



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 7291/2025

Anuj Kumar Kumawat Son of Shri Bajrang Lal Kumawat, aged about 38 Years, Resident of A-47, Kailash Nagar, Jhotwara, Jaipur-302012.



-----Petitioner

Versus

1. State of Rajasthan, through Chief Secretary, Secretariat, Rajasthan, Jaipur.
2. Dr. Bhimrao Ambedkar Law University, Jaipur through its Vice Chancellor.
3. The Controller of Examination, Dr. Bhimrao Ambedkar Law University, Jaipur through its Vice Chancellor.
4. The Principal, Mahavir Law College, Sector-4, Kiran Path, Mansarovar, Jaipur.

-----Respondents

For Petitioner(s) : Mr.Anuj Kumar Kumawat, In-Person

JUSTICE ANOOP KUMAR DHAND

Order

04/07/2025

1. The instant writ petition has been filed by the petitioner with the following prayer:-

"It is, therefore, most respectfully prayed that this writ petition may kindly be accepted and allowed and be further pleased to:

(I) Issue a writ of Mandamus or any other appropriate writ, order or direction, directing the Respondents to investigate and remove biased, inflammatory and inappropriate content from academic examinations and materials;

(II) Issue directions to the Respondents to take strict action against the individuals responsible



for including the offensive passage in the examination question paper;

(III) Direct the Respondents to issue a public apology for including such content, which disrespects the Hon'ble Supreme Court and hurts religious sentiments.

(IV) Any other order or direction that this Hon'ble Court deems fit in the interest of justice."



2. The petitioner appeared in-person and submits that he is is a First Year Law student of the Mahaveer Law College and the respondent-University had conducted examinations of Legal Languages, Legal Writing and General English for the LL.B. First Year of the Session 2023-24 on 12.08.2024. He submits that some passages of the question paper, made certain comments, on the judgment of Ayodhya Ram Janmabhoomi – Babari Mosque, which were highly misconceived, biased and inflammatory, which might outrage religious sentiments, violating Section 295A IPC and Article 25 of the Constitution of India. He submits that the prayer sought in this writ petition be granted by issuing appropriate directions.

3. Heard and considered the submissions made at the Bar and perused the material available on record.

4. Challenging certain portion of a question paper solely on the ground that it hurts religious sentiments under Section 295A IPC, is not legally sustainable/tenable, unless it is established that the content was included, in the question paper, with deliberate and malicious intent to outrage religious feelings or to violate specific statutory provisions. The academic freedom and the autonomy of educational institutions should not be curtailed and compromised



merely on the basis that subjective language has alleged to have hurt sentiments, unless there is a clear breach of law or the language used therein is contemptuous, offensive or defamatory. Except the petitioner, no other student, who has attempted the question paper and appeared therein, has raised any objection to the content of the question asked to them by the University.

5. An academic or personal opinion expressed by a Student or Teacher or Scholar on a legal judgment, even one involving sensitive issues, cannot be equated with any religion attack. If a citizen writes an essay or critique on a verdict of the Court, reflecting personal interpretation, the same must be viewed as a positive and constructive exercise in legal reasoning and critical analysis, so long as it does not amount to contempt of Court. The Right to Freedom of Speech and Expression under Article 19 of the Constitution of India, includes the liberty to express one's opinion.

6. The Right to Freedom of Speech and Expression guaranteed under Article 19(1)(a) of the Constitution of India, is a cornerstone of democracy, allowing the citizens to express their views and opinions freely. This Right is not absolute and the same is subject to reasonable restrictions under Article 19(2) of the Constitution of India. Any critical analysis of a judgment, therefore, must take into account both the scope of Fundamental Rights and the permissible limitations, imposed to balance individual freedom with social needs.

7. Fair criticism of a verdict is permissible to some extent, provided it is founded on reasons and not driven by malice and such criticism must not be contemptuous, offensive, defamatory or derogatory in nature. Whatever question was asked in the





examination paper, was merely an expression of view of the Examiner, but in any case, the same has not hurt the sentiments of any other students except the petitioner. Law must be governed by reasons and not by sentiments.

8. The contents and the prayer of this writ petition is found to be misconceived and the same has no merit. Hence, the relief sought for cannot be granted by this Court. Accordingly, this writ petition is liable to be and is hereby rejected.

9. Stay application and all pending application(s), if any, also stand dismissed.

10. No order as to costs.

(ANOOP KUMAR DHAND),J

Aayush Sharma /21

