

29.6.2022
18 & 19
BR.

WPA 9477 of 2022

Uday Shankar Das
Vs.
The State of West Bengal & Ors.

With

WPA 9672 of 2022

Paritosh Pal
Vs.
The State of West Bengal & Ors.

Mr. Srijib Chakraborty,
Mr. Suny Nandy For the Petitioners

Mr. Raja Saha,
Mr. Shuvri Provash Lahiri
.... For the State

Mr. Soumya Majumder,
Mr. Rahul Karmakar,
Ms. Gargi Goswami
.... For the respondent nos. 3 to 6

Affidavit-in-opposition filed by the
respondent nos. 3 to 6 and reply filed by the
petitioner be kept with the records.

A notice of expulsion has been challenged
by the petitioner, who is a Sixth Semester student
of B.Pharm Course in Adamas University. The

said notice of expulsion dated February 22, 2022
is quoted below:

Notice of Expulsion :

“Sub : Expulsion of Mr. Uday Shankar Das, student of B.Pharm Enrolment NO. AU /2019/06/000382 and Roll No. UG / 06/BPHARM/2019/083 in the School of Medical Sciences

Dear Student,

In view of the indiscipline , quarrelling and fighting with other students and injuring the Security Staff in the University campus and vandalism in the hostel situated inside the University Campus on 04.02.2022, this is to inform you that the Anti Ragging Committee of the University investigated the matter at length, considered your submission, statement of the other students, eye witnesses, CCTV footage and other relevant records, the committee , vide its meeting held on 17/02.2022 unanimously decided to expel you from the University in terms of provisions of the students Regulation & Code of Conduct, (Student Handbook, 2020) with immediate effect.”

This is issued as per order of the Competent Authority, Assistant Registrar (Academics).”

It is submitted by the petitioner that a similar notice was issued against eleven other students. Some of them on earlier occasion approached this Court challenging the said notice

by filing a writ petition being W.P.A 8784 of 2022.

A Co-ordinate Bench of this Court disposed of the said petition on May 19, 2022.

The operative part of the said order is quoted below:

“The petitioners shall accordingly share the hospitalization charges incurred by the University with the petitioner in WPA 8827 of 2022 for the treatment of some of the students. The petitioners 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 petitioners 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 petitioners having rendered the service, as directed above.

The petitioners 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 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 material 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 material to the petitioners by 10 p.m. today, i.e. 19th 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”

The petitioner prays for the similar relief.

The prayer has been vehemently opposed by Mr. Majumder, learned advocate representing the University. Mr. Majumder submits that in the abovementioned case, the petitioner was a student of Eighth Semester and the Court did not permit the said student to enter the college precinct. The said student was only allowed to appear in the examination. In the present case the petitioner is a student of Sixth Semester and he cannot be allowed to enter the college premises taking advantage of the order passed on May 19, 2022. Mr. Majumder places reliance upon the judgements of the Supreme Court reported at (1977) 1 SCC 279 (Varanaseya Sanskrit Vishwavidyalaya -vs- Dr. Rajkishore

Tripathi) and (2012) 11SCC 275 (Vice Chancellor, Guru Ghasidas University-vs- Graig Macleod), to argue that in a matter of discipline or administration of the internal affairs of a university, the Court should be most reluctant to interfere.

The allegations against the petitioner are same and identical as in the case of W.P.A 8784 of 2022 and when a Co-ordinate Bench has directed to allow a similarly circumstanced student to continue with his studies and protected his academic career, I have no reason to refuse to extend the similar reliefs taking a different view.

In this present case, since the petitioner is a Sixth Semester student, he requires to attend the university to complete his remaining semesters. The reliefs granted in W.P.A 8784 of 2022 requires to be suitably modified by passing a direction that the petitioner should be allowed to attend his classes and complete the remaining semesters.

Accordingly, the terms and conditions embodied in the order dated May 19, 2022 passed in W.P.A 8784 of 2022 shall apply to the petitioner but the University will allow him to participate in the regular classes. I also, however, make it clear that if the petitioner violates any of the terms and conditions as enumerated in the order dated May 19, 2022, the college will be at liberty to take steps against the petitioner. The notice of expulsion dated 22nd February, 2022 is, accordingly, quashed in so far as the petitioner is concerned.

Accordingly, W.P.A 9477 of 2022 is disposed of.

Re: WPA 9672 of 2022

The petitioner is a student of 2nd year in Master of Business Administration stream in the Adamas University.

It is the stand of the University that the petitioner should be allowed to participate in the Third and Fourth Semester Course for M.B.A. for the year 2020-2022 on the same terms and conditions as enumerated in the order dated May

19, 2022 of a Co-ordinate Bench of this Court passed in W.P.A 8784 of 2022. Therefore, nothing remains to be decided in this writ petition.

Accordingly, WPA No. 9672 of 2022 is disposed of.

Parties are directed to act on the server copy of this order.

(Kausik Chanda, J.)