

\$~17

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6132/2016

KAMRAN ALI TARIQ Petitioner

Through: Mr.Saqib, Adv.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr.Kirtiman Singh, Adv. for R-1 & 2.
Ms.Zeba Khair, Adv. for R-3 to 5.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **08.03.2018**

Vide the present petition, the petitioner has *inter alia* impugned the penalty order dated 16.05.2016 passed by respondent No.4 whereby a fine of Rs.5,000/- was imposed on the petitioner.

Learned counsel for the petitioner submits that the said penalty order has been passed in gross violation of principles of natural justice, as the same is based on a show-cause notice issued to him levelling certain allegations relating to his having misbehaved with another student namely, Mr.Tariq Shakeel. He submits that, even though in his detailed reply, the petitioner clearly brought out that the allegations levelled against him by Mr.Tariq Shakeel, were totally false and fabricated. He further submits that the impugned order has been passed, without giving him any opportunity to show that the allegations levelled by Mr.Tariq Shakeel were false, which allegations have been treated as gospel truth.

Learned counsel for the petitioner submits that aggrieved by the penalty order, the petitioner had submitted a representation dated 22.05.2016, under Para 18(d) of the Ordinance 14(xiv) relating to Students Discipline, which was followed by a reminder dated 11.07.2016, but the respondents have taken no action on the same.

Mr.Saqib, learned counsel for the petitioner further points out that pursuant to the impugned order, the petitioner's mark-sheet had also been retained, but vide order dated 19.07.2016 passed by this Court, the said mark-sheet has been released to him upon depositing the fine amount. He submits that the petitioner had deposited the fine without prejudice to his rights and contentions in the present petition.

Ms.Zeba Khair, learned counsel appearing for respondent Nos.3 to 5 is unable to dispute the position that before imposing the penalty neither any inquiry has been conducted nor any opportunity of hearing was given to the petitioner.

At this stage, learned counsel for the petitioner submits that for the present, the petitioner would be satisfied if the respondents are directed to dispose of the petitioner's representation. In view of the aforesaid submission of learned counsel for the petitioner, Ms.Zeba Khair, learned counsel for respondent Nos.3 to 5 prays that the respondents may be granted an opportunity to dispose of the petitioner's aforesaid representation.

The writ petition is accordingly disposed of with a direction to the respondent nos.3 and 4 to dispose of the petitioner's representation dated 22.05.2016 by passing a reasoned and speaking order, after following the due procedure of law.

Needless to say that the said order has been passed, without prejudice to the rights and contentions of both the parties.

It is also made clear that the fine deposited by the petitioner would be subject to the final decision on his representation.

In case, the petitioner is still aggrieved by any order passed by the respondents, he will be entitled to take legal recourse as permissible under law.

The petition is disposed of in the above terms.

REKHA PALLI, J

MARCH 08, 2018/gm