

GAHC010037382023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1037/2023

KAMALESHWAR CHUTIA
S/O SHRI SHIVANATH CHUTIA R/O VILL. SATULA CHUK P.O. SISSIBOR
GAON P.S SILAPATHAR DIST. DHEMAJI ASSAM PIN 786110

VERSUS

THE DIBRUGARH UNIVERSITY AND 7 ORS (
REP BY THE REGISTRAR DIBRUGARH DIST. DIBRUGARH ASSAM PIN
786004

2:THE VICE CHANCELLOR
DIBRUGARH UNIVERSITY P.O. DIBRUGARH UNIVERSITY DIST.
DIBRUGARH ASSAM PIN 786004

3:THE REGISTRAR
DIBRUGARH UNIVERSITY P.O. DIBRUGARH UNIVERSITY DIST.
DIBRUGARH ASSAM PIN 786004

4:THE DEAN
STUDENT AFFAIRS DIBRUGARH UNIVERSITY P.O. DIBRUGARH
UNIVERSITY DIST. DIBRUGARH ASSAM PIN 786004

5:THE ANTI RAGGING COMMITTEE
DIBRUGARH UNIVERSITY REP .BY ITS CHARIPERSON MEMBER
SECRETARY DIBRUGARH UNIVERSITY P.O. DIBRUGARH UNIVERSITY
DIST. DIBRUGARH ASSAM PIN 786004

6:THE CHIEF WARDEN/THE ASSOCIATE CHIEF WARDEN
DIBRUGARH UNIVERSITY DIST. DIBRUGARH ASSAM PI 786004

7:THE DISCIPLINARY ACTION COMMITTEE (DAC)
DIBRUGARH UNIVERSITY REP BY ITS CHAIRPERSON P.O. DIBRUGARH
UNIVERSITY DIST. DIBRUGARH ASSAM PIN 786004

8:THE DEPUTY COMMISSIONER

DIBRUGARH
DIST DIBRUGARH ASSAM PIN 78600

Advocate for the Petitioner : MS M BORAH
Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-03-2023

Heard Ms. M. Borah, learned counsel for the petitioner and Mr. R. Mozumdar, learned Standing Counsel, Dibrugarh University for the respondents.

2) The petitioner is a 3rd Semester M.Sc. student of the Department of Mathematics in Dibrugarh University and stays in the Padmanath Gohain Boruah Chatra Nivas University Hostel in Room No. 304, Block-A 2nd Floor.

3) Pursuant to the recommendation of the Anti Ragging Committee (ARC) of the Dibrugarh University in its meeting held on 30.11.2022 and after establishment of guilt and in consideration of the recommendations of the Anti-Ragging Squad (ARS) the Registrar of Dibrugarh University, Dibrugarh vide order No.DU/RG/B.01.11/2022/5500 dated 30.11.2022, imposed punishment upon the petitioner as per the Clause-7 (B) (IX) of the Dibrugarh University Regulations for Prohibiting Ragging and Anti-Ragging Measures - 'Expulsion from the Institution and consequent debarring from admission to any other Institutions for three years with immediate effect.'

4) By the said order dated 30.11.2022, the Registrar of the University directed the Head/Warden of the concerned Department/Hostel to execute the said order and report back to the said authority.

5) Petitioner submitted that without providing him the Report of the ARC of Dibrugarh University impugned action of expelling him from the said University.

6) With effect from 12.01.1999 the Assam Prohibition of Ragging Act, 1998 came into force. Section 8 of said 1998 Act relates to appeal which provides that any student aggrieved by an order of rustication or expulsion may prefer an appeal against the order of the Head of

the Education Institution or the person responsible for management of the Educational Institution, as the case may be.

7) On specific instruction, Mr. Mozumdar, learned Standing Counsel, Dibrugarh University submitted that the petitioner has already preferred an appeal before the Registrar, Dibrugarh University, though he is required to file such appeal before the Executive Council of the Dibrugarh University through its Registrar.

8) Considering the above, the petitioner is directed to prefer an appeal afresh before the Executive Council of the Dibrugarh University through its Registrar forthwith, along with the certified copy of this order and a copy of this writ petition including the Annexures appended thereto.

9) In the event of filing any such appeal by the petitioner before the authority concerned, as directed above, the Executive Council of the Dibrugarh University within a period of thirty (30) days shall dispose of the said appeal of the petitioner in accordance with law, giving an opportunity of hearing to the petitioner.

10) On his such prayer, regarding continuation of his M.Sc. class in the subject of Mathematics in the said University, the said appellate authority of Dibrugarh University shall also consider the same and shall pass necessary order considering the fact that the petitioner does not have to lose any academic year, if possible, following certain reasonable and executable terms and conditions applicable for a student.

11) With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant