



2025:DHC:9414



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Judgment pronounced on: 28.10.2025**+ **W.P.(C) 1490/2023 and CM APPL.46832/2025**

JAMIA TEACHERS ASSOCIATION

.....Petitioner

Through: Mr. Abhik Chimni, Mr. Gurupal
Singh, Ms. Pranjal Abrol, Ms. Shreya
Bajpai and Mr. Rishabh Gupta, Advs.

versus

JAMIA MILLIA ISLAMIA

.....Respondent

Through: Mr. Pritish Sabharwal, Standing
Counsel and Ms. Shweta Singh,
Advocate.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****JUDGMENT**

1. The present petition has been filed by the petitioner/ Jamia Teachers Association (hereinafter "JTA"), assailing the Office Orders dated 17.11.2022 and 18.11.2022 and the Advisory dated 18.11.2022 issued by the respondent/ Jamia Millia Islamia (hereinafter "University").
2. The controversy is in a narrow factual compass. The JTA, constituted in the year 1967, is an autonomous body of teachers of the respondent University, governed by a self-regulated Constitution and administered through an Executive Committee (EC) elected by its members. Considering that the EC elected in the year 2020, was to continue till 25.11.2022, the EC passed a resolution on 19.10.2022 to hold fresh elections. The duly appointed Returning Officer (RO) issued a notification announcing the election date as 23.11.2022 and the University was duly informed of the said notification.

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3. On 10.11.2022, the respondent University issued a show cause notice alleging the RO's appointment as illegal and directing the RO to step down. Thereafter, the impugned orders and advisory (dated 17.11.2022 and 18.11.2022), were issued whereby, the pending elections were nullified, the JTA was dissolved, its office sealed, the office bearers of JTA were restricted from using the premises and finances of the association, and the members were restrained from attending or conducting any meeting.
4. Aggrieved, the petitioner approached this Court by way of W.P. (C) No. 16794 of 2022 titled "Dr Amir Azam vs Jamia Millia Islamia". Vide order dated 07.12.22, this Court directed the respondent University to convene a meeting with the JTA members on 20.12.2022 to resolve the dispute. However, the meeting did not yield the desired outcome.
5. Learned counsel for the petitioner submits that the impugned actions infringes upon its fundamental right guaranteed under Article 19(1)(c) of the Constitution of India, which encompasses not only the right to form an association but also the right to continue and govern it. Reliance is placed on the decision of the Supreme Court in **O.K. Ghosh & Anr. v. E.X. Joseph & Anr.** AIR 1963 SC 812, wherein, it was observed that the State cannot be granted an absolute authority to withdraw recognition of an association; reasons to withdraw have to be in close proximity with the requirement of Article 19(4) of the Constitution.
6. Further reliance is placed on **Damyanti Naranga v. Union of India** (1971) 1 SCC 678, wherein, it was held that Article 19(1)(c) of the Constitution of India includes not only the right to form an association but



also the right to continue it, for else, the right under Article 19(1)(c) would be rendered ineffective. The relevant extract is reproduced as under:

“6...The right to form an association, in our opinion, necessarily, implies that the persons forming the Association have also the right to continue to be associated with only those whom they voluntarily, admit in the Association. Any law, by which members are introduced in the voluntary Association without any option being given to the members to keep them out, or any law which takes away the membership of those who have voluntarily joined it, will be a law violating the right to form an association. If we were to accept the submission that the right guaranteed by Article 19(1)(c) is confined to the initial stage of forming an Association and does not protect the right to continue the Association with the membership either chosen by the founders or regulated by rules made by the Association itself, the right would be meaningless because, as soon as an Association is formed, a law may be passed interfering with its composition, so that Association formed may not be able to function at all. The right can be effective only if it is held to include within it the right to continue the Association with its composition as voluntarily agreed upon by the persons forming the Association.”

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10. Article 19(4), on the face of it, cannot be called in aid to claim on the validity for the Act. Under Article 19(4), reasonable restrictions can be imposed only in the interests of the sovereignty and integrity of India, or in the interests of public order or morality. It has not been contended on behalf of the respondent, nor could it be contended that this alternation of the constitution of the Society in the manner laid down by the Act was in the interests of the sovereignty and integrity of India, or in the interests of public order or morality. Not being protected under Article 19(4), it must be held that the provision contained in the Act for reconstituting the Society into the Sammelan is void. Once that section is declared void, the whole Act becomes ineffective inasmuch as the formation of the new Sammelan is the very basis for all the other provisions contained in the Act.”

7. *Per contra*, learned counsel for the respondent contends that the JTA Constitution has not been formally recognized or registered under any statutory authority of the University. Reliance is placed on Section 23(j) of the Jamia Millia Islamia Act, 1988, to assert that the University possesses



the authority to establish, recognize, regulate, and, if necessary, dissolve associations of teachers and staff.

8. It is further submitted that Article 1 of the JTA Constitution states that “The Jamia Teachers’ Association is established in accordance with the provision in JMI Act”, and therefore asserts that JTA’s existence and legitimacy are inherently dependent upon the University’s regulatory framework; moreover, a prerequisite for membership in the JTA is for the member to be a teacher in the respondent university and therefore, the University retains the authority to oversee, regulate, and, if necessary, restructure or dissolve the Association.

9. Learned counsel for the respondent relies upon Section 6(xxiv) of the Jamia Millia Islamia Act, 1988, which empowers the University “to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University;” it is averred that the impugned orders were issued under this power to ensure institutional discipline and alignment with statutory norms.

10. The respondent also submits that pursuant to the recommendations of a Committee constituted by the Vice-Chancellor, a revised Constitution for the JTA was formulated to ensure transparency and accountability in the functioning of the Association and the said Constitution was approved by the Executive Council on 31.07.2024.

11. Respective counsel for the parties have been heard at some length.

12. Considering the submissions advanced and upon perusal of the material on record, this Court is of the view that the core issue in the present petition pertains to the extent of permissible interference by the respondent



University in the internal affairs of JTA, and given the constitutional guarantee enshrined in Article 19(1)(c).

13. It is well settled that Article 19(1)(c) of the Constitution of India guarantees not merely the right to form an association but also the right to continue the association with its chosen composition and internal governance. In **Damyanti Naranga** (supra), the Supreme Court held that any law or action interfering with the composition of an association without satisfying the conditions of Article 19(4), would render the right under Article 19(1)(c) ineffective and meaningless.

14. In **S. Ramkrishnaiah vs. President, District Board, Nellore**, AIR 1952 MAD 253, the Madras High Court observed as under:

“It is well established that the exercise of any of the fundamental rights like the right of free speech, right of freedom of religion or the right of freedom of association cannot be made subject to the discretionary control of administrative or executive authority which can grant or withhold permission to exercise such right at its discretion. It is equally well established that there cannot be any restriction on the exercise of such a right which consists in a previous restraint on such exercise and which is the nature of administrative censorship. The guaranteed freedoms cannot be abridged or abrogated by the exercise of official discretion.”

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Applying this principle we must hold that the rules contained in G. O. 416, Education dated 24th February 1939, in so far as they empower, the Director of Public Instructions to forbid the existence of, and dissolve, any Teachers' Union not conforming to the rules and compelling teachers in Local Board or Municipal service to obtain the permission of the Board or Council concerned before forming unions and in so far as they prohibit teachers in recognised elementary schools from becoming members of teachers unions or other teachers' organisations not constituted in accordance with the orders of the Government should be declared to be void as constituting an abridgement of the right of



freedom of association guaranteed by Article 19(1)(c) of the Constitution.”

15. In the present case, the impugned action/s of the respondent University do not cite any exigency contemplated in Article 19(4) of the Constitution of India, rather the said actions appear to be administrative in nature, bearing no rational nexus to a legitimate regulatory purpose.

16. The unilateral formulation and approval of a revised Constitution for JTA, without consultation or consent of its members, undermines the autonomy of the Association and violates the right to self-governance inherent in Article 19(1)(c) of the Constitution of India.

17. The respondent’s reliance on Section 6(xxiv) of the Jamia Millia Islamia Act, 1988, is misplaced. While the provision confers broad powers upon the University to act in furtherance of its objectives, such powers must be exercised in conformity with the constitutional framework and the principles of natural justice. Section 6(xxiv) cannot be invoked to override or abrogate the petitioner’s fundamental rights.

18. The respondent’s contention that Article 1 of the JTA Constitution, stating that the Association is established in accordance with the provisions of the Jamia Millia Islamia Act, necessarily subjects the JTA to the University’s recognition and control, is also unsustainable. Such reference to the JMI Act, 1988, merely acknowledges the statutory backdrop for the Association’s formation and does not imply subjugation to the University’s regulatory control.

19. In view of the aforesaid and in light of the decisions in **O.K. Ghosh** (supra), **Damyanti Naranga** (supra) and **S. Ramkrishnaiah** (supra), the



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impugned Office Orders dated 17.11.2022 and 18.11.2022 and Advisory dated 18.11.2022, are hereby quashed.

20. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

OCTOBER 28, 2025/ss