

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.No.6277 of 2019

ORDER:

Petitioner is prosecuting IV year Engineering course in National Institute of Technology, Warangal. By the order impugned, the petitioner is placed under suspension on the allegation that he indulged in ragging of his fellow students of I year.

2. The petitioner challenges the suspension on the ground that prior to suspension, no notice was issued to him, no opportunity was afforded to him in order to explain his version and based on false and frivolous allegations, he was placed under suspension, which is just before commencement of final year semester examinations and grave prejudice is caused to him.

3. Learned Standing Counsel appearing for Respondent Institute submits that Section 6 of Andhra Pradesh Prohibition of Ragging Act, 1997 (for short 'the Act') does not envisage any prior notice before suspending a student who indulged in ragging and therefore, the order impugned in the writ petition is not vitiated. He further submits that serious instances of ragging took place, where students were seriously injured. Victim as well as his father lodged complaint in the police station. On verification of the CCTV footage, it was found that the petitioner indulged in ragging and therefore the impugned suspension order came to be passed. In support of his contention, the learned Standing Counsel placed reliance on the judgments of the Apex Court in UNIVERSITY OF KERALA v. COUNCIL OF PRINCIPALS OF COLLEGES, KERALA AND OTHERS¹ and UNIVERSITY OF KERALA v. COUNCIL OF PRINCIPALS OF COLLEGES, KERALA AND OTHERS².

¹ (2009) 15 SCC 301

² (2009) 16 SCC 712

4. Section 6 of the Act makes it clear that it does not envisage any prior notice or opportunity before placing a student under suspension on the allegation of ragging. It is not in dispute that the complaint was lodged by victim and his father. A reading of the complaint, which was registered as F.I.R.No.53 of 2019 on 15.3.2019 of P.S. Kazipet, would disclose that the Disciplinary Committee of the Institute having enquired into the matter and based on the video footage and identification of the student, came to prima facie conclusion as to involvement of the petitioner. Thus, it is not a case of non-application of mind before resorting to suspension of the petitioner. It is also not the case of the petitioner that the authority who passed the impugned order is not competent to place him under suspension. As held by the Hon'ble Supreme Court in the decisions referred to supra, matters relating to the acts of ragging have to be viewed seriously and deterrent action should be taken against the students who indulge in ragging of their fellow students.

5. In view of the law laid down by the Hon'ble Supreme Court, Section 6 of Andhra Pradesh Prohibition of Ragging Act, 1997 and in the facts of the case, I see no error in the decision taken by the Respondent Institute, warranting interference of this Court under Article 226 of the Constitution of India.

6. Accordingly, the writ petition is dismissed. As a sequel, the miscellaneous petitions if any, shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 27.3.2019
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