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

+ W.P.(C) 9988/2019 & CM Nos.41390/2019 & 4760/2020

VIKASH NAGAR Petitioner

Through Mr.Hemant Manjani, Adv.

versus

SHAHEEDBHAGAT SINGH COLLEGE AND ORS..... Respondent

Through Mr.Mohinder Jit and Mr.V.Bhawani,

Advs. for R-1

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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12.03.2020

1. This writ petition is filed by the petitioner seeking to quash the impugned order dated 11.09.2019 and all actions of the respondents before and after rejecting the candidature of the petitioner
2. The case of the petitioner is that the petitioner is a student of Shaheed Bhagat Singh College, Delhi University in B.Com.(Hons.). Election to the Student Union was notified on 27.8.2019. The respondent issued the schedule for elections. The petitioner fulfilled all eligibility criteria and submitted his nomination paper for contesting for the post of President.
3. The grievance of the petitioner is that few days before the elections the petitioner received a Show Cause Notice dated 9.9.2019 whereby he was asked to reply to an alleged act of indiscipline and violence within two hours of the receipt of the notice. The case of the petitioner is that he had no role to play in the said dispute or incident. It is also pleaded that it is apparent from the CCTV footage where the petitioner can be seen at a distance from the site of the incident. On 11.9.2019 at 4:00 PM, 18 hours before the start

of the elections the petitioner received a communication stating that he was debarred from contesting the Students' Union Election 2019-20.

4. It is pleaded that the students of the College were of the view that there is no wrongful act by the petitioner. Ballot papers continued to contain the name of the petitioner though he was debarred from contesting the Students' Union Elections. The petitioner won the election as the ballot papers still contained his name for the post of President. He is said to have got the highest number of votes, namely, 525 votes out of 909 votes. Hence, the present Writ Petition.

5. The petitioner has also filed an additional affidavit pointing out that the post of President of the Students' Union is vacant and presently there is no President. Learned counsel for the petitioner pleads that he is willing to tender an apology and the College may consider appointing him as a President for the balance term which is for roughly two months.

6. Learned counsel appearing for respondent No.1 the college in question relies upon the Lyngdoh guidelines which have been approved by the Supreme Court in ***University of Delhi vs. Council, Principal Colleges, Kerala, (2006) 8 SCC 304***. He submits that as per the Lyngdoh guidelines all steps have been taken. The Grievance Cell has dismissed the complaint. He further submits that against the dismissal of the complaint, an appeal lies which can be filed within 24 hours to the Head of the Institution. The Institution has discretionary appellate jurisdiction over the Grievance Cell.

7. In my opinion, keeping in view the Lyngdoh guidelines, it would have been appropriate for the petitioner to have filed an appeal before the concerned appellate authority.

8. In the course of arguments I cannot help noticing few aspects which

have been brought to my notice by learned counsel for the petitioner. The person who was injured in the altercation and violence that took place was a person named Mr.Jatin Sahu. Mr.Jatin Sahu had filed an affidavit in court dated 12.12.2019 where he has confirmed that an altercation took place between him and some other students. He states that Mr.Vikas Nagar the petitioner had no role in the dispute/fight that took place in the Campus between him. He further states that to his knowledge the students who had beaten up Mr.Jatin Sahu was not a supporter of the petitioner and had no connection with the petitioner. He also states that the petitioner had been falsely implicated in the case by the College Administration to disqualify him from the Students' Election which he had already won by considerable margin of 184 votes.

9. I have also seen one of the videos that was produced in court by learned counsel for the respondent on a Pen Drive. A perusal of the video shows that the incident appears to have taken place on the spur of the moment and the whole thing subsided within 5 to 7 seconds. Mr.Jatin Sahu is seen in the video after the incident was over and did not seem to have been in any manner badly injured. No doubt the incident is condemnable but prima facie appears to be more of a minor skirmish.

10. Keeping in view the above facts, which are available on record, in my opinion, it would be appropriate that an opportunity is given to the petitioner to file an appeal before the Principal of the college. Learned counsel for the petitioner states that an email had been sent to the Principal. Be that as it may, liberty is granted to the petitioner to substantiate his contentions further within two days from today. Learned Principal of respondent No.1 College is requested to thereafter dispose of the appeal, as per law, within

one week thereafter.

11. Petition stands disposed of. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

MARCH 12, 2020

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