

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

WP No. 5676 of 2026

(AMBER SHARMA Vs UNION OF INDIA THOROUGH SECRETARY MINISTRY OF EDUCATION GOI AND
OTHERS)

Dated : 24-04-2026

Shri Harshwardhan Sharma - Advocate for the petitioner.

Dr. Ajnkya Dagaonkar-Additional Solicitor General for the
respondents 1 &2.

Shri Pradyumna Kibe - Govt. Advocate for the respondent/State.

1. Petitioner has filed the subject petition impugning circular dated 02.02.2026 issued by State Government excluding general category students from entertaining the complaints of discrimination.

2. Learned counsel for the petitioner submits that an identical issue is pending consideration before the Supreme Court of India in *W.P. (Civil) No.101/2026 (Mritunjay Tiwari vs. Union of India)*, though in respect of different regulations. Learned counsel submits that the University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026 had incorporated Clause 3(c) in the heading "Caste based Discrimination" where caste based discrimination was defined to be discrimination only on the basis of caste or tribe against members of Scheduled Castes/Scheduled Tribes and Other Backward Classes (OBC).

3. Learned counsel submits that in the case of *Mritunjay Tiwari (Supra)* vide order dated 29.01.2026 the Supreme Court stayed the Regulation, 2026. The contentions of the petitioner therein that the impugned regulations proceeded on an unfounded presumption that caste

based discrimination is necessarily unique arrangement and can never operate against persons belonging to non reserved and general category.

4. The Supreme Court formed a *prima-facie* view that the regulations impugned before the Supreme Court suffered from certain ambiguities and possibility of misuse and accordingly framed the following five questions:

"(i) Whether the incorporation of Clause 3(c) in the Impugned Regulations, defining "Caste-based discrimination", bears a reasonable and rational nexus to sub serve 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."

5. Supreme Court, accordingly, kept in abeyance the said impugned Regulations of 2026. Learned counsel submits that three days after the Supreme Court's kept in abeyance the impugned Regulations, the State

Government has issued the impugned circular which, *inter-alia* deals with consideration of complaints by Students Grievances Redressal Committee and *inter-alia* provides for consideration of discrimination on complaints raised by Scheduled Castes/Scheduled Tribes, Other Backward Classes (OBC), women, minority and PWD candidates only. He submits that the said clause is discriminatory and excludes the persons belonging to other category including general category from raising the dispute on the ground of discrimination before the Students Grievances Redressal Committee.

6. Issue notice. Notice is accepted by Additional Solicitor General appearing for respondent no. 1 &2, Union of India and by Government Advocate for respondent no.3.

7. Learned counsel for the respondents pray for time to file reply.

8. Let the needful be done within four weeks.

9. In the meantime, it is directed that the Students Grievances Redressal Committee shall entertain complaints of all categories of students including the general category, if received, on the ground of discrimination, in accordance with law.

10. Reply be filed within four weeks. Rejoinder, if any, be filed within two weeks thereafter.

11. List after six weeks.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE