

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3534 OF 2014

Shri Akshay Dekate

.. Petitioner

Vs.

The Union of India & Ors.

.. Respondents

WITH

WRIT PETITION NO. 3536 OF 2014

Shri Abinash B. Kumar

.. Petitioner

Vs.

The Union of India & Ors.

.. Respondents

WITH

WRIT PETITION NO. 3713 OF 2014

Abhishek Ajaukumar Rai

.. Petitioner

Vs.

The Union of India & Ors.

.. Respondents

WITH

WRIT PETITION NO. 3714 OF 2014

Rinku Sombirsingh Hakhar

.. Petitioner

Vs.

The Union of India & Ors.

.. Respondents

WITH

WRIT PETITION NO. 3715 OF 2014

Navneet Sukhvindersingh Kang

.. Petitioner

Vs.

The Union of India & Ors.

.. Respondents

WITH

WRIT PETITION NO. 3716 OF 2014

Rahul Singh Bhadauria

.. Petitioner

Vs.

The Union of India & Ors.

.. Respondents

WITH

WRIT PETITION NO. 3831 OF 2014

Vikas Kumar Bugalia

.. Petitioner

Vs.

The Union of India & Ors.

.. Respondents

Mr.A.S.Rao for petitioner in WP/3534/2014 & WP/3536/2014.

Ms.Usha M. Rahi for petitioner in WP/3713/2014, WP/3714/2014, WP/3715/2014, WP/3716/2014.

Mr.V.S.Kapse i/b Fast Track Legal for petitioner in WP/3831/2014.

Mr.P.S.Jetly a/w. Mr.D.A.Dube, Ms.Sangita Yadav i/b Mr.Suresh Kumar for respondent no.1 in all petitions.

Mr.Unmesh G. Dindore a/w. Mr.Abhijeet A. Desai & Mr.Amarjit Prasad for respondent nos.2 and 3 in all petitions.

Mr.C.P.Yadav, AGP for respondent no.4 in WP/3831/2014.

Lt.Col. S.P. Changotra (Retd.), Rector, Army Institute of Technology, Pune, representative of respondent nos.2 and 3 present.

CORAM : ANOOP V. MOHTA,

K.R.SHRIRAM, JJ.

DATE : 7TH APRIL, 2015

P.C.

1 Rule made returnable forthwith and heard finally by consent of the parties.

2 As the facts and circumstances and the contesting respondents in all the petitions are common, we are inclined to dispose the above 7 petitions by this common order.

3 These matters relate to the expulsion/punishment imposed by the respondent-institution to the respective petitioners in view of stated incidents of ragging. Consequently, debarred from admission to any other institution for a period of three years, i.e., academic years 2013-14 to 2015-16 with immediate effect and permanently to AIT.

4 We have heard these petitions on various occasions. There are various issues involved for and against the respective petitioners and so also for and against the respondents. This court by orders dated 7th April 2014 and 25th April 2014, as an interim arrangement, permitted the petitioners to appear in oral as well as written examinations conducted by University of Pune. Their results, however, are still withheld in view of the order dated 25th April 2014. Therefore, it is necessary to pass the orders directing the University/Institution to declare the results.

5 In the interest of justice and to avoid further complications in the carrier of the petitioners-students and at the same time to maintain discipline by the institution, considering the facts and circumstances, we have permitted the respective petitioners to make representations to the respondent nos.2 and 3 to reconsider their case, without prejudice to their rights and the contentions. The petitioners accordingly made

representations. The respondents, taking into consideration the background and the material so placed on record including the position of law for and against the issue decided to mitigate the punishment by imposing penalty also and accordingly communicated the same to their stand to the respective petitioners by letter dated 6th April 2014.

6 Those communications are marked 'X' colly. for identification and taken on record. The respondent nos.2 and 3 have imposed fines of varying amounts on each of the petitioners and also directed the petitioners to plant trees in the campus, teach some school student. The petitioners are also to end the conflict and for future settlement, expressed their willingness to accept the same, subject to modification. These stated punishments/penalty have been meted out to the petitioners as deterrent and also to ensure some changes in petitioners' behaviour. Though we agree with the purpose behind the intention of the respondents, not to leave the petitioners unpunished, however, after hearing both the parties and in view of consent given by all, we are inclined to pass the following order :

- (i) The University of Pune-respondent no.4/Institution-respondent no.2 to declare the results of the petitioners' final examination forthwith. All the parties to take further steps as required.

- (ii) The petitioner in each petition to deposit a sum of Rs.5,000/- as fine/penalty with the institution-respondent no.2 within seven days from today.
- (iii) The petitioner in each petition shall plant 10 saplings within the AIT campus, Pune. The saplings to be provided by AIT.
- (iv) The petitioner in each petition is withdrawing allegations and counter allegations made in their respective petitions/rejoinders.
- (v) The respondents not to take any further action and/or pursue any proceedings against the respective petitioners in view above. The punishment/penalty shall not be used against the petitioners for any other purpose.
- (vi) The parties are at liberty to file an application for appropriate orders, if necessary.

7 We have also noted that the petitioner in each petition has volunteered to participate in the cleaning of AIT campus Pune for one day. The day and time to be decided by respondent no.2.

8 The above petitions and rule stand disposed of accordingly. No costs.

9 The parties to act on an ordinary copy of this order duly authenticated by the registry.

(K.R. SHRIRAM, J.)

(ANOOP V MOHTA, J.)