

CWP No.6136 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.6136 of 2016
Date of decision:19.05.2016

Rajwinder Singh

...Petitioner

Versus

Punjab Agricultural University, Ludhiana and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Aayush Gupta, Advocate,
for the petitioner.

Mr. Sanjeev Sharma, Advocate,
For the respondents.

Rakesh Kumar Jain, J.

The petitioner was admitted to a 4 Years Degree Course of B.Sc. (Agriculture) in the session 2009. He was expelled from the College on 06.04.2015. Actually, FIR No.52, under Sections 354, 323, 506 and 34 IPC dated 26.03.2015 was registered against the petitioner at Police Station Punjab Agricultural University, Ludhiana, by one Amandeep Singh. Therefore, the matter was brought to the notice of the Disciplinary Authority of the college, which investigated the matter in its meetings dated 30.03.2015 and 01.04.2015 and found the petitioner guilty of harassing and manhandling the girl students and fighting amongst students on 24.03.015 and recommended to the Dean, College of Agriculture, for his expulsion and while exercising his powers under Clause 1 of the Regulations regarding Rustication and

Expulsion of Students (hereinafter referred to as the “Regulations”), the Dean of the College expelled the petitioner from the college vide order dated 06.04.2015. The petitioner filed an application for reviewing the decision of expulsion on the ground that a compromise has been effected with the complainant in the aforesaid FIR but his review application was rejected on 16.02.2016 on the ground that it is not within the purview of the Disciplinary Committee to review the expulsion in terms of Clause 3 of the Regulations.

Aggrieved against the aforesaid orders dated 06.04.2015 and 16.02.2016, the present petition has been filed.

Counsel for the respondents, while referring to the Regulations, has admitted that as per Clause 3 of the Regulations, the Dean of the College may revise his decision within 15 days from the date of passing of the order of rustication or expulsion and the revised decision together with reasons shall be communicated to the Registrar for being placed before the Academic Council.

It is contended by counsel for the petitioner that instead of showing their helplessness in the matter of review, the Dean should have send the case of the petitioner to the Registrar for the purpose of placing it before the Academic Council and it was for the Academic Council to have taken the decision.

However, in the reply filed by the respondents, it is *inter alia* submitted that the petitioner was admitted to a 4 years Degree course in 2009 and as per the Regulations governing the Course, the aforesaid course has to be completed by the petitioner in maximum 12 semesters

spread over four years but till 2016, the petitioner has earned only 100 credit points during the last 7 years as against requirement of 168 credit points and has far exceeded the maximum time limit prescribed for completion of the course. Rule 7.2 of the Semesters and Hostel Rules in this regard is reproduced as under:-

“7.2 The residential requirements for completion of various programmes are as under:

Sr. No.	Programme	Normal	Number of Minimum Semesters	Maximum
1	Bachelor’s 4-years	8	6	12
2	Bachelor’s 6-year	12	10	16
3	5-years Integrated M.Sc.	10	8	13
4	Master’s	4	4	6
5	Ph.D.	6	5	10
6	Diploma	2	2	4

Note:

- i) the residential requirement in the university shall include the stay at PAU and/or stay at its research stations and such other institutions/research stations with which the university enters into cooperative and collaborative arrangements.
- ii) Period of discontinuation of study shall not be counted for calculating the maximum time limit of study period.
- iii) If the student fails to complete his/her programme successfully within the maximum time limit prescribed for the programme as above, he/she shall no longer be a student of this University.”

It is further contended that as per the aforesaid Rule, the maximum semesters permissible to a candidate for Bachelor’s 4 years Degree Course are 12 and as per Note (iii), if the student fails to complete his/her programme successfully within the maximum time limit prescribed, he/she shall no longer be a student of the University

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and since the petitioner has already exceeded the maximum number of semesters/time prescribed, he automatically ceases to be the student of the University.

Counsel for the respondents has further referred to Rule 7.5.1 of the Semesters and Hostel Rules, which is as under:-

“7.5.1 For Undergraduates

In an undergraduate programme, the normal full-time programme of work in a semester shall be 18 credit hours. A maximum of 24 and a minimum of 12 credit hours may be taken by a student.

The undergraduate students on ‘Good Standing’ may be allowed to register a maximum of 28 credit hours (4 extra credit hours) during the VI/X semester and a maximum of 30 credit hours during VII/XI semester (including special courses) of their 4//6 year programmes respectively provided these courses have been offered on regular basis.”

As per the aforesaid Rule, the normal full-time programme of work in a semester of an undergraduate programme shall be 18 credit hours and a maximum of 24 and a minimum of 12 credit hours may be taken by a student. Even on this analogy, the petitioner would require further two years to complete the course, which would be in contravention of aforesaid Rule 7.2 because the petitioner had already exceeded his number of semester/time prescribed. Besides this, it is submitted that the petitioner is a problematic student and in this regard, the following averments have been made by the respondents in their written statement:-

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- “(i) Ms. Navneet Heera, B.Tech Food Technology student in PAU Ludhiana, submitted a complaint to the Dean, College of Agriculture, PAU Ludhiana regarding character assassination and manhandling by Rajwinder Singh Kalyan, PAU student, and two outsiders. Among the outsiders she recognized Amandeep Singh Kahlon and the other was unknown. She also stated that her friends, Shivkaran Singh Bal and Ms. Tanvi Sharma, both PAU students, were also thrashed when they tried to intervene. A copy of complaint is annexed herewith as Annexure R-1.

It is further submitted that Mr. Shivkaran Singh Bal, B.Tech Food Technology student also submitted complaint against Rajwinder Singh Kalyan, Amandeep Singh Kahlon and one more person. He categorically supported the version given by Ms. Navneet Heera in her complaint (Annexure R-1). A copy of complaint submitted by Mr. Shivkaran Singh Bal is annexed as Annexure R-2.\

- (ii) The petitioner submitted a complaint to the Dean, College of Agriculture alleging use of caste related words by Mr. Shivkaran Singh and in his complaint, he admitted in so many words that a scuffle took place between the two groups. A copy of complaint submitted by petitioner is annexed as Annexure R-3.
- (iii) Both the groups had also lodged police complaints against each other.
- (iv) These students were asked to appear before the disciplinary committee of the college for investigation on 30.03.2015. Statements of Ms. Navneet Kaur, Ms. Tanvi Sharma, Mr. Shivkaran Singh and Mr. Wilson, Security Guard are annexed as Annexure R-4, collectively, present on the scene were also recorded. The petitioner did not appear on 30.03.2015 and was given another chance to appear on 01.04.2015. During the hearing, the petitioner admitted that there was a scuffle involving these

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students but denied having manhandled the girls. Showing scant regard for the disciplinary committee, the petitioner abruptly moved out, when asked to give his statement in writing.

- (v) Based on all the statements and non-cooperation by petitioner, the disciplinary committee concluded that petitioner was guilty of accompanying outsiders, to abuse and manhandle, PAU students including girls. Taking into consideration his past record and the gravity of this incident, the disciplinary committee recommended his expulsion from the College of Agriculture, PAU Ludhiana. The expulsion order dated 06.04.2015 was issued by the Dean, College of Agriculture (**Annexure P-2**) and later on notified by the Registrar, PAU, Ludhiana on 23.04.2015, copy whereof is annexed as **Annexure R-5**.
- (vi) After his expulsion from the College of Agriculture, PAU, Ludhiana, petitioner and his family started pressurising aforesaid two girl students, Shivkaran Singh and their parents to reach a compromise. These students complained to the Dean college of Agriculture, vide their complaint dated 16.04.2015. A copy of complaint dated 16.04.2015 is annexed herewith as **Annexure R-6**. But, since petitioner was no longer a student of th college and the matter had reached the police, the university authorities could not take any action and the students were advised to approach police.
- (vii) After continuous pressure and intimidation, the two parties reached a compromise (**Annexure-R-7**) to withdraw police complaints. But fearing misdeeds of the petitioner, the other party agreed for compromise on the condition that neither the petitioner nor any of his relatives will apply or resort to litigation in respect of cancellation of admission/expulsion of the petitioner from College of Agriculture, PAU Ludhiana. It was also noticed in the compromise that the complainant-students did not wish to pursue the

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case as petitioner had tendered oral as well as written apology in the presence of respectables. It was only on this premise that the cancellation report was accepted by the police (**Annexure-P-3**), which is sought to be made a great virtue of by the petitioner.

- (viii) Having got the cancellation report accepted on the strength of compromise (**Annexure R-7**) and against his own undertaking moved an application seeking re-admission in the Degree course. The vice-chancellor, in routine forwarded the application to Dean, college of Agriculture for his comments. A copy of application is annexed as **Annexure R-8**. The case was again discussed in the disciplinary committee meeting held on 03.02.2016 (**Annexure P-4**). However since the expulsion of the petitioner already stood notified by the Registrar, PAU, Ludhiana on 23.04.2015 (**Annexure R-5**), it was mentioned that the disciplinary committee and the Dean cannot take any action as per PAU Rules, copy whereof is annexed as **Annexure R-9**. His application was subsequently rejected by the Vice Chancellor.
- (ix) After rejection of his application for readmission, petitioner has approached this Hon'ble Court on the ground that the Vice chancellor should have forwarded his application to the Academic council as per PAU Rules (**Annexure R-9**). Here it is submitted that it is Vice Chancellor's discretion whether to send it to Academic Council or not. Moreover, Regulation 10 of Regulation regarding rustication and expulsion of students provides that when facts come to the knowledge of Vice Chancellor, which makes him think that the order of Dean requires revision, the Vice Chancellor may bring the case to the notice of Academic Council, after consideration of which, the decision of Academic council shall be final. Undisputedly there is nothing on the record to show that any facts were brought to the notice of vice

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Chancellor or that he had made up his mind that the decision required revision. All that was done was to simply down mark the application submitted by the petitioner for readmission. Therefore, the petitioner cannot take any advantage of Regulation 10 or for that matter decision (**Annexure P-5**), which was on entirely different facts as that was a case of mere scuffle and did not involve any moral turpitude, which is the case in hand. More so when there was a serious offence on the part of the petitioner involving honour of girl students, the Vice Chancellor has, therefore, rightly rejected the application for re-admission.

- (x) The petitioner was admitted to B.Sc. (Agriculture) four year course in July, 2009. This course is normally completed in 8 Semesters and the maximum number of semesters allowed to complete B.Sc. degree is 12 semesters(Rule 7.2 of Semester Rules). He has completed 11 semesters before expulsion but has cleared only 107 credit hours of the required 178 credit hours). Copies annexed as **Annexure R-10** and **R-11**. His academic performance has been below the minimum requirement (Rule 7.6.4) and was once dropped at the end of second semester due to poor academic record. The maximum credit load permissible in a semester is 24 credit hours (Rule 7.5.1). Thus even if petitioner is admitted he will not be able to complete his degree within the maximum permissible time. Moreover, his acts of indiscipline will create other problems.

It is also submitted that the following punishments have been awarded to the petitioner during his stay in the college:-

- (i) Warned for creating indiscipline vide letter no. Acad.11/A-1/punord/14926 dated 28.06.2011;

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- (ii) Awarded punishment for copying in the examination vide letter no.Acad.1/punord/12/7173 dated 27.02.2012;
- (iii) Compromise between petitioner and others arranged by the disciplinary committee in its meeting on 16.12.2014;
- (iv) Issued warning and had submitted apology for misbehaving with nurse in PAU hospital. Punishment decided on 22.06.2011 by the disciplinary committee, college of Agriculture, PAU Ludhiana.

It is further submitted that even recently, the petitioner has been involved in a quarrel in which he gave injuries to one Vikrant Saini and fractured his hand. In the said case, a mutual compromise was effected, which is reproduced as under:-

Mutual Compromise Dated 06.05.2016

We the 1st party Vikrant Saini S/o Shingara Singh Saini and Sugandeep Singh S/o Jagmail Singh state that Amritpal Singh S/o Harjinder singh, Japjit Singh S/o Baljinder Singh and kalia, these three had assaulted us at 6:00 PM on 4.05.2016 due to which my (Vikrant Saini) hand got fractured and they beaten us both with hockeys. Today, the 2nd party approached us on 6.05.2016. they admitted their mistake and apologized in front of parents of Amritpal and Japjit Singh and also in the presence of respectable. We,(1st party) keeping in view the children's future have forgiven the 2nd party. But if these boys again fight or misbehave

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then we will not be able to tolerate. Appropriate legal
action should be taken against them.

First Party

Second Party

(capt S.D. Saini)		Baljinder Singh
Sugundeep Singh		Harjinder Singh
Vikrant Saini		Japjit Singh
Rajinder	Prabhjot Singh Dhaliwal	Amrit Singh
Not legible (9814882211)		InderPal Singh Deol
Jagmail Singh		

After hearing learned counsel for the parties and examining the
available record, I am of the considered opinion that the word used in
Clause 3 of the Regulations is “may” and not “shall” for the purpose of
revising the decision by the Dean and it appears to be deliberately used
to meet this kind of eventuality where such kind of student of the
college, who has scant respect for the college and its faculty and has
been indulging in unlawful activities, is rusticated/expelled by the
college as a last resort.

Keeping in view the totality of the facts and circumstances, I do
not find any reason to interfere in the present petition and hence, the
same is hereby dismissed being denuded of any merit.

May 19, 2016
vinod*

(Rakesh Kumar Jain)
Judge