

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 642/2023 & CM APPLs. 2501/2023, 6188/2023**

Date of Decision: 13.02.2023

**IN THE MATTER OF:**

MOHD MUBASSHIR BADAR KHAN,  
S/O BADURUDDIN KHAN,  
R/O HOUSE NO. 186, HAUZ KHAS,  
SOUTH DELHI,  
DELHI-110016

..... Petitioner

Through: Ms. Sumita Hazarika, Advocate  
alongwith Mr. Ritesh Dhar Dubey, Advocate

Versus

JAMIA MILLIA ISLAMIA,  
THROUGH ITS REGISTRAR,  
MAULANA MOHAMMAD ALI JAUHAR MARG,  
NEW DELHI-110025

.... Respondent

Through: Mr. Pritish Sabharwal, Standing  
Counsel

**CORAM:**  
**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

**J U D G M E N T**

**PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. This petition is directed against the orders dated 14.09.2022 and 19.12.2022 passed by the Chief Proctor and Dean Faculty of Social Sciences of respondent-University respectively.
2. The facts of the case are that the petitioner is undergoing his M.A. (Social Exclusion and Inclusive Policy), 2022-2023 course from respondent-Jamia Millia Islamia. *Vide* order dated 19.12.2022, it has

been intimated to the petitioner that the admission committee of CSSEIP, JMI recommended cancellation of his admission.

3. Learned counsel appearing on behalf of the petitioner submits that the impugned order dated 19.12.2022 is in violation of the principles of natural justice, and therefore the same deserves to be set aside. She further states that even the order dated 14.09.2022, whereby campus ban was imposed on the petitioner, suffers from illegality and violates the principles of natural justice. She, therefore, submits that the petitioner cannot be made to suffer on the basis of mere speculations, as the University feels that the petitioner was indulged in various unlawful activities. She further submits that no material, whatsoever, has been indicated to the petitioner and therefore, the ban order dated 14.09.2022 and the admission cancellation order dated 19.12.2022 deserve to be set aside.

4. Learned Standing Counsel appearing on behalf of the respondent-University vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the University has acted strictly in accordance with law, and the petitioner's admission has been rightly cancelled in view of Clause- 4(xv)(h) of Jamia Millia Islamia Instructions for Course-M63 M.A. (Social Exclusion and Inclusive Policy) dated 25.10.2022. He submits that the guidelines for entrance examination stipulated various terms and conditions, and Clause (h) of sub-Clause (xv) of Clause 4 of those Instructions dated 25.10.2022 clearly states that if the admission is found to be based on false or incorrect information, the same can be cancelled at any time by the University. According to him, the affidavit submitted by the petitioner on 01.11.2022, which has been placed on record at Page Nos. 24 & 25 of the

reply, clearly indicates that the petitioner on the date of furnishing of the affidavit has concealed material information i.e. the operation of order dated 14.09.2022, which was operating against the petitioner. He therefore, submits that taking into consideration the overall facts and circumstances, and the fact that the petitioner has been found involved in various unlawful activities, and in the interest of public at large, this court should not interfere into the order passed by the University.

5. In rejoinder submissions, learned counsel for the petitioner submits that firstly, the ban order against the petitioner was never served. Secondly, she submits that when the petitioner was not continuing any course on the date of passing of the order i.e. on 14.09.2022, no ban order could have been passed against him. According to learned counsel for the petitioner, the petitioner has never concealed any information, which he was required to truthfully disclose before the respondent-University. She further submits that the entire understanding of the respondent-University is incorrect.

6. I have heard learned counsel for the parties and perused the record.

7. The first and foremost issue, which requires to be considered is as to whether the orders dated 14.09.2022 and 19.12.2022 can be issued against the petitioner without providing him an opportunity of hearing.

8. Whether order dated 14.09.2022 was at all served on the petitioner, and was he required to truthfully disclose the information of ban order in his subsequent affidavit, are all the issues which require to be considered only after the opportunity of hearing is extended to the petitioner.

9. The present is not a case where the respondent-University can claim that there can be no other view possible, even if opportunity of hearing is extended to the petitioner. The disputed facts involved in the

instant case are firstly, with regard to service of the ban order and secondly, whether the petitioner was at all required to disclose the operation of ban order in his subsequent affidavit. The affidavit required disclosure of information about debarment or expulsion. Whether the ban order can be said to be an order of debarment or expulsion is the issue that requires consideration. Since this court finds that the principles of natural justice have not been followed in the present case, the impugned order cannot be upheld. Accordingly, the orders dated 14.09.2022 and 19.12.2022 are set aside.

10. However, this court is not expressing any opinion on the merits of the case and leaving all the issues to be considered by the University. The respondent-University is at liberty to issue show cause notice to the petitioner calling upon him to explain his conduct and is also free to take action, in accordance with law.

11. Learned Standing Counsel for the respondent-University has raised an apprehension that even despite notice, the petitioner may possibly avoid the service of the notice or may not appear before the University. It is for this reason he prays that the petitioner be directed to furnish his present address so that the University can call upon him to explain his conduct.

12. The petitioner has furnished his address, mobile number and e-mail as under:-

*R/o:- 186, Hauz Khas, Police Colony,  
South Delhi, Delhi-110016  
Mobile No. 8271786786  
E-mail: [badarmubasshir99@gmail.com](mailto:badarmubasshir99@gmail.com)*

13. Let the service of notices and all correspondence be made on this address.
14. With aforesaid observations, the petition stands disposed of along with pending applications.
15. *Dasti.*

**PURUSHAINDRA KUMAR KAURAV, J**

**FEBRUARY 13, 2023**

*p'ma*

