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

WRIT PETITION (C) NO.2263 OF 2024

Podugu Deepika,

Roll No. 200102066,
D/O Podugu Nandan Kumar,
R/O 1-7-195/17/4/2/B/2,
Dist. Suryapet,
Pin-508213, State- Telengana.

2. Sri Jatothu Vamshi,

Roll No. 200102039,
S/O Jatothu Ravinder,
R/O 3-19/2 Ameenabad Thanda Ammenabad Chennavaopet Klarangal (Rural)
Pin- 506122,
State- Telengana.

3. Sri Perasu Srinivas,

Roll No. 200102065,
S/O Perasu Bixapathi,
R/O 3-78 Rajapur Keshavapatnam Mandal Karimnagar
Pin-505470 State- Telengana.

.....**Petitioners**

- Versus -

1. Union Of India

Represented by the Secretary (Higher Education) to the Ministry Of Education, Government Of India, New Delhi.

2. The Chairperson Of IIT Council,

Represented by the Secretary (Higher Education) to the Ministry Of Education Government of India, New Delhi.

3. The Board of Governors (BOG),

Represented by its Chairman Indian Institute of Technology, Guwahati,
North Guwahati, Pin-781039,
Dist. Kamrup (R) Assam.

4. Indian Institute of Technology, Guwahati,

Represented by the Director IIT, North Guwahati,
Pin-781039 Dist. Kamrup (R) Assam.

5. The Registrar,

Indian Institute of Technology, Guwahati,
Pin- 781039, Dist. Kamrup (R), Assam.

6. The Joint Registrar and Head of Section Students Affairs,

Indian Institute of Technology, Guwahati,
North Guwahati, Dist. Kamrup (R), Pin- 781039, Assam.

7. The Student Disciplinary Committee (SDC)

Represented by Dean, Indian Institute of Technology, Guwahati, North Guwahati,
Dist. Kamrup (R), Pin-781039 Assam.

..... **Respondents**

For the petitioners:

Mr. H.K. Das, Advocate.

For the respondents:

Mrs. N.N. Sharma, CGC,
Mr. A.B. Dey, SC, IIT.

B E F O R E

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

Dates of hearing : 17-07-24, 18-07-24, 19-07-2024 & 22.07.2024

Date of Judgment : 07-08-2024

J U D G M E N T A N D O R D E R

The petitioners before this Court are students of B. Tech, 4th year, 8th Semester of Indian Institute of Technology, Guwahati (IIT-G, in short). The petitioners belong to Electronics and Communication Engineering discipline. On 31.12.2023, the petitioners reached the IIT-G hostel from their native place and as the petitioners have already got their job offer, they decided to celebrate the New Year's Eve by pre-booking at Exoro, a rooftop restaurant situated at Bhangagarh, Guwahati. Accordingly, on the evening of 31.12.2023, they hired a Cab and all the three writ petitioners along with their friend late Pulluri Aishwarya reached the

place of celebration at Bhangagarh. During the party, all the three writ petitioners along with late Pulluri Aishwarya consumed liquor and, in the meantime, the petitioner No.2 became unstable. Therefore, at around 12.30 am, they decided to stay back in a hotel instead of going back to the hostel by taking into consideration their safety and security. Accordingly, the petitioners booked two rooms in a hotel at Paltanbazar and went to sleep. However, in the morning of 01.01.2024 at about 7.30 am, late Pulluri Aishwarya started developing breathing problems and, therefore, the petitioner No.2 immediately informed the petitioner Nos.1 and 3. Thereafter, they arranged an ambulance to take her to Gauhati Medical College and Hospital (in short, the GMCH). The petitioner Nos.1 and 3 went with late Pulluri Aishwarya in the ambulance to the GMCH and the petitioner No.2 was kept at the hotel by the hotel authorities. The parents of late Pulluri Aishwarya were also informed. In the meantime, the hotel authorities also informed the Paltanbazar Police Station and the police personnel came to the hotel and carried out necessary investigation. The IIT-G administration and the President of the Students Union were also informed about the entire incident. However, late Pulluri Aishwarya was declared dead by the GMCH doctors.

2. The petitioners received e-mails from the IIT-G authorities directing them to appear before the Student Disciplinary Committee (SDC) on 05.01.2024. The petitioners, accordingly, appeared before the SDC on 05.01.2024 wherein they

were asked to submit written statement before the Committee describing the entire incident. Accordingly, the petitioners submitted individual written statements narrating the entire incident. Thereafter, the petitioners received e-mails on 31.01.2024 attaching the impugned Communication, dated 31.01.2024, which was written by the Joint Registrar and HoS (Student Affairs) and addressed to the petitioners separately wherein the disciplinary actions initiated against them were indicated. The relevant portion of the Communication, dated 31.01.2024, reads as under:-

“Based on the interaction during the meeting, the undersigned is to convey that on approval of the Competent Authority, the following disciplinary actions have been initiated against you:

- 1. A fact-finding committee is being constituted to investigate the entire incident leading to the untimely demise of Late Pulluri Aishwarya, your association with the incident, if any.*
- 2. You are suspended from the institute with immediate effect until further orders.*
- 3. You are asked to vacate your institute hostel with immediate effect and to go home.”*

3. Thereafter, the petitioners left for their native place on 08.02.2024 inasmuch as they were suspended from the hostel. In the meantime, the Mid-Semester examination commenced from 24.02.2024 up-to 01.03.2024. However, the petitioners did not participate in the said Mid-Semester examination. The petitioners again received e-mails on 27.02.2024 from the Student Affairs Section

directing them to appear before the Fact Finding Committee on 28.02.2024. The petitioners attended the proceeding of the Fact Finding Committee on the said date. Thereafter, the petitioners received another e-mail on 22.03.2024 through the Student Affairs Section intimating that on the direction of the competent authority, another SDC meeting is proposed to be held on 26.03.2024 in the Student Affairs Conference Room and they were asked to join the said meeting by online mode. It was further stated that the petitioners would be required to join the said meeting only after being asked to do so by the Committee Member over phone. However, it is the case of the petitioners that they were not permitted to join the said SDC meeting.

In the meantime, the petitioners submitted six out of six assignments through e-mail and they also appeared in two quizzes out of four before their suspension.

4. The petitioners being anxious with regard to the delay caused in taking a decision by the Committee, submitted representations through e-mail on 27.03.2024 expressing their anxiety pertaining to their career, life, mental status and situation in their home front. The Dean of the Student Affairs was, therefore, requested to permit them to return to the campus so that they can prepare themselves for the tests and End Semester examination. Pursuant to the representation, dated 27.03.2024, the petitioners received e-mails on 27.03.2024 from the Dean of the Student Affairs wherein they were informed that they will

receive communication shortly from the SDC and the petitioners will be given a chance to present themselves. However, as time was running short and the End Semester examination was approaching on 29.04.2024, the petitioners again sent an e-mail on 04.04.2024 contending that the SDC meeting was held on 26.03.2024 but they have not received any response from the Committee. It was further stated that as the Fact Finding Committee proceedings were over, it should not be an impediment for the petitioners to return to the campus. They further stated that as the petitioners have missed their Mid Semester examination and quizzes have already begun, the petitioners requested for allowing them to return to the campus so that they can prepare for the tests and End Semester examination.

5. Thereafter, the petitioners received separate identical show-cause notices, dated 05.04.2024, by e-mail written by the Head of Section (Student Affairs) conveying that the Institute has found them guilty of certain specific charges. The relevant portion reads as under:-

“Despite making plans in advance to attend a party in the city on December 31, 2023, you failed to obtain permission from the Institute to leave the campus. Additionally, you did not comply with the requirement to log your details at the security desk register upon leaving the ITG campus on that day. According to the existing hostel regulations, you neither notified the Institute nor took permission for your overnight absence from the IIT campus. You exhibited inappropriate behaviour while under the influence of alcohol, posing a risk to the health and safety of your peers. The information about a significant medical emergency and subsequent unfortunate demise to one of the students of IT during the overnight stay away from the campus was provided very late by you.”

The Institute, therefore, found that the petitioners have violated the Clauses 3.1.2, 3.1.5, 3.1.10(f), 3.1.17, 3.1.19, 3.1.23, 3.1.24 and 3.2(r) of "*Ordinance on Code of Conduct of Students*" of the Institute (Ordinance, in short). By the said show-cause notice, the petitioners were asked to submit written statements or replies in their defence within 15 days from the date of receipt of the show-cause notice. The petitioners, accordingly, submitted their replies to the show-cause notice on 07.04.2024 denying all the charges levelled against them. The IIT-G authorities, through the Student Affairs Section, on 08.04.2024, wrote to the petitioners that it has been observed that their replies solely address the charges brought against them. However, they should respond concerning any violation of the code and conduct of the students. Accordingly, the petitioners submitted their show-cause replies again on 17.04.2024 denying all the charges. Further, the petitioners submitted representation on 17.04.2024 through e-mail requesting them to allow to continue their Semester by permitting their entry into the campus for the purpose of preparation and giving their examination.

6. The Student Affairs office by another e-mail dated 18.04.2024, directed the petitioners to appear before the SDC meeting scheduled on 22.04.2024. The petitioners, accordingly, attended the SDC meeting on 22.04.2024 physically. However, there was no decision from the IIT-G authorities to permit the petitioners to come back to the IIT-G campus and as their End Semester examination was

approaching on 29.04.2024, the petitioners submitted representations by e-mail on 24.04.2024 to the IIT-G authorities ventilating their grievances against the procedure adopted by the IIT-G authorities with regard to the delay in coming to a final decision. They, therefore, requested for an early decision on the issue so that they can participate in the examination scheduled to be held from 29.04.2024. In response, the Dean of Student Affairs sent an e-mail stating that they have to follow certain procedures after every meeting and get formal approval before communicating to the students involved and that they were expediting the matter and the decision will be communicated to the petitioners as soon as necessary approval is received.

7. It is the case of the petitioners that they have got their placements during the 7th Semester and they will be joining their respective jobs after clearing the course, i.e., 8th Semester. Therefore, in the event, they are debarred from appearing in the End Semester (8th Semester), they would lose their jobs, which would have serious consequential effect. Therefore, as the IIT-G authorities were taking considerable period of time to come to a final decision and as the End Semester examination was also approaching fast, the petitioners have filed the present writ petition impugning the letter, dated 31.01.2024, the show-cause notice, dated 05.04.2024, with a further prayer to direct the respondents to give 100% weightage in the End Semester examination and not to declare them failed due to the disciplinary

measures with all consequential benefits.

8. This Court, while entertaining the writ petition, issued notice on 26.04.2024 and passed an interim order directing the IIT-G authorities to allow the petitioners to appear in the End Semester (8th) examination for B. Tech, Electronics and Communication Engineering scheduled to be held with effect from 29.04.2024. However, it was made clear that the results of the said examination in respect of the petitioners will not be declared without the leave of the Court.

9. After the notice was issued and the interim order was passed by this Court in the present writ petition on 26.04.2024, the Head of Sections (Student Affairs) by a Communication, dated 26.04.2024, addressed to the petitioners separately conveyed the disciplinary actions initiated against the petitioners by the Institute and the relevant portion reads as under:-

“Therefore, the following disciplinary actions have been initiated against you by the institute:

1. You are expelled from the Institute for a period from January 2024 to June 2024, and therefore, your registration for that semester stands canceled.

2. You may be allowed to register in the subsequent semester from July 2024.

3. As an exceptional case and on special consideration, you may be allowed to participate in the next Institute placement if you are unable to work out suitable arrangements with the organization if you are already placed.

4. You are asked to undergo mandatory counselling for a period of six months and proof of the same has to be submitted to the Institute.

5. You are asked to engage yourself in social service activities of your own preference for a period of six months and proof of the same is to be submitted to the Institute. However, prior

permission should be obtained from the Institute on the nature of the social service activity chosen by you.

This is issued with the approval of the Competent Authority.”

Accordingly, the Communication, dated 26.04.2024, is challenged before this Court by the petitioners by filing IA(C) No.1550/2024.

10. Heard Mr. H.K. Das, learned counsel for the petitioners. Also heard Ms. N. Sharma, learned CGC, for respondent Nos.1 and 2 as well as Mr. A.B. Dey, learned Standing Counsel for the IIT-G/respondent Nos.3 to 7.

11. Mr. Das, learned counsel for the petitioners, submits that all the petitioners are brilliant students and they are in their End Semester. The petitioners received their job offers when they were in their 7th Semester and, therefore, on 31.12.2023, after returning from their native place, they decided to celebrate the New Year's Eve and their job offers at Exoro, which is a rooftop restaurant in the Guwahati city. He submits that during the celebration, the petitioners including late Pulluri Aishwarya consumed liquor and as the petitioner No.2 became unstable, they decided to stay in a hotel instead of going back to the hostel by booking two rooms. However, the next morning late Pulluri Aishwarya started developing breathing problems and, accordingly, late Pulluri Aishwarya was taken to GMCH in an ambulance. Unfortunately, Pulluri Aishwarya was declared dead by the GMC doctors. During this period, the petitioners were in constant contact with the parents of late Pulluri Aishwarya and the IIT-G administration was also informed

about the incident. After the petitioners appear before the SDC on 05.01.2024, they narrated the whole incident before the Committee and, thereafter, after a lapse of about 25 days, the petitioners were informed by a letter, dated 31.01.2024, that a Fact Finding Committee was constituted to investigate the entire incident and that the petitioners were suspended from the Institute with immediate effect and also directed to vacate the Institute hostel with immediate effect. As the petitioners were suspended from the Institute as well as from the hostel, they were restrained from attending classes, submitting assignments, appearing in quizzes, appearing in mid-Semester examination, etc. Therefore, the letter, dated 31.01.2024, is not a suspension *simpliciter* but it was a penalty under the Ordinance and, therefore, the communication, dated 31.01.2024, and the expulsion letter, dated 26.04.2024, is a clear case of double jeopardy.

12. It is submitted that Clause 5 of the Ordinance deals with Disciplinary Sanctions and Clause 5(a) provides that disciplinary sanctions may be imposed after investigation by the appropriate Committees. Further, the Ordinance contemplates two types of suspension at Clause 5.4 and Clause 5.9. Clause 5.4 provides for suspension of several privileges mentioned therein and Clause 5.9 provides for suspension of course drop, semester drop, rustication for a specified period as punishment depending upon the severity of the offence. In the case in hand, the respondents have committed serious illegality and violated its own Ordinance by

imposing penalty of suspension upon the petitioners without completion of investigation by the appropriate Committee.

13. Learned counsel for the petitioners submits that the show-cause notice, dated 05.04.2024 is unsustainable in the eye of law and hit by the pre-conceived mind of the respondents inasmuch as in the said show-cause notice, the respondents have already held that the petitioners were found guilty of charges mentioned therein. Therefore, the pre-conceived mind of the respondents demonstrated through the show-cause notice, dated 05.04.2024, vitiates the whole disciplinary proceeding. In support of his submission, Mr. Das, learned counsel for the petitioners, places reliance on the decision of ***Bonti Saikia Vs. State of Assam and others***, reported in ***(2020) 1 GLR 83***.

14. It is also submitted that the impugned letter, dated 26.04.2024, along with the entire disciplinary proceeding against the petitioners stand vitiated inasmuch as the Fact Finding Inquiry Report, which was relied upon by the respondents, to come to a conclusion to prove the guilt against the petitioners was never communicated to the petitioners thereby violating the principles of natural justice. In this regard, learned counsel for the petitioners relies on the case of ***ECIL Vs. B. Karunakar***, reported in ***(1993) 4 SCC 727***.

15. It is also submitted that the impugned letter, dated 26.04.2024, as well as the entire disciplinary proceeding are being assailed inasmuch as the same has been

conducted in violation of the Ordinance as the SDC has no authority to investigate the alleged violations. It is submitted that Clause 4.3 of the Ordinance categorizes violations into three categories, namely, "hostel level", "academic level" and "institute level". For the "hostel level" and "academic level" violations, the Committees are different and with regard to "institute level" violations, the same is to be dealt by the SDC. The "institute level" violations include those issues pertaining to the Indian Penal Code within or outside the campus, which can affect the IIT-G community at large and can also affect the property of the institute itself. In the instant case, there is no criminal proceeding lodged against the petitioners and they are not involved with anything pertaining to the Indian Penal Code. Further, there is no mention in the letter, dated 26.04.2024, or in the affidavit-in-opposition filed by the respondents as to how the alleged incident affected the IIT-G community at large. Further, there is also no allegation of affecting the property of the IIT-G. Therefore, the investigation by the SDC into the alleged involvement of the petitioners into the incident leading to the death of late Pulluri Aishwarya is totally unauthorized and in violation of the Ordinance.

16. Learned counsel for the petitioners submits that a perusal of the impugned show-cause notice would reveal that the primary allegation against the petitioners is that they neither notified the Institute nor took permission for their overnight absence from the IIT-G campus. It is submitted that the allegation as regards

failure to take permission from the Institute to leave campus, the Disciplinary Authority as well as the respondents failed to produce any provision/Rule restraining ingress or egress of students from the campus within the stipulated time. He also submits that the impugned letter, dated 26.04.2024, is absolutely cryptic and non-speaking inasmuch as it does not disclose any reason basing on which such harsh penalty of expulsion was imposed upon the petitioners. The letter, dated 26.04.2024, clearly indicates that the respondents failed to assign any reason in proving the allegations levelled against the petitioners. Further, the penalty of expulsion from the month of January to June, 2024 by the letter, dated 26.04.2024, amounts to imposing a penalty with retrospective effect, which has no sanction in the eye of law. He also places reliance in the case of ***Mussabbir Hussain Vs. Gauhati University and others***, reported in ***2012 (5) GLT 386***, wherein law pertaining to procedures to be followed while conducting disciplinary proceeding against the students has been laid down by this Court. However, as the respondents have failed to follow the prescribed procedures laid down by this Court, the entire disciplinary proceeding against the petitioners as well as the letter, dated 31.01.2024, the show-cause notices, dated 05.04.2024 and the impugned letter, dated 24.04.2024, are liable to be set aside and quashed.

17. Learned counsel for the petitioners also submits that the Fact Finding Committee did not record any finding pertaining to the allegation that the

petitioners failed to obtain permission from the Institute to leave the campus. The respondents have failed to produce any guidelines or order to establish that on each and every occasion when a student leaves the campus, he or she is required to take permission. Therefore, in the absence of such order or guidelines, the charge of failure to obtain permission while leaving the campus is without any basis. Further, the finding of the SDC pertaining to the charge of not taking permission for overnight absence from the IIT-G campus in violation of the existing hostel guidelines is also perverse and based on no relevant evidence available on record. He submits that it was the categorical case of the petitioners from the inception before all the Disciplinary Committees that they had no plan to stay outside overnight and it was an instantaneous decision taken by them at the relevant point of time taking into consideration the security issue of travelling at night to IIT-G campus at North Guwahati as well as considering the unstable condition of the petitioner No.2. Further, the allegation that the petitioners exhibited inappropriate behaviour while under the influence of liquor is totally baseless and unfounded as there was absolutely no evidence before the SDC that the petitioners exhibited any inappropriate behaviour under the influence of alcohol.

It is also submitted that the allegation that the petitioners delayed giving information pertaining to the medical emergency of late Pulluri Aishwarya to the

IIT-G campus is also not correct inasmuch as the petitioners came to know about the condition of late Pulluri Aishwarya only at about 7.30 am on 01.01.2024 and they took her to the GMCH followed by information to her parents and, in the meantime, some delay had occurred to inform the IIT-G authorities on time. It is submitted that the father of late Pulluri Aishwarya also submitted an application on 02.01.2024 before the Officer-in-Charge, Paltanbazar Police Station wherein it is categorically stated that he has no suspicion on anyone and he was not willing to register any complaint/case. Further, the autopsy report, dated 12.03.2024, records reason for death of late Pulluri Aishwarya as *bilateral lobar pneumonia*. Therefore, when no criminal case is lodged against the petitioners for the death of late Pulluri Aishwarya, which is followed by a definite finding of medical authorities in the autopsy report, no prudent person could have come to a conclusion on the guilt of the petitioners into the death of late Pulluri Aishwarya. He, therefore, submits, in the light of his submissions, that the impugned letter, dated 31.01.2024, the show-cause notice, dated 05.04.2024 and the impugned letter, dated 26.04.2024, be set aside and quashed by giving further direction to the respondents to declare the grades in End Semester (8th) examination of B. Tech, Electronics and Communication Engineering with 100% weightage and provide the final degree certificate to the petitioners.

18. Mr. A.B. Dey, learned Standing Counsel for the respondent Nos.3 to 7, submits that the authorities of the IIT-G were intimated about the unfortunate incident that took place outside its campus where four of the students were involved on 01.04.2024. The involved students were from 4th year B. Tech course and the negligent and callous action on the part of the students, which ultimately resulted into the death of one student of IIT-G, had a serious impact on its community at large inasmuch as it not only disturbed the congenial educational environment of the Institute but also raised a major concern of discipline on the part of the involved students.

It is submitted that the IIT-G is a fully residential institute, which houses thousands of students from various age groups and belonging to different social strata. The petitioners did not seek any prior permission from the authorities before leaving the IIT-G campus, they did not make any entry in the security desk while leaving the Institute, they indulged into under-aged drinking and attended alcoholic party celebration, exhibited inappropriate behaviour while under the influence of alcohol and stayed overnight outside the campus without obtaining permission or informing the concerned authorities. Therefore, the respondent-authorities considered these acts on the part of the petitioners as major acts of indiscipline which has serious adverse implications upon the general body of the students and which requires a detailed and a formal investigation. Therefore, the IIT-G

authorities decided to conduct an investigation by invoking the provisions of Clause 4.3.3 of the Ordinance and the matter was investigated by the SDC. The petitioners were called to present themselves before the SDC on 05.01.2024 wherein the Committee Members interacted with them and asked them to submit their written statement. The petitioners admitted that they have violated the provisions of the Institute's Ordinance and have acted in a very irresponsible way. Thereafter, the SDC deliberated and on consideration of the written statement of the petitioners, decided to constitute a Fact Finding Committee and also suspended the petitioners from the Institute as well as directed the petitioners to vacate their respective hostels immediately by the letter, dated 31.01.2024. Thereafter, the Fact Finding Committee interacted with the petitioners on 28.02.2024 wherein the petitioners were provided an opportunity of being heard and after detailed deliberation and on evaluation of the materials before the Committee, the Committee submitted its report on 22.03.2024. The report was discussed at length in the SDC meeting held on 26.03.2024 wherein the SDC *prima facie* found the petitioners guilty of the violations of the Code and Conduct of Students and, accordingly, formulated charges against the petitioners. Thereafter, the show-cause notice, dated 05.04.2024, was issued to the petitioners. The petitioners submitted their reply to the show-cause notice and they also attended the SDC meeting held on 22.04.2024 wherein they were again provided with an opportunity of being heard and to explain the charges levelled against them. The SDC, thereafter, came to the

conclusion that the petitioners have violated several Clauses of the Ordinance and, accordingly, disciplinary sanctions were recommended to be imposed upon the petitioners. Thereafter, after following the due procedures, the letter, dated 26.04.2024, was communicated to the petitioners indicating the disciplinary sanctions which were imposed on them.

19. Learned counsel for the respondent Nos.3 to 7 submits that the petitioners had admitted that they did not make any entry in the hostel regarding their trip to the City nor sought permission from the competent authority for staying outside of the campus of the IIT-G. It is also an admitted fact that the petitioners voluntarily participated in the alcoholic party celebration though they were under-aged except petitioner No.3. The unstable nature of the petitioner No.2 after consuming alcohol would indicate that they had consumed substantial quantity of alcohol on 31.12.2023 and the petitioners had voluntarily decided to stay in the hotel.

20. Learned counsel for the respondent Nos.3 to 7 submits that in the present writ petition, the petitioners are challenging the show-cause notice, dated 05.04.2024, the suspension order, dated 31.01.2024, only on 26.04.2024 by filing the present writ petition and have also challenged the letter, dated 26.04.2024, by filing the connected IA. If the petitioners were aggrieved by the order, dated 31.01.2024, and the show-cause notice, dated 05.04.2024, the petitioners could have approached this Court earlier. The petitioners approached this Court only after

completion of the mid-Semester examination and after completion of other components of assessment and by way of the present writ petition are praying for a direction for granting them 100% weightage on the marks obtained in the end Semester examination.

It is submitted that as per the Statutes of the IIT-G, a student cannot be provided 100% weightage on the basis of marks obtained in the End Semester examination or can be graded only on the basis of marks obtained in the End Semester examination. Therefore, the case of the petitioners that the respondents have conducted the disciplinary proceeding in a manner to cause them irreparable loss is without any basis. The mid-Semester examination was held from 24.02.2024 to 01.03.2024 and during that relevant period, none of the petitioners made any request to the IIT-G authorities to allow them to participate in the mid-Semester examination. Further, the prayer of the petitioners for issuance of a provisional mark-sheet and grades on the basis of End Semester marks is not tenable inasmuch as the final results are declared by cumulatively evaluating all assessments/parameters, which a student is required to pass through during a Semester. Every student is required to register for prescribed courses through the assigned Faculty Advisor at the commencement of each Semester as per academic calendar and they are required to attend all the classes for each course for which they have registered. For every course, there will be continuous assessment of the

performance of a student throughout the Semester and as a part of the continuous assessment for theoretical subjects, i.e., the courses with lecture component, there will be mid- Semester examination and End Semester examination conducted centrally by the Institute. Further, the Course Instructor(s) may conduct quizzes, give assignments, conduct *viva voce*, suggest a term project, etc towards continuous assessment of a student. The Course Instructor(s) may also debar a student from appearing in the End Semester examination based on the student's attendance in the classes or the performance in the sessional work. Therefore, the prayer of the petitioners to give 100% weightage to the End Semester examination is highly untenable and the same goes against the established norms and practice set forth by the Institute.

21. Learned counsel for the respondent Nos.3 to 7 also submits that there is a substantial difference between an enquiry and a disciplinary action against a civil servant and that in a disciplinary action against a student of an educational institution. When strict compliance of the principles of natural justice is imperative in case of the former, with regard to the later, if the student has been given a fair chance to answer the charges, that would be considered as sufficient. In the instant case, the petitioners were informed on the charges against them and an enquiry was conducted by the SDC. They participated in the enquiry and gave their statements. Thereafter, the punishments were imposed. Therefore, sufficient

compliance with the principles of natural justice has been done with regard to the petitioners in the present case.

He also submits that the power of judicial review in case of disciplinary proceedings, more particularly, involving students are very limited inasmuch as this Court does not sit as a Court of Appeal to review the impugned orders on merits. Therefore, the letter, dated 26.04.2024, which was based on cogent evidence and reasoning should not be interfered by this Court. He also submits that the petitioners were also informed about the violation of the Institute's Code and Conduct by reading out the provisions that they have violated. Thereafter, the SDC asked the petitioners to submit their response, which they did by admitting the violations. The petitioners were made aware about the charges levelled to which they submitted their reply. The same was considered and deliberated by the SDC along with their statements taken on 05.01.2024 and, thereafter, necessary disciplinary sanctions were recommended. He submits that if a student does not maintain discipline, which is expected from him, the Institute is not required to retain such a student. Moreover, when the authority of an educational institution is exercising its powers within the limits laid down by the laws or the Rules to maintain discipline among the students, such action should not be interfered with. The authorities in the IIT-G have acted in terms of the Ordinance for maintaining discipline in the Institute and, therefore, the punishment imposed upon the

petitioners are justified, fair and not excessive and, therefore, no interference is called for by this Court, particularly, when there has been no violation of the principles of natural justice or unfair play by the Disciplinary Authority.

22. He also submits that no requests have been made by the petitioners for furnishing a copy of the Fact Finding Committee's report to them. However, in the SDC meeting, which was held on 22.04.2024, and attended by the petitioners, the Fact Finding Committee's report was discussed and the observations/findings, which were made in the Fact Finding Report, were also brought to the notice of the petitioners and the Committee sought their reply on those observations. Therefore, the contents of the Fact Finding Report were made known to the petitioners even if no physical copy was handed over to them. Therefore, in the instant case, as the respondents have followed all the procedures laid down under the Ordinance and as there is no violation of the principles of natural justice, the show-cause notice impugned in the writ petition should not be interfered with and the petitioners may be directed to take admission in the B. Tech 8th Semester commencing from the month of July, 2024.

23. I have considered the submissions forwarded by learned counsel for the parties as well as perused the records furnished by the learned Standing Counsel, IIT.

24. On a perusal of the materials available on record, what is undisputed in the present writ petition is that the three writ petitioners along with late Pulluri Aishwarya decided to celebrate their placements as well as the New Year's Eve on 31.12.2023 at Exoro, which is a rooftop restaurant situated at Bhangagarh, Guwahati. During celebration, they consumed alcohol and as a result of which the petitioner No.2 became unstable. Accordingly, all of them decided to stay back in a hotel despite the fact that they had the intention to return back to hostel after the celebration. The next morning, i.e., on 01.01.2024, the petitioner No.2 found that late Pulluri Aishwarya was having some breathing problems and, accordingly, he informed the petitioner Nos.1 and 3. Thereafter, they arranged an ambulance and late Pulluri Aishwarya was taken to the GMCH for treatment. During that period, petitioner No.1 also informed the parents of late Pulluri Aishwarya as well as the IIT-G authorities. However, late Pulluri Aishwarya was declared dead by the GMCH doctors. It was due to this incident that the IIT-G authorities decided to investigate into the matter through the SDC.

25. The SDC directed the petitioners to appear before them on 05.01.2024. The petitioners, accordingly, appeared before the SDC and narrated the entire incident that happened on the fateful night. The records produced by the learned Standing Counsel, IIT, also indicates that the petitioners had admitted to the incident that happened on 31.12.2023 and 01.01.2024. On the basis of the statements given by

the petitioners, the SDC took a decision to constitute a Fact Finding Committee, suspend the petitioners from the Institute with immediate effect and also directed to vacate the Institute hostel. The same was communicated to the petitioners through their respective e-mails on 31.01.2024.

26. This Court has also taken note of the fact that during this intervening period, mid-Semester examination was held from 24.02.2024 up-to 01.03.2024. An important point of note is that the petitioners did not make any request to the IIT-G authorities to permit them sit in the mid-Semester examination. Therefore, none of the petitioners appeared in the mid-Semester examination held from 24.02.2024 up-to 01.03.2024.

27. The Fact Finding Committee, which was constituted to look into the matter, directed the petitioners to appear before them through online mode on 28.02.2024. The petitioners, in compliance to the direction, attended the proceedings of the Fact Finding Committee meeting on 28.02.2024. Thereafter, the petitioners were again informed that another SDC meeting would be held on 26.03.2024 and they were directed to appear before the SDC through online mode and the petitioners were also informed that they were required to join only after they would be asked to join the said meeting. The submission of the learned counsel for the petitioners that the petitioners were not permitted to join the said SDC meeting held on 26.03.2024 has been noted by this Court.

28. This Court has also taken into consideration the fact that there was delay in taking a decision despite the petitioners making representations before the concerned authorities of the Institute. It was, thereafter, that on 05.04.2024, separate identical show-cause notices were issued to the petitioners directing them to reply to the charges levelled against them within 15 days from the date of receipt of the said show-cause notice. The petitioners, accordingly, replied to the show-cause notice on time. However, as their reply was not found satisfactory, particularly, with regard to the violation of the Clauses of the Ordinance, they are directed to take time and carefully place their statements. The petitioners, therefore, filed their second reply to the show-cause notice on 17.04.2024. Responding to the reply submitted by the petitioners, the IIT-G authorities directed the petitioners to appear before the SDC on 02.04.2024 to which the petitioners appeared before the SDC physically. However, as no final decision was forthcoming and the End Semester was approaching, which was to be held from 29.04.2024, the petitioners approached this Court by way of the present writ petition and this Court, by order, dated 26.04.2024, directed the IIT-G authorities to permit the petitioners to appear in the End Semester (8th) examination for B. Tech, Electronics and Communication Engineering scheduled to be held from 29.04.2024.

29. Learned counsel for the petitioners submits that in terms of the order, dated 26.04.2024, the petitioners were allowed to appear in the End Semester examination. However, their results have not been declared till date. It was, thereafter, that the IIT-G authorities issued the Communication, dated 26.04.2024, by which disciplinary action was initiated against them by expelling them from the Institute for the period from January, 2024 to June, 2024. However, they were allowed to register in the subsequent Semester from July, 2024. By the same Communication, the petitioners were also informed that they may be allowed to participate in the next Institute placement if they are unable to work out suitable arrangements with the organization to which they were already placed.

30. Considering the sequence of events that took place from 31.12.2023 up-to 26.04.2024, this Court is of the considered opinion that the IIT-G authorities had taken a considerable period of time for coming to a final conclusion despite several meetings of the SDC as well as Fact Finding Committee being held during this period.

31. This Court has also considered the submission of learned Standing Counsel, IIT that the petitioners did not log their details at the Security Desk Register while leaving the IIT-G campus on 31.12.2023 and that they did not take permission for overnight absence from the IIT-G campus and that the petitioners had exhibited inappropriate behaviour while under the influence of alcohol has been considered

by this Court. This Court finds force in the submission of learned Standing Counsel, IIT inasmuch as when there is a standing Rule/Instruction with regard to the residents of the hostel, the petitioners are expected to follow such Rule/Instructions. The submission of learned counsel for the petitioners that the petitioners had no intention of staying overnight and they intended to come back to the hostel after the celebration has also been considered by this Court. If the petitioners had the intention of coming back to the hostel, they could have, at least, log their details at the Security Desk Register while leaving out of the IIT-G campus. This has not been done and, therefore, this Court finds that the petitioners have violated the standing Rules/Instructions in force of the IIT-G. Further, if the petitioners did not have the intention to stay overnight, they could have, at least, informed the IIT-G authorities that they would not be returning back to the campus. This has not been done and, therefore, this Court is of the considered opinion that the petitioners have violated the standing Rules/Instructions of the IIT-G.

32. From the records, it is found that the Fact Finding Committee directed the petitioners to appear before it on 28.02.2024. The petitioners attended the proceedings of the Fact Finding Committee. However, it is seen that the report of the Fact Finding Committee has not been furnished to the petitioners at any point of time. The contention of the learned Standing Counsel, IIT that the contents of

the Fact Finding Committee report were discussed with the petitioners in the SDC meeting held on 22.04.2023 and, therefore, the petitioners cannot claim that they were not aware of the report of the Fact Finding Committee has also been taken note of. This Court finds that while carrying out an enquiry of this nature affecting future career of a student, the principles of natural justice ought to have been followed and adhered to. It was not necessary for the petitioners to ask for a copy of the report of the Fact Finding Committee, though it was incumbent on the part of the IIT-G authorities to have furnished copies of the Fact Finding Committee's report to the petitioners thereby permitting them to give reply to the findings of the Fact Finding Committee. This Court finds that the petitioners were denied this right and, therefore, non-supply of the Fact Finding Committee's report would amount to violation of the principles of natural justice.

33. Be that as it may, what is bothering this Court at this stage is that the petitioners are praying for a direction to the respondents to give 100% weightage in the End Semester examination and not to declare them failed due to the disciplinary measures with all consequential benefits. It is to be noted that the petitioners did not appear in the mid-Semester examinations. No request was made by the petitioners to the IIT authorities nor did they approach this Court with a prayer for permitting them to sit in the mid-Semester examinations.

34. The submission of learned Standing Counsel, IIT that the final results are declared after a cumulative evaluation of all the assessments/parameters, which a student is required to pass through during a Semester has been considered. It is a fact that none of the petitioners had attended any class during the period of their suspension. They did not appear in the mid-Semester examinations and there was no continuous assessment of the performance of the petitioners throughout the Semesters.

35. Under such circumstances, this Court finds it difficult to give a direction to the IIT-G authorities to give 100% weightage in the End Semester examination to the petitioners. It is also to be noted that the petitioners were allowed to appear in the End Semester (8th) examination only through the interim order of this Court. This Court, in the said order, dated 26.04.2024, had also directed the IIT-G authorities not to declare the result of the petitioners without the leave of this Court. The petitioners having failed to fulfill the requirements that are laid down to appear in the End Semester examination, this Court is unable to come to the conclusion that the petitioners should be provided their degree only on the basis of the End Semester examination, which the petitioners appeared on the basis of the interim order of this Court.

36. Further, by now, the petitioners have already completed the disciplinary action, particularly, with regard to the expulsion from the Institute from January, 2024 to

June, 2024 by the Communication, dated 26.04.2024.

37. This Court does not find it necessary to enter into all the allegations made by the learned counsel for the parties. However, in view of the fact that as the principles of natural justice have been violated, this Court partially interferes with the disciplinary action contemplated at Serial Nos.4 and 5 of the Communication, dated 26.04.2024, and the same are set aside. The IIT-G authorities are directed to permit the petitioners to register in the subsequent Semester(s) commencing from July, 2024. In the event, if it is found that the petitioners are late in getting their registration done, such delay shall be condoned and the petitioners be permitted to register themselves in the subsequent Semester(s) from July, 2024 and they shall be permitted to continue their study.

38. In terms of the observations and discussions made here-in-above, the writ petition is accordingly disposed of.

39. There shall, however, be no order as to costs.

JUDGE

Comparing Assistant