

GAHC010009562023



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

Case No. : WP(C)/8432/2022

KAMAL KRISHNA KAKOTI
S/O SRI BIREN KAKOTI
R/O JYOTI NAGAR
P.O.-DEMOW
DIST-SIVASAGAR
ASSAM

VERSUS

THE DIBRUGARH UNIVERSITY AND 3 ORS.
REPRESENTED 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
REPRESENTED BY ITS CHAIRMAN
DIBRUGARH UNIVERSITY
DIBRUGARH
ASSAM
PIN-786004

Advocate for : MR. U J SAIKIA

Advocate for : SC

DIB. UNIVERSITY appearing for THE DIBRUGARH UNIVERSITY AND 3 ORS.

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

27.03.2023

Heard Mr. U J Saikia, learned counsel for the petitioner and Mr. R Mazumdar, learned Standing counsel, Dibrugarh University for the respondent Nos. 1 to 3.

The respondent Dibrugarh University by an order No. DU/RG/B.01.11.2022/5519 dated 08.12.2022 on the recommendation of the Anti-Ragging Committee (ARC) in its meeting held on 08.12.2022 after establishment of guilt and in consideration of the recommendations of the Anti-Ragging Squad imposed the punishment as per Clause 7 (B) (IX) of the Dibrugarh University Regulations for Prohibiting Ragging and Anti-Ragging Measures, expelled the petitioner from the Dibrugarh University and also deprived him from admission to any other institute for a period of three years.

Being aggrieved with such imposition of penalty by the Dibrugarh University on 08.12.2022, the petitioner filed this writ petition on 22.12.2022, wherein the Court by order dated 09.01.2023 issued notice to the respondents in the Dibrugarh University.

During the deliberation of the matter, Mr. Mazumdar, Standing counsel, Dibrugarh University apprised the Court that in the other connected cases regarding imposition of penalty under Clause 7 (B) (IX) of the Dibrugarh University Regulations for Prohibiting Ragging and Anti-Ragging Measures, the Court have allowed those petitioners to prefer appeal(s) before the Executive Council (EC) of Dibrugarh University through its Registrar.

Mr. Mazumdar further submitted that as he had instruction at that relevant point of time that the Executive Council was about to sit within a period of 7 days, as such, the Court in those cases directed the Executive Council of the Dibrugarh University to consider such appeal(s) of the students on whom such penalty were imposed, as noted above.

Mr. Mazumdar, on specific instruction submitted that as on date, he does not have any such instruction as to when the next Executive Council of the Dibrugarh University will

sit again.

After hearing the learned counsels for the parties and considering the entire aspect of the matter, the petitioner is directed to prefer an appeal before the Executive Council of Dibrugarh University on or before 05.04.2023, making his necessary prayer and stating his grievances therein, obtaining necessary acknowledgment from the said authority in that regard.

In the event of filing such appeal by the petitioner, as directed above, the Executive Council of the Dibrugarh University shall consider the said appeal of the petitioner and shall dispose of the same in accordance with law and the relevant Regulations of the Dibrugarh University, preferably within a period of 30 days from its receipt, intimating the petitioner about the outcome of the same.

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

JUDGE

Comparing Assistant