

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.971 of 2020

ORDER:

The present writ petition is filed questioning the action of the respondent No.2 in issuing proceedings vide No.NITW/Reg/Disc-stu/2019/3829 dated 22.11.2019 suspending the petitioner from the respondent No.1 institute until the end of the current academic year 2019-2020 and barring him from appearing in the first year examinations and further imposing a penalty of Rs.1,00,000/- to be paid within one month as being illegal, arbitrary and without jurisdiction and in violation of the provisions of Students Conduct and Disciplinary Code of the respondent No.1 institute.

2. Heard Mr. D.V. Seetharamamurthy, learned senior counsel for Sri M. Avinash Reddy, counsel for the petitioner and Mr. T. Mahender Rao, learned standing counsel appearing for respondents 1 to 3.

3. The learned senior counsel for the petitioner submits that the impugned order has been passed without affording an opportunity to the petitioner and also without taking the overall circumstances into consideration. It is also submitted that as no prohibited substance was found on the person of the petitioner when the security personal had entered into Room No.A2-41 wherein there were about 11 students against whom the allegation of the students involving themselves in taking Ganja has been made, for which punishment has been imposed on the petitioner by the impugned proceedings. The learned senior counsel also submits that being aggrieved by the impugned order, the petitioner, through his parents, has preferred an appeal,

as provided under Section 5 of the Disciplinary Code, before the Director on 24.11.2019.

4. Learned standing counsel appearing for the respondents 1 to 3 submits that the appeal filed by the petitioner before the respondent No.3 is defective for the reason that the impugned order has been passed by the respondent No.2 with the approval of the respondent No.3 and therefore, the appeal needs to be filed to the Senate as provided under Section 5 of the Disciplinary Code.

5. Since the petitioner has already filed an appeal, through his parents, before the respondent No.3, this Court is of the view that the respondent No.3 should be directed to place the said appeal and the subsequent representation insofar as the petitioner is concerned before the Senate for its consideration. Having regard to the fact that the academic year is in progress, the Senate shall decide the appeal before it as expeditiously as possible but not later than three (3) weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. Pending miscellaneous petitions shall also stand closed. There shall be no order as to costs.

T. VINOD KUMAR, J

January 10, 2020
Note: Issue CC today.
(B/o) DSK