

#47

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 24.07.2018

W.P.(C) 7347/2018

VATYA RAINA

..... Petitioner

versus

JAWAHARLAL UNIVERSITY & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Tara Narula, Mr. Maanav Kumar and Ms. Nupur, Advocates

For the Respondents : Ms. Monika Arora, Standing Counsel, JNU with Mr. Vibho Tripathi,
Mr. Harsh Ahuja and Mr. Kushal Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

CM APPL.28138/2018 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of.

W.P.(C) 7347/2018 & CM APPL.28137/2018 (Stay)

1. The present petition under Articles 226 and 227 of the Constitution of India, instituted on behalf of the petitioner prays as follows:-

“In the facts and circumstances of the instant case and the grounds above, it is most respectfully prayed that this Hon’ble Court may be pleased to:-

- (i) Call for the records of proctorial enquiry including the reports leading to the Show Cause Notice and Office Order; and
- (ii) Issue an appropriate writ quashing Show Cause Notice No.CP/DMRX/DA/JNU/2018 dated 01.05.2018; and
- (iii) Issue an appropriate writ quashing Office Order No.124/CP/2018 dated 11.07.2018; and
- (iv) Direct the University to adhere to and publish norms and guidelines that are consistent with procedural fairness and natural justice, for the conduct of proctorial enquiries; and
- (v) Award the petitioner costs related to the filing of the present petition; and
- (vi) Pass any such further orders as this Hon’ble Court may deem fit in the facts and circumstances of the instant case and/or in the interest of justice.”

2. The petitioner herein, who is a student of Centre for Spanish, Portuguese, Italian and Latin American Studies (for short ‘CSPILAS’), is essentially aggrieved by the Show Cause Notice No.CP/DMRX/DA/JNU/2018, dated 01.05.2018 issued on behalf of

respondent No.1/Jawaharlal Nehru University (hereinafter referred to as 'JNU'), which culminated in the passing of the Office Order No.124/CP/2018, dated 11.07.2018, both of which are impugned in the present proceedings, inasmuch as, they resulted in a finding that the petitioner was guilty of indiscipline and misconduct and visited her with a penalty of Rs.10,000/-.

3. Needless to state that, the penalty imposed upon the petitioner, albeit only one in terms of money, causes grave prejudice to her reputation and has civil consequences for her.

4. Ms. Monika Arora, learned Standing Counsel appearing on behalf of respondents states that, they seek leave to recall both the Show Cause Notice, as well as, the office order, with liberty to conduct a *de novo* enquiry into the facts and circumstances that led to the finding of the petitioner's guilt. Ms. Monika Arora, learned Standing Counsel also undertakes that the petitioner, who has been granted admission to B.A. (Third Year), CSPILAS, shall be allowed to register for the said course forthwith.

5. Directed accordingly.

6. The JNU is directed to maintain a video record of the entire proceedings.

7. Needless to state that the proposed *de novo* enquiry to be conducted by the JNU shall abide by the principles of natural justice and afford an opportunity to the petitioner to defend herself against the charges that may be laid against her, in accordance with law.

8. The petitioner is directed to participate in the enquiry and refrain from conduct, which may be unbecoming of a student and which may exacerbate the situation.

9. In view of the foregoing discussion, the Show Cause Notice No.CP/DMRX/DA/JNU/2018 dated 01.05.2018, issued on behalf of JNU, and the resultant Office Order No.124/CP/2018 dated 11.07.2018, are both set aside and quashed.

10. With the above directions, the writ petition is disposed of. The pending application also stands disposed of.

11. A copy of this judgment be given *dasti* under the signature of Court Master to counsel for the parties.

SIDDHARTH MRIDUL
(JUDGE)

JULY 24, 2018/dn