


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13959/2025

Professor Mahipal Sihag Son Of Shri Ramjas Sihag

----Petitioner

Versus

The Chancellor

----Respondent

For Petitioner(s) : Dr. Savita Sihag, Adv.
For Respondent(s) : Mr. Rajendra Prasad, Advocate
General with Ms. Dhriti Ladha,
Mr. Sheetanshu Sharma
Mr. R.N. Mathur, Sr. Advocate assisted
by Mr. Manasvi Tyagi, Mr. Kunal
Sharma, Mr. Sarthak Rastogi
Mr. A.K. Sharma, Sr. Advocate
assisted by Mr. Rachit Sharma

HON'BLE MR. JUSTICE SAMEER JAIN

Order

07/01/2026

1. The present petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of writ of *quo warranto* to the respondents, to direct removal of private respondent No.5 from the post of Vice Chancellor (now Kulguru) of the University of Rajasthan and for declaration of the appointment order dated 25.09.2023 as null and void *ab initio*.

2. Learned counsel for the petitioner has submitted that the appointed Vice-Chancellor, Respondent No. 5 is not eligible for the said post as she has concealed registration of criminal proceedings against her. It is submitted that she is not eligible for the said post on account of various reasons, and that regularly, representations are filed before various authorities, in this regard,

however, the same are not answered. Therefore, being aggrieved of the said action of the respondents, the present petition is filed.

3. Qua the Respondents i.e. State of Rajasthan, represented by learned Advocate General, for the respondent No.5, represented by learned Senior Counsel, Mr. R. N. Mathur and for the University, which is represented by learned Senior Counsel, Mr. A. K. Sharma, vehement preliminary objections are raised. Mr. R. N. Mathur, learned Senior Counsel has submitted that petitioner is a chronic litigant and habitual to commit offences and irregular activities; in support of the said contention, learned Senior Counsel has placed reliance upon the documents annexed in the petition. For the sake of reference the same is reproduced herein below:

ADJ, CHOMU	Appeal No.11/2022	Conviction vide order dated 20.02.2023
ADJ, CHOMU	Appeal No.12/2022	Conviction vide order dated 20.02.2023
CJ & JM, CHOMU	Case No.440/2016 (FIR No.267/2008), police Station Chomu	Cognizance taken vide order dated 01.09.2022.Trial proceeding continues
Additional Chief Metropolitan	Case No.38578/2017	Charges already framed
Magistrate Court No.2, Jaipur Metro	FIR No.0137/2017, Police Station Gandhinagar	Trial proceeding continues

4. It is also submitted that petitioner has filed as many as twenty eight writ petitions before this Court against the University and its employees within a short span of preceding three years. Nonetheless, the petitioner is being engaged in concurring

litigation filed merely to harass of authorities, moreover, for the purpose of publicity and fulfillment of ulterior motives. The detailed list of the said litigation is reproduced hereinbelow:-

Serial No.	Case Type	Parties name	Advocate Name
1.	CMCW/456/2023	PROFESSOR MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG versus UNIVERSITY OF RAJASTHAN	Dr. Savita Sihag
2.	CRLMP/6666/2025	MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG, versus THE STATE OF RAJASTHAN	Dr. Savita Sihag
3.	CRLMP/102/2025	MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG, Versus STATE OF RAJASTHAN	Dr. Savita Sihag
4.	CRLMP/89/2025	MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG, Versus STATE OF RAJASTHAN	Dr. Savita Sihag
5.	CRLMP/5069/2024	DR. MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG,	Dr. Savita Sihag
6.	CRLMP/9563/2022	DR. MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG, Versus STATE OF RAJASTHAN	Dr. Savita Sihag
7.	CRLR/686/2023	DR. MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG Versus STATE OF RAJASTHAN	Dr. Savita Sihag
8.	CRLR/685/2023	DR. MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG Versus STATE OF RAJASTHAN	Dr. Savita Sihag
9.	CRLR/1798/2022	DR. MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG Versus STATE OF RAJASTHAN	Dr. Savita Sihag
10.	CW/13959/2025	PROFESSOR MAHIPAL SIHAG SON OF SHRI RAMJAS SIHAG Versus THE CHANCELLOR	Dr. Savita Sihag
11.	CW/20712/2023	PROFESSOR MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG Versus UNIVERSITY OF RAJASTHAN	Dr. Savita Sihag
12.	CW/17926	PROFESSOR MAHIPAL SINGH	Dr. Savita

	/2023	SIHAG SON OF SHRI RAMJAS SIHAG Versus UNIVERSITY OF RAJASTHAN	Sihag
13.	CW/10074 /2023	DR. MAHIPAL SINGH SIHAG S/O SHRI RAMJAS SIHAG Versus THE UNIVERSITY OF RAJASTHAN	Dr. Savita Sihag
14.	CW/6618/ 2023	DR. MAHIPAL SINGH SIHAG	Dr. Savita Sihag
15.	WRW/171/ 2023	PROFESSOR MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG Versus UNIVERSITY OF RAJASTHAN	Dr. Savita Sihag
16.	CW/2488/ 2024	PROFESSOR MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG Versus THE CHANCELLOR, UNIVERSITY OF RAJASTHAN	Dr. Savita Sihag ABHINAV SHARMA
17.	CW/11133 /2023	DR. MAHIPAL SINGH SIHAG S/O SHRI RAMJAS SIHAG Versus UNIVERSITY OF RAJASTHAN	DR. SAVITA SIHAG AJIT MALOO
18.	CW/5616/ 2022	DR. MAHIPAL SINGH SIHAG S/O SHRI RAMJAS SIHAG Versus STATE PUBLIC INFORMATION OFFICER CUM COMMISSIONER	DR. SAVITA SIHAG DR. V.B. SHARMA AAG
19.	CW/12249 /2023	PROFESSOR MAHIPAL SINGH SIHAG SON OF SHRI RAMJAS SIHAG Versus UNIVERSITY OF RAJASTHAN	DR. SAVITA SIHAG MUKESH KUMAR VERMA
20.	CW/20741 /2023	PROF. MAHIPAL SINGH SIHAG S/O SHRI RAMJAS SIHAG Versus THE UNIVERSITY OF RAJASTHAN	DR. SAVITA SIHAG PRAGYA SETHIA

5. It is further contended that the conduct of the petitioner can also be reflected from various other cases which are filed before the various courts including session courts which are reproduced as under:

Court No.	Case No.	Title
Addl. Chief Metropolitan Magistrate Court No.2, Jaipur	38/20174	Dr. Mahipal Sihag Vs. Dr. Dev Swaroop &

Metro 1		413 Ors.
Addl. Chief Metropolitan Magistrate Court No.2, Jaipur Metro 1	93/2017	Dr. Mahipal Sihag Vs. Prof. Ram Dev Gurjar & Dr. Rabindra Nath
Addl. Chief Metropolitan Magistrate Court No.2, Jaipur Metro 1	98/2017	Dr. Mahipal Sihag Vs. Dr. JP Jat
Addl. Chief Metropolitan Magistrate Court No.2, Jaipur Metro 1	3842/2017	Dr. Mahipal Sihag Vs. Professor Ram Dev Gurjar
Addl. Chief Metropolitan Magistrate Court No.2, Jaipur Metro 1	1304/2023	Dr. Mahipal Sihag Vs. Dr. Rajeev Jain & 16 Ors.

6. Learned counsel for the respondents have unanimously also submitted that present petition suffers from extreme delay and laches and on this sole ground, the petition is ought to be dismissed; it is apprised that the order impugned is dated 25.09.2023 and the writ petition is filed after a delay of almost two years without providing any reasonable explanation or sans any plea of condonation of delay. It is also submitted that the concealment which is released on the part of Vice-Chancellor, Respondent No.5 pertaining to Criminal Petition No. 685/2019 is also a misnomer. It is submitted that in the said case, petitioner has alleged as many as 414 persons including the then Vice-Chancellor, University of Rajasthan, Head of University of Department(s), Professors, Subject Experts from other Universities, and State Government, in which Court has found no merit and no cognizance was taken.

7. It is further submitted that one criminal complaint which is further alleged, numbering 1304/2023 was filed on 11.08.2023 and the form which was submitted by Respondent No. 5 (now Kulguru) was dated 22.08.2023 and she was not aware as

no notices were received. It is further submitted that the petitioner has not made any specific allegations against Respondent No.5 and that the cases are filed with ulterior motive and are absolutely frivolous, *asmuchas*, that the same are dismissed, and no appeal is filed as such.

8. It is also submitted that the writ of *quo warranto* cannot be issued unless there is break-in and violation of statutory provisions or law. It is submitted that it is not the case of the petitioner for violation of statutory provisions and that the present petition is filed with ulterior motives, out of malice rather is a sheer attempt to gain popularity and to harass the private respondent and allege the University, for no patent irregularity.

9. It is also apprised to the Court that the petitioner has not disclosed material facts as that he himself was suspended from the University and removed from the post of Head of Department from 25.03.2017 to 05.07.2017. Thence, it is evident that the instant petition lacks *bona fides*, and is ought to be dismissed at the threshold.

10. In this regard, reliance is placed upon the ratio encapsulated in **AIR 2024 SC 135** titled **Dr. Premachandran Keezhoth & Anr. Vs. Chancellor Kanpur University & Ors.**, whereby, it was held that the jurisdiction of High Court while issuing a writ of *quo warranto* is limited one and can only be issued when the person holding the public offices lacks the eligibility criteria or when the appointment is contrary to statutory rules. It was also held that the person whose challenges has to have *bona fides* and the same should be in the public interest. For

the sake of handiness the relevant extract from the afore-relied ratio is reproduced herein below:

"27. Quo warranto is a judicial remedy against an intruder or usurper of an independent substantive public office or franchise or liberty. The usurper is asked 'by what authority' (quo warranto) he is in such office, franchise, or liberty. A writ of quo warranto thus poses a question to the holder or occupier of a public office, and that question is: "Where is your warrant of appointment by which you are holding this office?" If the answer is not satisfactory, the usurper can be ousted by this writ.

28.

29.....

30. Quo warranto is a remedy or procedure whereby the State inquires into the legality of the claim which a party asserts to an office or franchise, and to oust him from its enjoyment if the claim be not well founded, or to have the same declared forfeited and recover it, if, having once been rightfully possessed and enjoyed; it has become forfeited for mis-user or non-user.

31. In B.R. Kapur v. State of T.N. and Anr. reported in : (2001) 7 SCC 231, after referring to Halsbury's Laws of England, Words and Phrases and leading decisions on the point, it was observed that a writ of quo warranto is a writ which lies against the person who is not entitled to hold an office of public nature and is only a usurper of the office. Quo warranto is directed to such person who is required to show by what authority he is entitled to hold the office. The challenge can be made on various grounds, including the ground that the possessor of the office does not fulfill the required qualifications or suffers from any disqualification, which debars him to hold such office. It was further stated that on being called upon to establish valid authority to hold a public office, if such person fails to do so, a writ of quo warranto shall be directed against him. It shall be no defence by the holder of the office that the appointment was made by the competent authority, who under the law is not answerable to any court for anything done in

performance of duties of his office. The question of fulfilling legal requirements and qualifications necessary to hold a public office would be considered in the proceedings independent of the fact as to who made the appointment and the manner in which the appointment was made.

32. Any person may challenge the validity of an appointment of a public office, whether any fundamental or other legal right of his has been infringed or not. But the court must be satisfied that the person so applying is bona fide and there is a necessity in public interest to declare judicially that there is a usurpation of public office. If the application is not bona fide and the applicant is a mere pawn or a man of straw in the hands of others, he cannot claim the remedy. Though the applicant may not be an aspirant for the office nor has any interest in appointment, he can apply as a private relator, or an ordinary citizen.

33. These rival submissions would need to be analyzed. However, before we enter into a substantive analysis of the submissions, it would be appropriate to deal with the procedural objection regarding the limits of the writ of quo warranto."

(Emphasis supplied)

11. Heard.

12. Considering the foregoing arguments and vehement preliminary objections raised, specially taking note of the facts tabulated hereinabove, and the ratio encapsulated in **Dr. Premachandran Keezhoth & Anr. (Supra)**, this Court deems it proper that before entertaining the petition on merits/demerits, it is appropriate that a cost of Rs. 5 lakhs be deposited by the petitioner to substantiate his bona fides, with the Registrar General, Rajasthan High Court, within a period of seven days, from the date of passing of this order, failing which the present

petition shall stand dismissed automatically, without further reference to the Bench.

13. If the same is deposited within time, the matter be listed for consideration.

(SAMEER JAIN),J

CHANDAN /28