

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.7330 of 2016
Date of Decision:23.04.2016

Sanjay (minor) through his natural guardian (father), namely,
Sankar Lal

. . . .Petitioner

Versus

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.V.S. Punia, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner, a student of Moti Lal Nehru School of Education of Sports Rai, Sonipat, has challenged the order dated 29.12.2015, which in fact is a *show cause notice* and order dated 17.2.2016 by which he has been expelled from the School.

It is averred in the petition that the petitioner was admitted in 4th Class of the Boarding School. He has been suspended on 6.10.2015 from the school for 30 days and a fine of ₹25,000/- was also imposed upon him on account of his gross indiscipline and misbehaviour. An enquiry was conducted for the alleged assault by the petitioner upon other students on 16.9.2015 and 17.9.2015 and in Camera proceedings held on 1.10.2015, his response was found to be unsatisfactory and keeping in view of his past bad record, order of suspension was passed. The previous

record of the petitioner, taken into consideration by the school authorities, is as under: -

- “1. He was taking bath with cold water of RO system from water cooler and was caught by warder.
Decision: Affidavit (K) Apology (23.7.2012).
2. He had fight with students on 27.8.2013, himself got injured on elbow and he did not accept.
Decision: Parents informed.
3. Bad behavioral presentation on stage on dated 28.4.2012.
Decision : Fine Rs.100 - Counselling by P&D, HM & Parents.
4. Indiscipline act of shouting very badly on 9.3.2013.
Decision: Counseled the child.
5. Indiscipline act of stealing items and shouting again caught by Sh. V.K. Dahiya and hostel Supt, Ch. Ajay Solanki on 13.2.2013.
Decision: Counseling.
6. Misbehaved with the girl child and matter was brought to the notice of parents and concerned couch (CP&SH. Navdeep on 13.2.2013)
Decision : Parents counsel led the child.
7. Personal hygiene not maintained (22.5.2013)
Counsel led the child.
8. Presentation of misbehaved for extra snacks of on 24.11.2014.
Decision: Fine Rs.100/-, Affidavit (K) Apology and parents called.

9. *Extra snacks taken by the child and noted by Sh. C.K. Ranga (11.2.2015)*
Decision : Parents informed and counseled the child.
10. *Indiscipline act in games for grabbing the neck of senior students, Master Navneet (1.12.2013) on 12.2.2015*
Decision : Parents were again informed on next day.
11. *Misbehaved with teacher (Mrs. Neelam Ahlawat) on 4.5.2015.*
Decision: Informed parents about his attitude toward lady teacher (NA)
12. *Fighting in Sr. mess on 7.8.2015 (a written performa was obtained from the concerned)*
Decision : Counsel led by Vice Principal, PKD, HM's other staff.
13. *Complained of Master Kiriti (1241) regarding stealing his items by Sanjay on 5.8.2015 and he did not accept.*
Decision : Parents were again informed about it.
14. *Absence from the school parade on 13.8.2015 and disobeying command on 14.8.2015.*
Decision : Parents called by i/c Academics (PKK) and were given complete details about him.
15. *Caught with eatable on 14.8.2015 by Sh. P.K. Dhiman.*
Decision : Counseling was done by PKD and HM
16. *Fight in hostel on 16.9.2015 and after breakfast on 17.9.2015 action pending as per enquiry report."*

On 29.12.2015, father of the petitioner was informed by the school that the petitioner was involved in an act of indiscipline on 05.12.2015 at 11:45 PM during milk break when he intercepted the Duty Master and tried to justify the indiscipline act of two other students. The father of the petitioner had filed an affidavit on 24.12.2015 that in the event of any other act of indiscipline on the part of the petitioner, he would withdraw him from the school and hence, a *show cause notice* was given as to why the petitioner be not expelled from the school for his incorrigible behaviour.

On 17.2.2016, a decision was taken that the petitioner was not to be allowed to use the hostel facility and would rather write the examination (theory and practical) from home at his own and the decision to expel him from the school was finally announced.

Learned counsel for the petitioner has submitted that the petitioner has studied from Class 4th onwards and has been expelled from the school when he was in XI class and the order passed by this Court would cause a stigma throughout his life. It is also submitted that the school authority should have awarded lesser punishment than the extreme punishment of expelling the petitioner and has thus submitted that the action of the respondents much less the school authority is arbitrary and unreasonable.

I have heard learned counsel for the petitioner and perused the available record.

Generally, the Courts have a soft corner with the student, who is otherwise minor also but the discipline of the

school cannot also be put at stake as 'a rotten apple spoils the barrel'. It appears that the petitioner is not only quarrelsome by nature but also rebellion person, who does not want to follow the rule and is consistently indulging in unruly behaviour and showing lack of respect to the teachers as well as his seniors. Thus, the petitioner has virtually become incorrigible and in order to maintain decorum and decency in the school, the school authorities have rightly passed the order of expelling him. Hence, in the considered opinion of this Court, no interference is called for in this case and the same is hereby dismissed.

23.04.2016*Vivek***(RAKESH KUMAR JAIN)
JUDGE**