

\$~78

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

+ W.P.(C) 7959/2018

MOHD ALAM HUSAIN

..... Petitioner

Through Mr. Arjun Harkauli, Advocate.
versus

JAWAHARLAL NEHRU UNIVERSITY Respondent

Through Ms. Monika Arora, Standing Counsel
along with Mr. Harsh Ahuja,
Advocate for JNU.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

%

31.07.2018

CM No. 30518/2018 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 7959/2018 & CM No. 30519/2018 (stay)

The present petition under Article 226 of the Constitution of India,
prays as follows:-

- a) *Issue a Writ of Certiorari or any other appropriate writ(s)/direction(s)/order(s) quashing the Disciplinary Enquiry initiated by the Respondent against the Petitioner;*
- b) *Issue a Writ of Certiorari or any other appropriate writ(s)/direction(s)/order(s) quashing the complaint dated 27th March, 2017 bearing File No. S-11011/18/2017-SECURITY STAFF, Show Cause Notice dated 24th April, 2018 bearing file No. CPO/DMQ/DPRR/DPM/JNU/2018, Office Order dated 24th May, 2018 bearing No. 88/CP/2018 and all other*

proceedings associated with the same as being violative of Article 14;

c) pass an appropriate writ/order or direction directing the respondent to pay exemplary damages and cost of the present writ to the petitioner.”

The petitioner is a student of Jawaharlal Nehru University (hereinafter referred to as “JNU”), currently pursuing B.A. Course at Centre of Spanish, Portuguese, Italian and Latin American Studies, School of Language, Literature and Culture Studies. The petitioner is aggrieved by a Show Cause Notice bearing No. CPO/DMQ/DPRR/DPM/JNU/2018, dated 24th April, 2018 and an Office Order bearing No. 88/CP/2018, dated 24th May, 2018, whereby, the JNU has found him guilty of conduct unbecoming of a student and visited him with a fine of Rs.6,000/-.

It is an admitted position that, the impugned orders are appealable, in terms of the University Guidelines.

Issue notice.

Ms. Monika Arora, learned Standing Counsel appearing on behalf of the JNU, accepts notice and does not refute the legal position that obtains in relation to the impugned orders being appealable before the Vice Chancellor.

In view of the foregoing, the present writ petition is disposed of, whilst granting liberty to the petitioner to assail the orders of punishment impugned in the present proceedings by filing an appeal before the Vice Chancellor, in accordance with law, within a period of two weeks from today.

The JNU is directed to dispose of the said appeal, when instituted, expeditiously and in accordance with law, and preferably within a period of eight weeks thereafter.

Needless to state that, the Appellate Authority shall abide by the principles of natural justice and afford an opportunity to the petitioner to defend himself against the findings arrived at in the proctorial enquiry, including affording him an adequate opportunity of being heard and producing relevant material.

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

Till the time that the JNU determines the appeal to be instituted on behalf of the petitioner, in accordance with law; they are directed not to take any coercive action against the petitioner and to make available, all the facilities, such as registration for courses of study etc., as may be necessary for him to continue with his studies with the University.

Similarly, whilst participating in the proceedings before the Vice Chancellor, the petitioner is directed to abstain from conduct, which may be considered unbecoming of a student or disrupting the sanctity of the institution.

With the above directions, the writ petition is disposed of. Pending application also stands disposed of.

Copy of the order be given *dasti* under signature of the Court Master to learned counsel for the parties.

SIDDHARTH MRIDUL, J

JULY 31, 2018
RS