

30.05.2022
Court No.6
Item Nos.31,
32, 39 & 40
AP/ss

WPA 9670 of 2022
Sk. Ronir Rahman
Vs.
The State of West Bengal & Ors.

With
WPA 9671 of 2022
Somenath Singh
Vs.
The State of West Bengal & Ors.

With
WPA 9682 of 2022
Hredoy Sen
Vs.
The State of West Bengal & Ors.

With
WPA 9683 of 2022
Subhronil Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Dabasis Banerjee
... For the Petitioners in Item Nos.31 & 32.

Mr. Srijib Chakraborty
Mr. Sunny Nandy
... For the Petitioner in Item No.39.

Ms. Ujjaini Chatterjee
Mr. Pritam Chakraborty
... For the Petitioners in Item No.40.

Mr. Rabindra Narayan Dutta
Mr. Sailendranath Chakraborty
Mr. Sutanu Chakrabarti
Mr. Pranab Halder
... For the State.

Mr. Rahul Karmakar
Mr. Gargi Goswami
Mr. Debabrata Ray
... For the University.

Petitioner in WPA 9682 of 2022 is granted leave
to correct the paragraph 1 in stead of Indian citizen it
is to be read as Bangladeshi National.

Petitioner in WPA 9683 of 2022 filed supplementary affidavit and affidavit of service which are taken on record.

As the issue in all the writ petitions are same and thus, this Court has taken all the matters together for disposal.

Petitioners in WPA 9670 of 2022, WPA 9671 of 2022 and WPA 9682 of 2022 seek 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 in the month of June 2022.

Petitioner in WPA 9683 of 2022 is a LLB final year student who also seek stay of the notice of expulsion dated 22nd February 2022.

The notice of expulsion is issued on the strength of accounts of eyewitnesses, CCTV footage and investigation of the Anti-ragging Committee of the University.

The fact that the petitioners were the parties to the act is not disputed. It is also not disputed that the petitioners were given hearing before the impugned notice was issued to the petitioners.

Learned counsel appearing for the University submits that the petitioners may be permitted to sit for 8th semester examination in B.Tech in electronics and telecommunication engineering and LLB examination

in the University but should not be allowed to enter the university.

It is also submitted that the university has incurred a amount of approximately Rs.40,000/- towards damage to property and hospitalization charges of some of the students and security guard.

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

Similar notice of expulsion dated 22nd February 2022 was challenged by some of the students in WPA 8827 of 2022 and WPA 8784 of 2022.

Counsel for the petitioners relied upon the order passed by the coordinate Bench of this Court in the above referred matters and submits that similar order can be passed and the petitioners are ready to comply with the directions passed by the coordinate Bench in the above referred mattes.

In view of the above, 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 petitioners, hence are asked to make good the wrong done including damages caused to the property of the University and other expenses borne by the University.

Admittedly, the petitioners were parties to the acts complaint of and were expelled from the University by reason of such acts.

The petitioners have admittedly disturbed and distracted the peaceful environment of the University. The petitioners and some others have acted like a bunch of philistines and conduct themselves in a manner, which is directly contrary to or should not expect from a student.

Ragging, in all its form, is unethical to equity and the dignity and self-respect of the students, particularly when it takes on a physical and abusive form.

The petitioners shall accordingly share the hospitalization charges incurred by the University with the petitioners in WPA 8827 of 2022 and WPA 8784 of 2022 for the treatment of some of the students.

Petitioners in WPA 9670 of 2022, WPA 9671 of 2022 and WPA 9682 of 2022 shall also do community service by teaching students in Sadaipur Prathamik Vidyalay, Subhasnagar FP School and Kokapur School in Barasat, two days in a week for four hours each day for twelve weeks.

The community service shall start from the first day of the last paper of last 8th semester examination and continue for twelve weeks thereafter without interruption. The petitioners shall give a report to the

classes taken and the quality of teaching imparted to the students during the period of twelve weeks of the community service to the University. The Headmaster/Headmistress of the concerned school shall certify the fact of the petitioners having rendered the service, as directed above.

As regards the petitioner in WPA 9683 of 2022 is pursuing the LLB degree in final year, the petitioner in WPA 9683 of 2022 shall provide community service by providing legal aid service on the very next day on the completion of his last paper and shall report to the Secretary, High Court Legal Aid Services Authority and render service to the High Court Legal Aid Services Authority for four hours each day for twelve weeks and the petitioner shall give report to the service provided to the High Court Legal Aid Services Authority to the University by completion of twelve weeks.

The petitioners shall not be permitted to enter the University except for the purpose of taking the examination, as directed above. The study materials and all other examination aids shall be provided to the petitioners so that the petitioners are not inconvenienced in any manner before the examination.

The parents/family members of the petitioners shall collect the study materials from the University. The quantum for reimbursement of the hospitalization charges and other expenses shall be informed by the

University to the petitioners 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 petitioners.

The University shall provide a complete set of study materials to the petitioners by 31st May 2022.

The petitioners 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 petitioners cause any violation of the directions given above.

All the writ petitions are disposed of.

(Krishna Rao, J.)