

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17725 of 2018

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Pappu Kumar Jha, S/o Shri Ram Naresh Jha, resident of Village- Brahampur,
P.S. Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The Bihar Animal Sciences University, Bihar Veterinary College Campus, Patna 800014 through its Registrar.
2. The Vice Chancellor, Bihar Animal Sciences University, Bihar Veterinary College Campus, Patna 800014.
3. The Registrar, Bihar Animal Sciences University, Bihar Veterinary College Campus, Patna 800014.
4. The Examination Controller, Bihar Animal Sciences University, Bihar Veterinary College Campus, Patna 800014.
5. The Dean Students Welfare, Bihar Animal Sciences University, Patna- 800014.
6. The Dean, Bihar Veterinary College, Patna- 800014.
7. The Principal, Bihar Veterinary College, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Navin Prasad Singh
For the Respondent/s	:	Mr. K.N. Singh, Sr. Advocate
		Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 26-10-2018 Heard learned counsel for the parties.

2. The petitioner is a student of Bachelor of Veterinary Science and Animal Husbandry in Bihar Veterinary College under Bihar Animal Sciences University, Patna. He is aggrieved by the Office Order dated 29.06.2018 and 05.07.2018, issued by the Bihar Animal Sciences University, Patna. By Office Order dated 29.06.2018, he, among nine other students, has been debarred from appearing in final theory and practical examination of the subject mentioned against their names, in



view of the provision under Regulation 15(2) of the Veterinary Council of India Minimum Standards of Veterinary Education (Bachelor of Veterinary Science and Animal Husbandry-Degree Course) Regulations, 2016 (hereinafter referred to as 'the Regulation, 2016). Regulation 15(2) of the Regulations, 2016, requires at least 75 per cent of the attendance in a subject for a candidate must be eligible for the examination.

3. This is not in dispute that the petitioner was found to be short of such 75 per cent of attendance in the subjects mentioned in the Office Order dated 29.06.2018. In view of the clear language of Regulation 15(2) of the Regulation, 2016, I do not find any illegality in the Office Order dated 29.06.2018.

4. Now coming to the next relief sought, the Office Order dated 05.07.2018 at Annexure-4 reads thus:-

“Keeping in view of invigilators report and Committee report on examination of 3rd July, 2018, Mr. Pappu Kumar Jha, Adm. No. 66/2015-16, student of 2nd Professional Year, BVSc. & AH. Programme found involved in misbehaving with teachers, instigating the other students to boycott the examination and creating the environment of lawlessness in the BVC Campus. Considering this, his admission is being cancelled from the University and



vacation from the hostem with immediate effect.”

5. It is evident from the said Office Order, that the petitioner has been found by the University to be involved in misbehaving with teachers, instigating the other students to boycott the examination and creating the environment of lawlessness in the BVC Campus. Based on the said allegation, his admission has been cancelled with a direction to vacate the hostel with immediate effect.

6. It is specific plea of the petitioner that before issuance of the such Office Order, no opportunity of any kind of hearing was afforded to him. This fact has been admitted in the counter affidavit filed on behalf of the University, paragraph 13 of which reads thus:-

“That with regard to statement made in para 11, 12, 14 under reply it is stated that the same is not wholly correct. The petitioners were heard by the committee on 01.07.2018 and his debarment from examination for securing less than 75% attendance was found in order. That on 03.07.2018 the petitioner openly misbehaved with the teachers and threatened to put the campus on Fire,



prevented students to enter into examination Hall, so in view of act. of gross indiscipline committed by him in front of teachers and officers of the university who are also members of disciplinary committee, so therefore considering the seriousness of the open defiance of authorities and unruly behaviour there was no need to issue him a notice. The disciplinary committee recommended for cancellation of his admission and the same was approved by the Vice-Chancellor and order was issued on 05.07.2018 as per provision of Regulation.”

7. Bare reading of the averments made in the paragraph 13 of the counter affidavit and the impugned Office Order, I am of the view that action of the University is in violation of principles of natural justice. Since action has serious adverse civil consequences against the petitioner. The Office Order dated 05.07.2018, cannot be sustained and is, accordingly, quashed.

8. The University shall, however, be at liberty to take decision afresh after giving the petitioner an opportunity of hearing.

9. In view of the nature of allegation, as against the



petitioner has reflected in the impugned order, I am not directing for reinstatement of the petitioner in the college as a student. I, however, direct the Vice-Chancellor of the University that if he intends to proceed against the petitioner after giving him due opportunity of hearing, he must initiate it within a period of two weeks from today and conclude the same within two months thereafter, failing which the University shall have to take the petitioner back in the course which he was pursuing.

10. It is observed that the petitioner shall co-operate in the proceeding, if initiated by the University, and if he does not do so, the University shall be at liberty to proceed in accordance with law.

11. This application is partly allowed.

(Chakradhari Sharan Singh, J)

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