

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27765-2022

Date of Decision: 05.12.2022

Himani

...Petitioner

VS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Satyawan Singh Nain, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

Vide order dated 28.12.2021, the petitioner has been expelled permanently from the University alongwith three other students for gross indiscipline and misconduct and in accordance with Clause 8.7(xiii) of the First Ordinance of the University. On the said day, the petitioner and others quarreled with another student and shot him in the abdomen. Thus, FIR No. 366 dated 08.10.2021 was registered against them under Sections 302, 34 of the IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner has argued that the order of permanent expulsion is bad in law as it has resulted in disruption of the education of the petitioner. This amounts to violation of Article 21 of the Constitution of India which makes the order of expulsion illegal. He relies upon judgment of the Supreme Court in *Ankita Kailash Khandelwal and others vs. State of Maharashtra and others, 2021(1) SCC (Cri) 449*.

In *Ankita Kailash Khandelwal (supra)*, the appellants therein were involved in a case under Section 306 IPC on account of suicide committed by a

fellow student allegedly on account of their ragging. They were suspended as they absconded from the institution without prior permission and did not join the investigation. Thereafter, they were arrested and the charge-sheet was filed and application for grant of regular bail filed before framing of charges was rejected. This order was challenged before the High Court which granted bail subject to certain stringent conditions, the relevant ones being that the appellants could not enter the jurisdiction of the concerned police station, more particularly the Medical College concerned and their licences would be suspended till conclusion of the trial. Pursuant to this order, the licences issued to them were suspended. Applications were filed for relaxation of conditions of bail and the condition regarding suspension of licences was withdrawn whereafter the Maharashtra Medical Council withdrew the order of suspension of licences. Appeals were filed before the Supreme Court against the conditions imposing a restraint upon the students from entering the College *inter alia* on the ground of violation of Article 21 of the Constitution of India and being unduly harsh. Under these circumstances, the Supreme Court held that the condition of bail was harsh and should not have been imposed as it resulted in disruption of the education of the appellants therein, who had completed two years out of three years Post Graduate Medical Course. The facts of this case are distinguishable from the facts of the present case. There was no order of permanent expulsion in the case referred to. The Supreme Court was only examining the harshness or otherwise of the conditions of bail imposed by the High Court. Thus, the findings have to be construed in the said context.

In the case in hand, the petitioner has been permanently expelled for indulging in a case of gross misconduct and indiscipline in campus and in accordance with the University Ordinance. No illegality in the said order has been

of the petitioner it can not be held to be illegal.

The writ petition has no merit and is dismissed.

05.12.2022

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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No