

GAHC010017612023



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

Case No. : WP(C)/7881/2022

GALAB DEKA
S/O. DR. HIRANYA KUMAR DEKA
VILL. BELSOR
P.O. AND P.S. BELSOR
DIST. NALBARI
ASSAM
PIN-781304.

VERSUS

THE DIBRUGARH UNIVERSITY AND 3 ORS
REP. BY THE REGISTRAR
DIBRUGARH
ASSAM
PIN-786004.

2:THE VICE CHANCELLOR
DIBRUGARH UNIVERSITY
DIBRUGARH
ASSAM
PIN-786004.

3:THE REGISTRAR
DIBRUGARH UNIVERSITY
DIBRUGARH
ASSAM
PIN-786004.

4:THE ANTI RAGGING COMMITTEE
REP. BY ITS CHAIRMAN
DIBRUGARH UNIVERSITY
ASSAM
PIN-786004.

Advocate for : MR. M K CHOUDHURY

Advocate for : SC

DIB. UNIVERSITY appearing for THE DIBRUGARH UNIVERSITY AND 3 ORS

B E F O R E

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

14-02-2023

Heard Mr. M.K. Choudhury, learned senior counsel assisted by Mr. M. Biswas, learned counsel for the petitioner. Also heard Mr. R. Mazumdar, learned Standing Counsel, Dibrugarh University for the respondents.

2. The petitioner is a student of master Degree in Life Sciences (Zoology) in the Dibrugarh University, Dibrugarh pursuing 3rd Semester in the said subject and is also a Prefect of Padmanath Gohain Baruah Chatra Nivas, which is within its campus.

3. Pursuant to the recommendation of the Anti Ragging Committee (ARC) of the Dibrugarh University, in its meeting held on 18.11.2022 and 21.11.2022, the Registrar of the Dibrugarh University by the order dated 28.11.2022, served notice of expulsion of 18 students, including the petitioner, from the Hostel with immediate effect on the ground that they are involved in several ragging activities under Clause 6 of the "Dibrugarh University Regulation for Prohibiting Ragging and Anti Ragging Measures".

4. Further, pursuant to the recommendation of the ARC of the Dibrugarh University in its meeting held on 30.11.2022, the petitioner was imposed the punishment of expulsion from the Dibrugarh University and

barring him from admission in any other institution for three years with immediate effect, by an order dated 30.11.2022.

5. It is the case of the petitioner that prior to the issuance of the orders dated 28.11.2022 and 30.11.2022, he was neither given an opportunity of hearing nor was the petitioner involved in the act of assault of the said student and, in-fact, the petitioner had taken the injured student to the hospital. However, the same is denied by Mr. R. Mazumdar, learned Standing Counsel, Dibrugarh University, on the basis of instructions received from the Dibrugarh University.

6. Being aggrieved with the orders dated 28.11.2022 and 30.11.2022, the petitioner is before this Court by way of the present writ petition.

7. During the course of hearing, Mr. R. Mazumdar, learned Standing Counsel, Dibrugarh University proposes that if the petitioner files an appeal before the Executive Council within a period of one week by taking all grounds, the Executive Council will take a decision on the matter within a period of two weeks from the date of receipt of the said appeal.

8. The proposal made by Mr. Mazumdar, learned Standing Counsel, Dibrugarh University is also accepted by Mr. M.K. Choudhury, learned senior counsel for the petitioner.

9. Accordingly, on consensus, this writ petition is disposed of directing the petitioner to file an appeal before the Executive Council of the Dibrugarh University within a period of one week from today. Thereafter, the Executive Council, Dibrugarh University, on receipt of the appeal, shall consider and dispose of the same within a period of two weeks from the

date of receipt of the said appeal.

10. In the meantime, the authorities of the Dibrugarh University is directed to permit the petitioner to attend his 4th Semester Classes in the Department of Life Sciences (Zoology). Till the appeal is disposed of by the Executive Council, the impugned order dated 30.11.2022, by which the petitioner has been expelled, shall remain suspended.

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

JUDGE

Comparing Assistant