



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ **FAO 126/2023 and CM APPL. 27117/2023**

M/S. GETMYUNI EDUCATION SERVICES PRIVATE LIMITED

.....Appellant

Through: Mr. Udian Sharma, Mr. Jaitegan Singh Khurana, Ms. Aarzoo Aneja, Mr. Manav Mitra, Ms. Subhika Joshi, Mr. Sahil Saraswat, and Ms. Harsha Sadhwani, Advocates.

versus

MANGALAYATAN UNIVERSITY

.....Respondent

Through: Mr. Avneet Singh Sikka, Advocate.

+ **FAO 129/2023 and CM APPL. 27249/2023**

M/S. GETMYUNI EDUCATION SERVICES PRIVATE LIMITED

.....Appellant

Through: Mr. Udian Sharma, Mr. Jaitegan Singh Khurana, Ms. Aarzoo Aneja, Mr. Manav Mitra, Ms. Subhika Joshi, Mr. Sahil Saraswat, and Ms. Harsha Sadhwani, Advocates.

versus

USHA MARTIN UNIVERSITY

.....Respondent

Through: Mr. Avneet Singh Sikka, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI



JUDGMENT

1. The present appeals raise a common issue, and common submissions have been addressed by the learned counsels in both the appeals; accordingly, both the appeals are taken up together for consideration and disposed of *vide* this common judgment.
2. The present appeals have been directed against the orders dated 28.03.2023 passed by the learned ADJ-01, South West District, *Dwarka Courts, New Delhi*, in CS DJ ADJ Nos. 1009/2021 and 1004/2021, whereby the applications under Order 39 Rules 1 and 2 CPC filed by the respondents/plaintiffs came to be allowed and the appellant/defendant was restrained from using the name, information, and details of the respondent universities on its website (www.getmyuni.com). The appellant was further directed to delete the names, information, and details of the respondents from its website during the pendency of the suit. On appeals being filed, *vide* order dated 22.05.2023, this Court had stayed the operation of the impugned orders. It is informed that the matters are at the stage of plaintiffs' evidence.
3. Mr. Udian Sharma, learned counsel for the appellant, while assailing the impugned order, contends that the appellant is an education-technology ("EdTech") based start-up and acts as an online ready-to-go mall for students wishing to know information about all the universities and make a decision based on their requirements. The appellant is further stated to be acting in public interest and in a *bona fide* manner, without any misrepresentation/association with the universities mentioned on its website. It is further contended that the appellant, on its website, displayed extracts from publicly available data, which come under the exception clauses of the Copyright Act, 1957 and the Trade Marks Act, 1999. It is claimed that it's



common practice for online search platforms to state details of their respective subject matter for their target audience, in order to provide one-stop access to everything related to the query under one umbrella. The appellant has published on its website details of various universities/top colleges offering B.Tech courses in *India* for the year 2023. The appellant has followed ranking parameters and weightage used by the National Institutional Ranking Framework (NIRF) to rank the colleges. It is submitted that besides NIRF ranking, the appellant has also published lists of colleges as per the rankings done by 'The Week', 'India Today' magazines etc. Further, a list has also been provided in terms of zone-wise colleges in *India* as well as the fees charged by them, as available on their website. Learned counsel contends that the Trial Court erred in passing the impugned order as the respondents had preferred the suit being disgruntled by the non-execution of the MoU between the parties. Further, the impugned orders have caused irreparable harm to the appellant as well as deprived numerous students of valuable information about the universities displayed by the appellant.

4. Learned counsel for the respondents, on the other hand, has primarily contended that the appellant's search platform, i.e., its website, does not lead to the same ranking for the respondent universities as may be available on the Google Search Engine. It is stated that while on Google, the links to the websites of the respondents appear at the second page. The appellant's website, however, doesn't yield the same result. It is stated that the aforesaid consequence is disparaging the respondents' reputation. Learned counsel has drawn the attention of the Court to various web pages to submit that the names of the universities are not appearing exactly in terms of the rankings



given by NIRF.

5. A perusal of the record would show that the appellant has placed on record emails which show that there were discussions between the parties wherein proposals for lead generation for the respondent universities were exchanged. The respondents, through an email dated 23.02.2020, also showed interest in the same and gave the go-ahead to the appellant to start the campaign. Apparently, the talks could not fructify, and the respondents filed the underlying suits for injunction with the following prayers:-

“01. Pass a decree of Permanent and Mandatory Injunction against the defendant thereby restraining it and/or its servants, agents and other associates from using the name, information, details about the plaintiff university on the website www.getmyuni.com.

02. Direct the defendant to delete the name, information and details related to the plaintiff university on its website www.getmyuni.com.

03. Direct the defendant to pay damages of Rs. 10,00,000/- to plaintiff.”

6. Along with the suits, the respondents had filed documents relating to the universities, like the gazette notification, authority letter, master data, accolades received, and the communications exchanged between the parties. The documents also include the search results displayed on the search engine www.google.co.in as well as on the appellant’s website www.getmyuni.com. The Trial Court, while passing the impugned order, has failed to appreciate that there is no evidence to show that the appellant has tinkered with the NIRF rankings, added its own editorial comments on the rankings, or commented on the quality of the services provided by the ranked institutions. As noted above, various colleges are shown as per the NIRF rankings as well as per the rankings by other platforms like ‘The Week’ and ‘India Today’. Further, a zone-wise ranking is there, which



includes a ‘featured ranking’. The aforesaid list had shown the respondent universities as having a score of 4.1 out of 5. It is an unconvincing argument made by the respondent that the rankings per se, shown on the website, are disparaging to its professional reputation when the rankings displayed on the website are referenced to the rankings available in the public domain and are open-sourced.

7. The respondent has neither challenged the rankings made by the ranking agencies, nor has it exercised its right to be forgotten by making a request to Google to efface its existence from the Google search results.

8. The respondent is aggrieved by the hyperlink provided on the appellant’s website that links the appellant’s website to the respondent’s website. However, there is no allegation of appropriation of the intellectual property of the respondents by the appellant or any attempt to claim association with the respondents’ marks.

9. The respondents are unable to make out a *prima facie* case in their favour. The appellant has a right to use publicly available information about the respondents, as long as the same is not disparagingly presented by the appellant, as explained above. Hence, the impugned orders in both the appeals are set aside.

10. Both the present appeals are disposed of in the above terms along with the pending applications.

MANOJ KUMAR OHRI
(JUDGE)

FEBRUARY 17, 2026

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