

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

CWP No.9200 of 2017

Date of Decision:15.05.2017

Rahul Grover and others

.....Petitioners

Vs.

Shri Guru Granth Sahib World University at Fatehgarh Sahib & anr.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. H.S. Mann, Advocate for the petitioners.

Mr. Gurminder Singh, Sr. Advocate with
Mr. J.S. Gill, Advocate for the respondents.

RAKESH KUMAR JAIN, J.

This petition is filed at the instance of four petitioners who have challenged the order dated 27.4.2017 passed by Shri Guru Granth Sahib World University, Fatehgarh Sahib, District Fatehgarh Sahib till the end of next semester i.e. 31.12.2017 and have also prayed that they may be allowed to fill up the examination form for their respective semesters of M.P.Ed-4th and B.P.Ed-4th respectively so as to appear in the final exam which was to commence from 4.5.2017.

In brief, the petitioners are the students of M.P.Ed-4th semester and B.P.Ed-4th semester respectively of the University. It is alleged that one Gurpeet Kaur @ Seerat @ Preet and her brother Navpreet Singh both are the students of Physiotherapy Department of the University. Petitioner No.1, namely, Rahul Grover has an affair with Gurpeet Kaur @ Seerat @ Preet which is not liked by her brother Navpreet Singh and her mother Arvinder Kaur. Petitioner No.1 has allegedly been threatened by them on

mobile on 19.02.2017 and on 21.02.2017. Petitioner No.1 was called by the University authorities, asking him and petitioners No.2 to 4, who are his friends not to meet Gurpeet Kaur @ Seerat @ Preet. It is further averred that Navpreet Singh, brother of Gurpeet Kaur @ Seerat @ Preet registered FIR No.22 dated 23.02.2017 under Section 365 IPC at Police Station Fatehgarh that Gurpeet Kaur @ Seerat @ Preet is missing and the mother of said Gurpeet Kaur @ Seerat @ Preet, namely, Arvinder Kaur also registered one FIR No.40 dated 11.04.2017 under Sections 341/323/354/ 511/295 IPC against the petitioners for the alleged incident dated 20.02.2017 in which the petitioners had tried to molest Gurpeet Kaur @ Seerat @ Preet and manhandled her brother Navpreet Singh. It is further averred that the impugned order has been passed for rustivating the petitioners though they had to appear in the exam on 04.05.2017. Counsel for the petitioners has submitted that the impugned order has been passed without hearing, therefore, it is against the principles of natural justice.

After notice, the University has filed reply in which it is averred that Chapter II of University Calendar provides for control and discipline of students in the University Teaching Departments and Hostels and Rule 2.2 deals with the expulsion/ rustication of the students. The said paragraph is also reproduced as under:-

“2.2 For expulsion/ rustication and other punishment in excess of the limits specified in any of the above categories of Rule 2.1, the case will be referred to the Enquiry Committee, constituted by the Vice-Chancellor. This Committee shall submit a report to the Vice-Chancellor, who may either himself

impose any punishment including expulsion/ rustication for the period specified in the order, depending upon the gravity of the offence, or refer the enquiry report to the same committee or another committee appointed by him for imposing punishment, as such committee may deem fit.”

It is further submitted that on 20.04.2017, Dean Student Welfare received a complaint from Gurpeet Kaur @ Seerat @ Preet regarding the misconduct of the petitioners with her and her brother. A preliminary inquiry was conducted by the Enquiry Committee consisting of Dean Students Welfare, Department in charge (Physical Education) and Department in Charge (Physiotherapy). The petitioners were also called in the inquiry where they admitted their guilt and tendered the apology on 21.02.2017. The Enquiry Committee recommended their suspension and called the parents of the petitioners on 23.02.2017. On the same day, the petitioners were suspended from ongoing MST examination and the classes till further orders. The petitioners did not bring their parents to the University rather petitioner No.1 brought his Uncle who requested the Dean Student Welfare for condoning his act`. The Committee fixed another date i.e. 01.03.2017 and gave one more chance to the petitioners to come along with their parents. During the proceedings of the Committee, petitioners No.2 and 4 came along with their parents but petitioners No.1 and 3 did not bring their parents. Thereafter, the meeting was fixed on 06.03.2017 and petitioners No.1 and 3 were also directed to come along with their parents. Then petitioners No.1 and 3 also brought their parents and informed by the University about their misconduct. The parents of the petitioners also

submitted their application to pardon them. The Committee thus recommended for imposing fine upon the petitioners for their misconduct. The recommendations of the Committee were pending consideration and not finally approved and in the meantime, FIR No.40 dated 11.04.2017 under Sections 341/323/354/ 511/295 IPC came to be registered against the petitioners. The Enquiry Committee thus requested the Vice Chancellor to review their recommendations because of registration of the FIR against the petitioners. The Committee reviewed its earlier recommendations and recommended that the petitioners be rusticated till the end of next semester i.e. 31.12.2017. It is, thus, submitted that the University can take any action as the incident had taken place outside the University gate and in this regard, relevant clause of the Prospectus is also reproduced as under:-

“ix) The university Management will be at liberty to impose any penalty or take any disciplinary action(s) on the student, found guilty of any sort of misconduct or indiscipline or disobedience or malpractice within or outside the precincts of the University, or any act which is detrimental to the interests of the University. The University Management, in such a case, may rusticate him/her or discontinue his/her stay in hostel and he/she will not be entitled for any refund of admission fee, hostel fee or any other funds/ charge paid to the University and shall be liable to pay the pending fee or dues, etc for the semester under consideration.”

It is also mentioned that the said incident had occurred between the students of the University, outside the gate of the University, therefore,

the University was competent to take action against the petitioners to maintain discipline in the University. It is further alleged that the prayer of the petitioners for allowing them to appear in the exam is also not tenable and in this regard relevant conditions of the Calendar are also reproduced as under:-

“5.7 In order to be eligible to appear in end semester examinations in any semester, a student must have enrolled for concerned subject(s)/paper(s) and must have attended not less than 75% of the total classes, separately for theory & practical papers from the date of start of classes for that semester, as notified in the Academic Calendar. For the students admitted late in the first semester, the 75% attendance will be calculated on the basis of Lectures held after the date of admission.

5.8 A student detailed in the paper(s) due to shortage of attendance would be allowed to appear for that paper(s) in subsequent end semester exams only on having completed the 75% attendance in that paper(s), when the paper is offered as a regular subject(s), as per the rules.”

It is further averred that the petitioners do not have 75% lectures in the present semester and they were habitual of not attending the classes. Even prior to their suspension also, they had only 50% lectures, therefore, they were not eligible to sit in the examination. It is also alleged that the petitioners did not fill the examination form for the exam for which last date was 14.3.2017 and with late fee 13.4.2017. It is also alleged that

the University had already taken a lenient view of suspending the petitioners till 31.12.2017 meaning thereby, the petitioners would be eligible to appear in the exam in May, 2018 subject to the outcome of the criminal proceedings. It is also averred that the petitioners have not taken mid semester exam and even the main exams have already been commenced and partly over.

After hearing learned counsel for the parties and examining the available evidence on record, I am of the considered opinion that there is no merit in the present petition because ample opportunity of hearing has been given to the petitioners by the Enquiry Committee which was constituted, comprising three Members, namely, Dean Students' Welfare, Department In-charge (Physical Education) and Department In-charge (Physiotherapy) before whom the petitioners had admitted their guilt of having molested the girl and misbehaviour with her brother who was accompanying her, by hurling abuses and thrashing him badly. Petitioner No.1 had also admitted that he had thrown the turban of her brother. The parents/ guardians of the petitioners have also admitted the guilt of the petitioners but requested for pardon. At one point of time, the Committee recommended to let off the petitioners by imposing fine but before the recommendations could have been approved by the Vice Chancellor in terms of Clause 2.2 (supra), the Committee had found the registration of the FIR against the petitioners at the instance of the mother of Gurpreet Kaur @ Seerat @ Preet and, therefore, it was re-recommended that they may be rusticated for a period of six months as their misbehaviour was giving a bad name to the University.

The said order has thus been passed in terms of Clause 2.2 of the Calendar

in which there is no defined parameter to impose the punishment of expulsion / rustication but for the Committee to find out that the act of the students falls within definition of misbehaviour or not. Thus, there is hardly any merit in the arguments of the petitioners that no opportunity of hearing was given rather repeated opportunities were given to the petitioners before taking the step of rusticating them from the University though for a short period of six months. Insofar as the question of allowing the petitioners in the examination is concerned that cannot be permitted because of the order of rustication being upheld. With these observations, the present petition is found without merit and is hereby dismissed.

May 15, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No