



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

Judgment Reserved on: 25.02.2026

%

Judgment Delivered on: 29.05.2026

+ **W.P.(C) 2600/2026**

SUBHASH THEEKKADAN

.....Petitioner

Versus

UNION OF INDIA AND OTHERS

.....Respondents

Advocates who appeared in this case

For the Petitioner : Mr. Vineeth S. Varkalavila and Dr. M.P. Raju, Advocates along with Petitioner in person.

For the Respondents : Mr. Chetan Sharma, ASG with Ms. Manisha Agrawal Narain, CGSC, Mr. Ankur Mittal, CGSC, Mr. Amit Gupta, Ms. Ipshita Dutta, Ms. Rabaica Jaishwal, Mr. Naman, Mr. Shubham Sharma and Mr. Yashwardhan Sharma, Advocates for UoI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

1. This Writ Petition has been filed under Article 226 of the Constitution of India, 1950 in the nature of Public Interest Litigation (“PIL”), *inter alia*, with the following prayers:



- “a) Issue an appropriate writ, order, or direction declaring that the nomination of Respondent No. 3 to the Council of States (Rajya Sabha) under Notification No. S.O.3196(E) dated 12 July 2025 is unconstitutional and violative of Article 80(3) of the Constitution of India;
- b) Issue a writ of Certiorari quashing the impugned nomination of Respondent No.3;
- c) Declare that the nomination of Respondent No. 3 is unconstitutional, arbitrary, and void ab initio, as Respondent No. 3 does not possess the special knowledge or practical experience mandated under Article 80(3) of the Constitution;
- d) Issue a writ of mandamus or any other appropriate writ, order or direction restraining Respondent No. 3 from functioning, acting, or discharging any duties as a nominated Member of the Rajya Sabha pursuant to the impugned nomination;
- e) Issue a writ of Mandamus directing the Respondents to produce before this Hon’ble Court the entire original records, files, notings, recommendations, and material relied upon in making the impugned nomination;
- f) Issue a writ of quo warranto declaring the nomination of Respondent No. 3 under Article 80(3) as unconstitutional and void;
- g) Declare that political work or party loyalty cannot be equated with social service under Article 80(3);
- h) Direct the Union of India to establish objective and transparent guidelines for nominations under Article 80(3), ensuring that nominations are made only on the basis of demonstrable and independent excellence in the specified fields;”

2. The Petitioner is a practising Advocate before the Supreme Court of India, a social activist, and a member of the Supreme Court Bar Association. It is asserted that the present PIL has been instituted *bona fide* and in public interest, without any personal, political, or collateral motive, with the avowed object of ensuring transparency and adherence to constitutional principles in parliamentary nominations.
3. The Petitioner states that he has filed a sanction petition seeking initiation of contempt proceedings against the Hon’ble Vice President of



India in respect of alleged remarks concerning the judiciary. It is, however, acknowledged that the Petitioner has not previously instituted any PIL before any Court.

4. The challenge in the present Petition is directed against the nomination of Respondent No. 3, Mr. C. Sadanandan Master, to the Rajya Sabha under Article 80(3) of the Constitution of India, which empowers the Hon'ble President of India to nominate twelve persons possessing "special knowledge or practical experience" in the fields of literature, science, art, and social service.

5. *Vide* Notification dated 12.07.2025, four individuals came to be nominated to the Rajya Sabha under Article 80(3) of the Constitution of India. The Petitioner contends that, of the four nominees, three possess nationally recognised eminence and substantial special knowledge or practical experience in the fields contemplated by Article 80(3) of the Constitution of India. In contrast, it is alleged that Respondent No. 3 does not, based on of material presently available in the public domain, disclose any comparable nationally recognised specialisation, academic distinction, or substantial contribution in the fields of literature, science, art, or social service. It is further contended that the absence of demonstrable material evidencing the qualifications contemplated by Article 80(3) of Constitution of India gives rise to a serious constitutional concern as to compliance with the mandatory requirements of the said provision.

6. It is further contended that, although the nomination is formally made in the name of the Hon'ble President of India, it is in substance an executive act of the Union of India as the Hon'ble President of India acts on the aid



and advice of the Council of Ministers in terms of Article 74 of the Constitution of India. On that basis, it is submitted that the impugned action is amenable to judicial review under Articles 32 and 226 of the Constitution of India.

7. The Petitioner further submits that the procedure adopted for nomination under Article 80(3) of the Constitution of India remains opaque and undisclosed, there being no publicly known structured mechanism governing the identification, evaluation, or selection of persons possessing “special knowledge or practical experience” within the meaning of that provision. It is contended that, in the absence of a declared and transparent procedure, a legitimate apprehension arises that the nomination process may be reduced to political discretion rather than a merit-based constitutional evaluation.

8. The Petitioner also submits that the scope and meaning of Article 80(3) of Constitution of India requires authoritative interpretation by this Court so that the provision is not rendered illusory. Accordingly, a direction is sought to Respondent Nos. 1 and 2 to produce before this Court the original records, file noting, recommendations, and all material relied upon for determining the eligibility of Respondent No. 3, to enable meaningful judicial scrutiny.

9. The learned Counsel for the Petitioner submitted that Respondent No. 3 is admittedly an active politician and presently holds the office of State Vice President of the Bharatiya Janata Party. It was further submitted that the background and experience of Respondent No. 3 are predominantly political in nature, having contested the 2016 and 2021 Assembly Elections,



and that he does not possess the special knowledge or practical experience in the fields of literature, science, art, or social service, as contemplated by Article 80(3) of the Constitution of India.

10. The learned Counsel for the Petitioner further submitted that, during the Constituent Assembly Debates, the framers of the Constitution underscored that the category of nominated members under Article 80(3) of the Constitution of India was intended to enrich the Council of States with the wisdom and expertise of eminent persons in specialised fields, and not of active politicians. It was urged that any deviation from this constitutional design by nominating persons, who do not fall within the indicated categories would undermine the constitutional purpose and spirit of Article 80(3) of the Constitution of India.

11. The learned Counsel for the Petitioner submits that the nomination of Respondent No. 3, allegedly founded solely on political affiliation and devoid of the constitutionally mandated merit, is *ex facie* unconstitutional, arbitrary, and violative of Article 80(3) of the Constitution of India.

12. It was also submitted by the learned Counsel for the Petitioner that immediate judicial intervention is warranted, as those allegedly affected by the impugned constitutional action may not be in a position to approach this Court individually. The present Petition is, therefore, stated to have been filed as a PIL on their behalf, in the interest of justice and constitutional governance.

13. It is further submitted by the learned Counsel for the Petitioner that Article 80(3) of the Constitution of India embodies the constitutional intent that eminent individuals possessing special knowledge or practical



experience in the fields of literature, science, art, or social service should contribute to the legislative process, and that any nomination inconsistent with these criteria would amount to a breach of the constitutional mandate.

14. The learned Counsel for the Petitioner further submitted that the Drafting Committee debates reflect the legislative intent underlying Article 80(3) of the Constitution of India, namely, that such nominations ought to be confined to individuals of exceptional merit in literature, science, art, or social service and ought not to become a vehicle for political favouritism or nepotism.

15. It was also submitted that members of the Constituent Assembly had expressed concern that conferring a broad power of nomination upon the Hon'ble President of India, absent adequate safeguards, could invite allegations of bias, diminish the dignity of the office, and dilute the constitutional objective of enriching parliamentary deliberations with genuine expertise. Reference was also made to alternative models, such as functional representation and advisory bodies comprising eminent persons, to emphasise that the framers did not intend nominations to be employed as a means of rewarding political loyalty.

16. On the aforesaid basis, the learned Counsel for the Petitioner submitted that the Constituent Assembly Debates make it clear that any departure from this purpose would amount to a subversion of constitutional intent.

17. In these circumstances, the Petitioner seeks a declaration that the nomination of Respondent No. 3 to the Rajya Sabha is unconstitutional and violative of Article 80(3) of the Constitution of India, along with a consequential prayer for quashing the said nomination.



18. In support, the learned Counsel for the Petitioner relied upon the decision of a Coordinate Bench of this Court in *Ram Gopal Singh Sisodia v. Union of India & Anr.*, Neutral Citation: 2012:DHC:7581-DB, wherein a PIL had been instituted seeking quashing of the nomination of Mr. Sachin Tendulkar to the Rajya Sabha on the ground that cricket did not fall within any of the categories enumerated in Article 80(3) of the Constitution of India. This Court, after examining the scope of Article 80(3) of the Constitution of India, held that sports fall within the category of art and culture and that expertise in cricket is accordingly recognised within the categories specified therein. It was further held that the expression “in respect of such matters as the following” indicates that the categories mentioned in Article 80(3) of the Constitution of India are illustrative and not exhaustive.

19. *Per contra*, the learned Additional Solicitor General (“ASG”) for Respondent No. 1 submitted that the present PIL is not maintainable, the power under Article 80(3) of the Constitution of India not being amenable to judicial review inasmuch as the Constitution of India vests the Hon’ble President of India with the discretion to nominate individuals possessing special knowledge or practical experience in the fields of literature, science, art, and social service. It was further submitted that the Petitioner has no enforceable right to question the nomination made by the Hon’ble President of India on the ground that Respondent No. 3 allegedly does not satisfy the requirements of Article 80(3) of the Constitution of India.

20. The learned ASG for Respondent No. 1 further submitted that the experience of Respondent No. 3 in the field of politics is capable of being understood within the ambit of science and social service, political service



forming part of social science and social service. On that basis, it was prayed that the present PIL be dismissed as being devoid of merit.

21. We have heard the learned Counsel for the Petitioner as well as the learned ASG for Respondent No. 1.

22. Article 80(3) of the Constitution of India provides that:

“80. *Composition of the Council of States*

(3) *The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely: --*

Literature, science, art and social service.”

23. A plain reading of the aforesaid provision indicates that the Hon’ble President of India is empowered to nominate twelve members to the Rajya Sabha from among persons possessing special knowledge or practical experience in matters such as literature, science, art, and social service.

24. The categories set out in Article 80(3) of the Constitution of India are preceded by the expression “in respect of such matters as the following”, which, as held by this Court in ***Ram Gopal Singh Sisodia*** (supra), makes it clear that the categories are illustrative and not exhaustive.

25. Consequently, the discretion vested in the Hon’ble President of India extends to the nomination of persons possessing special knowledge or practical experience in the fields expressly mentioned therein or in cognate fields relatable thereto. In that view of the matter, Article 80(3) of the Constitution of India is not amenable to judicial review merely on the ground that, according to



the Petitioner, a nominated member does not satisfy the stated criteria, since the requirement of special knowledge or practical experience is couched in broad terms and is not confined to rigid or narrowly circumscribed classes of activity.

26. Moreover, the expressions “special knowledge” and “practical experience” are inherently evaluative in character and, once the constitutional discretion has been exercised, this Court would not sit in appeal over such assessment unless the nomination bears no reasonable nexus whatsoever with the categories contemplated under Article 80(3) of the Constitution of India.

27. The constitutional text of Article 80 of the Constitution of India neither prescribes any specific procedure for identifying persons to be nominated by the Hon’ble President of India, nor does it furnish any further definitional elaboration of the categories enumerated in Article 80(3) of the Constitution of India. This legislative design indicates an intention to confer a broad discretion, subject to the constitutional requirement that the person nominated must possess special knowledge or practical experience relatable to the fields contemplated by the provision.

28. In the absence of any further procedural stipulation in the Constitution of India, this Court, in exercise of its writ jurisdiction, cannot read into Article 80(3) of the Constitution of India additional requirements or mechanisms that the constitutional text itself does not provide, particularly when the provision cannot be said to be ambiguous, vague, or manifestly arbitrary. The submission of the Petitioner that Article 80(3) of the Constitution of India requires further judicial supplementation or interpretation in the manner suggested by the Petitioner is, therefore, without merit.



29. Insofar as the nomination of Respondent No. 3 is concerned, the submissions advanced by the Petitioner are founded upon material stated to be available in the public domain and proceed on the assumption that Respondent No. 3 does not possess the special knowledge or practical experience contemplated by Article 80(3) of the Constitution of India.

30. Such submissions, however, remain conjectural in nature. The mere circumstance that a nominated member has previously contested elections does not, by itself, render such person ineligible for nomination under Article 80(3) of the Constitution of India. As already observed, the categories specified in Article 80(3) of the Constitution of India are broad in their amplitude and do not exclude a person with a political background, provided such person otherwise possesses special knowledge or practical experience relatable, *inter alia*, to the field of social service.

31. The allegations levelled by the Petitioner against Respondent No. 3 are, therefore, unsubstantiated and bald, inasmuch as no specific material has been placed before this Court to demonstrate that Respondent No. 3 lacks the qualifications necessary for nomination under Article 80(3) of the Constitution of India, apart from the assertion that he has a political background.

32. This Court in **Ram Gopal Singh Sisodia** (supra) has observed that:

“33. We are further of the opinion that the framers of the Constitution of India, by adopting the principle of nomination in Rajya Sabha, ensured that the nation receives the services of the most distinguished persons of the country who have earned distinction in their field of activity. By nominating them to the Rajya Sabha, the State enables them to enrich the debates by their expertise and knowledge that they have in different areas.”



33. In view of the above analysis, the Petitioner has placed no material before this Court to establish that Respondent No. 3 is not a distinguished person, who has not earned distinction in his field of activity or that he would be unable to enrich parliamentary debate by reason of his expertise and knowledge in the relevant field. The apprehensions sought to be raised by the Petitioner are, therefore, speculative in nature and devoid of substance.

34. In view of the foregoing discussion, none of the reliefs prayed for by the Petitioner can be granted in the present PIL. Accordingly, the Writ Petition is dismissed as being devoid of merit. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 29, 2026

‘gsr’