

.* HIGH COURT OF DELHI: NEW DELHI

Judgment pronounced on: 30.01.2012

+ CS(OS) No.48/2008

SRI SRINGERI SHARADA INSTITUTE OF MANAGEMENT

..... Plaintiff

Through Mr. Ajay Tandon, Adv. with
Mr. Ankit Kapoor, Adv.

Versus

MR. SHAILENDRA SINGH AND OTHERS Defendants

Through Defendants already *ex parte*.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

MANMOHAN SINGH, J. (ORAL)

1. The above-mentioned suit has been filed by the plaintiff through its Chairman Swami (Dr.) Parthasarathy, seeking permanent injunction restraining the defendants from any kind of demonstration, agitation, blockade or other such acts effecting the ingress or egress of the plaintiff's employees, teachers, staff, students or any other person for and on behalf of the plaintiff inside the campus of the institute of the plaintiff at Plot No.7, Phase-II, Institutional Area, Vasant Kunj, New Delhi.

2. It is stated in the plaint that the plaintiff is one of the premier management institutes affiliated to All India Council for Technical Education (AICTE). It conducts Post-Graduate Diploma in Management (PGDM) programmes involving research based training and development

of managerial acumen. The Institute is situated at Plot No.7, Phase II, Institutional Area, Vasant Kunj, New Delhi.

3. The case against the defendants is that they are some of the students of the plaintiff-Institute. They have been indulging in unlawful activities of creating nuisance in the campus and provoking other fellow students thereby blatantly derogating the discipline and decorum of the said Institution. It is submitted that in and around March-April, 2007, some complaints were received regarding irregularity in management and administration of the institute, embezzlement of funds and corruption against Sri Sai Ramachandran and Professor C.V. Ramanan, who were the former Vice Chairman and the former Director respectively, of the plaintiff Institute. They also allowed admissions of some students in the Institute without merits and against the settled mandatory norms/eligibility criteria laid down by AICTE, for their vested interest. However, later on, the aforesaid Sri Sai Ramachandran and Professor C.V. Ramanan left/resigned from their respective posts in the institute.

4. It is further stated that on 19.04.2007, Swami (Dr) Parthasarathy was appointed as Chairman of the Institute who worked towards restoring the discipline and management activities of the Institute. The name of the Institute was also changed to Sri Sharada Institute of Indian Management Research (Sri SIIM) which was approved vide notification dated 15.10.2007. It is stated that after the new Chairman was appointed, the discipline was taken under control. The CCTV cameras were installed to monitor the activities of students during examinations as there had been occasions where students were caught cheating.

5. Plaintiff states that some students found it difficult to cope up with the new rules and regulations in the academic front as well as in the disciplinary front hence few students (the named defendants), ignited sparks of protest demanding the removal of the Chairman from the Board of Governors. Initially the protest was carried out through a website “Orkut” in the community of Sri SIIM.

6. The plaintiff states that soon the defendants got support from other persons having adverse interests in the plaintiff Institution, which included former Faculty Members and Board of Members. The defendants executed their conspiracy and soon started agitating and swayed other students as well.

7. Soon thereafter, the virtual agitation was given physical effect on 19.11.2007 when the students boycotted classes, blockaded the gates and formed unlawful assemblies thus preventing other willing students, teachers and administrative staffs entering the campus. The miscreants shouted slogans and demanded removal of the Chairman. Their placards contained writing like “No Dictator Allowed” “Go Back Swami” etc etc.

8. Plaintiff submits that a complaint was lodged in the local police station, Vasant Kunj on 22.11.2007 regarding the crisis and the lawlessness. But no action was taken by the local police. The miscreants destructed the property of the plaintiff Institute. They broke the CCTV cameras, glass doors etc.

9. Plaintiff submits that on 24.11.2007, guardians of 1st year and 2nd years students were called requesting them to take back their wards from the campus and as well as from hostel. It is specifically stated in the plaint

that defendant No. 1, 9 and 10 did not vacate the hostel premises and continued to resort to unlawful activities and used the hostel premises as their political hub. Another request was made to the SHO PS Vasant Kunj on 27.11.2007.

10. Plaintiff states that inspite of every possible ways of reconciliation, the matter got worse and the plaintiff Institute had to be closed. Again letters were sent to the guardians requesting them to take away their wards and to vacate the campus as well as hostel premises.

11. Plaintiff states that even after the campus was closed, the defendants alongwith other students carried on their unlawful activities as they are staying in the vicinity of the campus. Finally it was decided to set up a Legal Council and a Grievance Committee to look into the matter of agitation. Vide letter dated 28.11.2007 and as well as Public Notice dated 1.12.2007 published in Times of India & Indian Express, Delhi edition the students were called upon to appear before the Legal Council and Grievance Committee and to put across their grievances.

12. Most of the students who were behind the agitation gave their respective apologizes and undertakings, assuring full cooperation. After a meeting held on 31.02.2007, it was decided that after the review of the situation by the Legal Council, the campus would be reopened. Finally the campus was reopened.

13. The plaintiff states that on 04.01.2008, the Director alongwith some of the members of the Board of Governors visited the campus but the defendant did not let them enter the premises and again resorted to violence and shouted slogans that until the Chairman is removed they would not

allow to function properly thus making it difficult for the plaintiff in smooth functioning of the Institute and also making it difficult for other willing students to attend class.

14. Along with the suit, an application under Order XXXIX, Rules 1 & 2 CPC was also filed. Vide order dated 09.01.2008, an interim order was passed, restraining thereby the defendants from holding any demonstration etc. either inside or outside the campus within a radius of 200 meters of the institute of the plaintiff. The SHO of the concerned police station was also directed to provide necessary police assistance, if required. Thereafter, vide order dated 10.09.2010 the above said interim order was made absolute during the pendency of the suit.

15. The defendants in the matter were proceeded *ex parte* vide order dated 10.09.2010. In the *ex parte* evidence, the plaintiff filed an affidavit of Swami (Dr.) Parthasarathy (PW-1) as Ex.PW-1/A, in which he has reiterated all the averments as stated in the plaint and also proved on record the following documents:-

- Ex.PW1/1 Extract of Minutes of the Resolution dated 31.12.2007.
- Ex.PW1/2 Certificate of approval granted by AICTE to the plaintiff-institute to conduct PGDBM Course.
- Ex.PW1/3 Site plan of the premises of the plaintiff-Institute.
- Ex.PW1/4 Notification dated 15.10.2007 by which the name of the plaintiff-Institute was changed.
- Ex.PW1/5 Message on Orkut by the defendants regarding alleged removal of Swami (Dr.) Parthasarathy as Chairman.
- Ex.PW1/6 Photographs of the agitating students.

- Ex.PW1/7 Letter dated 22.11.2007 written by Shri B.S. Ahluwalia, Dean (P&A) to the SHO, P.S. Vasant Kunj.
- Ex.PW1/8 Letter dated 24.11.2007 sent by the Dean to all the guardians of 1st and 2nd year, requesting them to advise their wards to desist from creating chaos and unrest in the campus of the plaintiff institute.
- Ex.PW1/9 Another letter dated 27.11.2007 signed by the Member Secretary and Director on behalf of the Board of Governors to the SHO, P.S. Vasant Kunj.
- Ex.PW1/10 Letter dated 28.11.2007 signed by aforesaid persons to the guardians of the defendants with a request to take back their wards with immediate effect and to vacate the hostel.
- Ex.PW1/11 Public Notice dated 01.12.2007 published in Delhi Edition of Indian Express, by plaintiff.
- Ex.PW1/12 Report-cum-recommendation dated 29.12.2007 by the Legal Council.
- Ex.PW1/13 Affidavits and letters signed by some of the students.

16. The statement of PW.1 has gone unrebutted. After having considered the statement made in the plaint and the evidence produced by the plaintiff coupled with the documents detailed above, I am of the considered view that the suit of the plaintiff is liable to be decreed. Thus, the suit of the plaintiff is decreed in favour of the plaintiff and against the defendants. Accordingly, the defendants by themselves and/or by their friends, agents, servants, representatives or by any other person on their behalf, are restrained permanently from holding any demonstration, dharna, agitation, blockade or other such acts effecting the ingress or egress of the plaintiff's employees, staff, teachers, students, Chairman, other Members of the Board of Governor, servants or any other person for and on behalf of

the plaintiff, inside the campus of the institute at Plot No.7, Phase-II, Institutional Area, Vasant Kunj, New Delhi or even outside the campus. A decree be drawn accordingly. All other pending applications, if any, stand disposed of.

MANMOHAN SINGH, J.

JANUARY 30, 2012