

#85

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 27.08.2018

W.P.(C) 8902/2018

SARTHAK BHATIA

..... Petitioner

versus

JAWAHARLAL UNIVERSITY & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Nitin Sarvanan and Ms. Arunima Singh, Advocates
For the Respondents : Ms. Monika Arora, Standing Counsel, JNU with Mr. Vibhu 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.34236/2018 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(C) 8902/2018 & CM APPL.34235/2018 (Directions)

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

- “(i) Call for the records of the 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 /DMRC / DA / DPRR / JNU / 2018 /2573 dated 19.04.2018; and
- (iii) Issue an appropriate writ quashing office order No.141/CB/2018 dated 11.07.2018; and
- (iv) Direct the framing, publication, and adherence to proper norms and guidelines 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 is a student of Jawaharlal Nehru University (hereinafter referred to as “JNU”), currently pursuing M.Phil Course, at the Centre for Comparative Politics and Political Theory, School of International Studies.

3. The petitioner is aggrieved by a Show Cause Notice bearing No. CPO/DMRD/DA/DPRR/DA/JNU/2018/2573, dated 19.04.2018 and the resultant Office Order No.141/CP/2018 dated 11.07.2018, whereby, the JNU

has found him guilty of conduct unbecoming of a student and visited him with a fine of Rs.10,000/-, in addition to, transfer to another hostel from the present accommodation.

4. Notice.

5. Ms. Monika Arora, learned Standing Counsel accepts notice on behalf of the respondent/JNU.

6. Ms. Monika Arora, learned Standing Counsel appearing on behalf of the JNU states that an appeal against the impugned Office Order dated 11.07.2018, shall lie before the Appellate Authority.

7. The petitioner, it is stated, has since deposited with the JNU the fine of Rs.10,000/-, imposed upon him vide the impugned order dated 11.07.2018.

8. In view of the foregoing, the present writ petition is disposed of, whilst granting liberty to the petitioner to assail the impugned order by filing an appeal before the Appellate Authority, in accordance with law, within a period of two weeks from today.

9. 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.

10. 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 adequate opportunity of being heard and producing relevant material. The JNU is directed to maintain a video record of the entire proceedings.

11. Till the time that the JNU determines the appeal to be instituted on behalf of the petitioner, in accordance with law, it is directed not to take any coercive action against the petitioner and to make available, all the facilities including, acceptance of thesis, accommodation and registration for course of study etc., as may be necessary for him to continue with his studies with the University.

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

**SIDDHARTH MRIDUL
(JUDGE)**

AUGUST 27, 2018

dn