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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13211 OF 2024**

Dhruv Rajesh Kumar Chhikara

.... Petitioner.

V/s

Krishna Vishwa Vidyapeeth
and Others

.... Respondents.

Mr. Harshad V. Nimbalkar, Senior Advocate with Ms. Monica Kalra, Mr. Satyam H. Nimbalkar, Mr. Shivam H. Nimbalkar & Mr. Yash V. Saxena, Advocates for the petitioner.

Mr. A.V. Anturkar, Senior Advocate with Mr. Tanaji Mhatugade for the respondents.

**CORAM: A.S. CHANDURKAR &
RAJESH S. PATIL, JJ.**

DATE: 26th September, 2024

P.C.:-

1] The challenge raised in this writ petition is to the order of suspension dated 29/08/2024 that has been issued by the 1st respondent through its Registrar in view of registration of First Information Report bearing No.1068 of 2024 registered against the petitioner under Section 103(1) of the Bharatiya Nyaya Sanhita at Karad City Police Station. The petitioner came to be arrested on 01/08/2024 and at present is under the magisterial custody. In that view of the matter, the order of suspension until further orders came to be issued.

2] One of the issues that arises is, whether there is a power with the 1st respondent to suspend the petitioner from undertaking his educational activities for indefinite period. To enable consideration of this issue, time is granted to respondent no.1 to file an affidavit-in-reply.

3] The learned Senior Advocate for the petitioner by referring to the Notification dated 10/09/2024 submits that the 1st MBBS examination is to commence from tomorrow and the petitioner be permitted to appear for the same subject to further orders. This prayer is opposed by the learned Senior Advocate for the 1st respondent by submitting that since the petitioner has been suspended from undertaking his academic activities, no interim relief be granted.

4] Pending consideration of the challenge to the order of suspension dated 29/08/2024, we are of the view that the petitioner ought to be permitted to appear for the 1st MBBS examination subject to further orders. This is for the reason that if the petitioner succeeds, it would not be possible to put him back in the same position prior to his suspension. If permission to appear in the examination is not granted, he would lose the academic year. By passing an interim order and making it subject to the outcome of the writ petition, the cause of justice would be served. Accordingly, the following interim directions are issued:-

(i) The petitioner is directed to deposit necessary amount for his escort from Satara District Jail to the Examination Center and from Examination Center to the Satara District Jail as per directions of the Police Station Officer of the Karad City Police Station.

(ii) On payment of necessary escort fee, the Police Station Officer of the Karad City Police Station is directed to depute adequate number of police personnel for taking the petitioner from Satara District Jail to the Examination Center i.e. Krishna Institute of Medical Sciences, Karad, on Friday, 27/09/2024.

(iii) Since the exam would be starting from 09.30 a.m., the concerned police personnel shall take the petitioner to the Examination Center at a time so as to reach the Examination Center by 9.00 a.m. so that the petitioner has adequate time to appear in the exam.

(iv) Krishna Institute of Medical Sciences, Karad is directed to permit the petitioner to appear in all the examinations from 27/09/2024 as per Notification dated

10/09/2024.

(v) Krishna Institute of Medical Sciences, Karad is further directed to ensure that the police personnel accompanying the petitioner are allowed to sit in a place where the petitioner is visible to them through out the duration of the examination.

(vi) The concerned escort police personnel are directed to keep a strict vigil on the petitioner.

(vii) As soon as exam is over, the police personnel, who have been deputed for escort of the petitioner, would take the petitioner back to the District Jail, Satara.

(viii) The 1st respondent shall make separate arrangements to enable the petitioner to appear for the said examination in isolation.

5] Stand over to 8th October, 2024 for further consideration.

6] Parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]