teaching in connection with degree, diploma or certificate programmes of the University shall be conducted in accordance with the Ordinances and Regulations. That is to say, so far as the training and teaching in connection with grant of a degree, diploma or certificate by the University is concerned, provisions for such training and teaching can be made by framing either Ordinances or Regulations. Sub-Section 2 of Section 8 provides that courses and curricula shall be as prescribed by the Ordinances. It also states that the authorities responsible for organizing the training and teaching of courses and curricula can be prescribed by the Ordinances. The submission on behalf of the petitioner is that it is only by a prescription made in an Ordinance that courses and curricula and the authorities responsible for organizing the training and teaching of such courses can be regulated and not by making Regulations. The question which, thus, arises for our consideration in the wake of the said argument is as to whether the impugned Regulations prescribe courses or curricula or they prescribe for authorities responsible for organizing the training and teaching of such courses and curricula.

39. Regulation 2-A, as observed above has been framed by the Board of Management of the respondent – University for implementation of Choice Based Credit System, Semester System, Multiple Entry and Exit, Continuous Assessment and Grading System in the light of National Education Policy 2020 from the Academic Session 2024-25. The said



Regulation further classifies the Academic Programmes offered by the respondent – University. It also provides as to when the Academic Session of the University shall begin and when will it end, and that the Academic Session shall be divided into two Full Semesters and a Short Summer Semester. It also provides that curriculum and scheme of examination of any academic programme shall be based on Choice Based Credit System, Semester System, Multiple Entry and Exit Options, Continuous Assessment and End of Semesters Evaluation and Grading System. It, however, does not prescribe any curriculum.

40. Regulation 2-A further provides that curriculum including the syllabus of each component of an academic programme leading to award of an academic qualification shall be designed by the University to facilitate its students with plenty of choices of courses to choose from and their own learning path in a flexible manner involving multiple entry and exits. The Regulation, however, does not in itself prescribes the curriculum; it only broadly prescribes as to how the curriculum and syllabus shall be developed. Accordingly, so far as the impugned Regulation 2-A is concerned, the same in our opinion is not governed by Sub-Section 2 of Section 8, rather it pertains to subject as to how training and teaching in connection with the academic qualification shall be conducted.

41. As already noticed above, such measures relating to how the training and teaching in connection with the academic qualification is to be conducted can be provided both by the Ordinances and Regulations as provided under Sub-Section 1 of Section 8 of the 2019 Act. As regards Regulation 3-A, we may notice that the said Regulation pertains to a three



years (six semesters) diploma in a major discipline to be ordered by the University. It provides for number of seats in each such programme, enrolment of student, medium of instructions and eligibility criteria for enrolment in three years diploma (technical programme) etc. It also provides for distribution of credits.

42. So far as the Regulation 3-B is concerned, the same pertains to three years and four years bachelors' degree programmes in a major or minor discipline, run by the University. It also prescribes the number of seats in each such programmes, enrolment of students, medium of instructions, multiple entry and exit options to the students and distribution of credits to be earned by the students etc. Similarly Regulation 3-C makes such prescriptions in relation to two years Master's Programme in a major discipline, two years Masters Programme in Business Administration and one year M.S/M.Tech Programme conducted by the University. Like Regulation 3-A and 3-B which prescribe for running three years Diploma and three years and four years Bachelor's Degree Programme respectively, Regulation 3-C makes similar provisions for running the two years Master's Programme in a major discipline, two years Master's Programme in Business Administration and one year M.S/M.Tech programme offered by the University. These Regulations, thus, do not provide for the curriculum and in fact, in our opinion, contain provisions relating to training and teaching in connection with the degree/diploma programmes of the University. The prescriptions in these Regulations are in relation to the manner in which training and teaching in connection with degree/diploma programmes is to be conducted, which as per



Section 8(1) of the 2019 Act can be provided for by framing Regulations as well. Thus, submission by learned counsel for the petitioner based on sub-Section 2 of Section 8 of the 2019 Act to the effect that since the impugned Regulations prescribe for courses and curriculum, the same could be prescribed only by framing Ordinances and not by framing Regulations, in our opinion merits rejection, which is hereby rejected.

43. For the reasons aforesaid, we are not inclined to interfere in this writ petition, which is hereby dismissed. No order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MARCH 10, 2026

N.Khanna/S.Rawat