

19.05.2022
Ct. 5
D/L 13
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WPA 8827 of 2022

Sushmita Saha

-Vs-

The State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee,
Mr. Debashis Banerjee,

... for the petitioner

Mr. Soumya Majumdar,
Mr. Rahul Karmakar,
Mr. Sounak Mukherjee

... for the respondent nos. 3 to 6

Mr. Swapan Kumar Dutta,
Mr. Pradyot Kumar Das,

... for the State

The petitioner seeks stay of a Notice of Expulsion dated 22nd February, 2022 from the University and for permission to sit for the 8th semester examination in the B. Tech. Course which is scheduled to be held from 23rd May, 2022. The Notice of Expulsion was issued on the strength of accounts of eye witnesses, CCTV footage and investigation of the Anti-Ragging Committee of the University. The fact that the petitioner was a party to the acts is not disputed. It is also not disputed that the petitioner was given a hearing before the impugned notice was issued to guardian of the petitioner.

The University was directed to take instructions as to the steps which the University intends to take against the petitioner.

Learned counsel appearing for the University submits that the petitioner may be permitted to sit for the 8th semester examination in B. Tech. in Electronic and Telecommunication Engineering in the University but should not be allowed to enter the University. It is also submitted that the University has incurred an amount of approximately Rs. 40,000/- towards damage to property and hospitalization charges of some of the students and security guards.

Learned counsel appearing for the petitioner submits that the petitioner may be subjected to any strictures provided the petitioner is allowed to sit in the examination.

After hearing counsel, this Court is of the view that there should be some measures in the form of deterrence so that acts of this nature are not repeated in future by any student of the University. The petitioner should hence be asked to make good the wrong done including damage caused to the property of the University and other expenses borne by the University. Admittedly, the petitioner was a party to the acts complained of and was expelled from the University by reason of such acts.

The petitioner has admittedly disturbed and disrupted the peaceful environment of the University. The petitioner and some others have acted like a bunch of philistines and conducted themselves in a manner which is directly contrary to what should be expected from a student. Ragging, in all its forms, is antithetical to equality and the dignity and self-respect of students, particularly when it takes on a physical and abusive form. It epitomises regressive behaviour with a perceived right to violate the bodily integrity of a fellow-student. There can be no possible excuse for acts of violence and vandalism in an academic institution.

The petitioner shall accordingly share the hospitalization charges incurred by the University with the petitioners in WPA 8784 of 2022 for the treatment of some of the students. The petitioner shall also do community service by teaching students in Sadaipur Prathamik Vidyalay and Subhasnagar FP School, Kokapur schools in Barasat, two days in a week for four hours each day for 12 weeks. The community service shall start from the 1st day of the last paper of 8th semester examination and continue for 12 weeks thereafter without interruption. The petitioner shall give a report of the classes taken and the quality of teaching imparted to the students during the period of 12 weeks of the community service to the University. The Headmasters of the concerned schools shall also certify

the fact of the petitioner having rendered the service, as directed above.

The petitioner shall not be permitted to enter the University except for the purpose of taking the examination, as directed above. The study material and all other examination aids shall be provided to the petitioner so that the petitioner is not inconvenienced in any manner before the examination. The parents/family members of the petitioner shall collect the study material from the University. The quantum for reimbursement of the hospitalization charges and other expenses shall be informed by the University to the petitioner within 48 hours from today and the payment shall be made within 72 hours from the date on which the charges are informed to the petitioner.

The University shall provide a complete set of study material to the petitioner by 10 p.m. today, i.e. 19th May, 2022.

The petitioner shall ensure that there is no disruption in the peaceful academic atmosphere of the University at the time of taking the examination. The University shall be at liberty of informing this Court in case the petitioner causes any violation of the directions given above.

The University is permitted to communicate this order, as prayed for.

WPA 8827 of 2022 is disposed of in terms of the
above.

(**Moushumi Bhattacharya, J.**)