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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4549-2023 (O&M)
Date of decision: 24.09.2024

Himani

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. S.S. Nain, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Kamal Sehgal, Advocate, for respondent No.3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *certiorari* for quashing the impugned orders dated 23.12.2022 (Annexure P-18) and dated 28.12.2021 (Annexure P-10) with a further prayer to direct the respondent No.3 to allow the petitioner to pursue her studies and to allow her to join classes of B.Sc. Nursing 7th semester as a regular student.

2. Learned counsel appearing on behalf of the petitioner submitted that this is a 5th round of litigation filed by the petitioner who was expelled by the University vide order dated 28.12.2021 (Annexure P-10) and thereafter a writ petition was filed before this Court which was ultimately withdrawn. The father of the petitioner had also filed a civil suit which was also withdrawn. He



further submitted that thereafter the petitioner filed a second writ petition against the order of expulsion which was again withdrawn vide Annexure P-14 with a liberty to file a fresh petition on the same cause of action. Thereafter, the third writ petition was filed against the order of expulsion which was dismissed on merits vide order dated 05.12.2022 (Annexure P-15). The petitioner assailed the aforesaid order dated 05.12.2022 (Annexure P-15) by filing an LPA and vide Annexure P-16, the LPA was withdrawn with a liberty to the petitioner to avail the statutory remedy as provided under Clause 8.13 of the First Ordinance of Shree Guru Gobind Singh Tricentenary University which was framed under Section 32 of the Haryana Private Universities Act, 2006. He submitted that thereafter the petitioner filed a Statutory Appeal vide Annexure P-17 to the Vice-Chancellor of the University but vide Annexure P-18, the Vice-Chancellor has rejected the appeal of the petitioner by stating that the petitioner was expelled from the University not because of the FIR but on the basis of the recommendations of the Committee constituted to look into the disciplinary issues related to the gruesome incident that took place in the University Campus on 08.10.2021. He submitted that from a perusal of the aforesaid order passed by the Vice-Chancellor of the University, it is very clear that the petitioner was not expelled because of the lodging of the FIR but because of her alleged misconduct as so stated by the Vice-Chancellor based upon the recommendations of the Committee.

3. Learned counsel referred to the recommendation of the Committee which has been attached with the reply as Annexure R-4 and submitted that a perusal of the same would show that nowhere it can be seen as to what was the wrongful conduct of the petitioner and there is no observation with regard to the



same, specifically with regard to the role of the petitioner and therefore, the order which has been passed by the Vice-Chancellor is liable to be set aside and quashed being absolutely unreasoned order and against the record.

4. On the other hand, learned counsel appearing on behalf of the respondent-University submitted that so far as the aforesaid order passed by the Vice-Chancellor is concerned, a perusal of the same would show that the detailed reasons have not been stated in the aforesaid order passed by the Vice-Chancellor. He submitted that the Vice-Chancellor of the University may now be permitted to pass a fresh detailed speaking order in accordance with law after giving an opportunity of hearing to the petitioner in this regard and even a time frame work may also be fixed because the order is not a reasoned order.

5. I have heard the learned counsel for the parties.

6. The impugned order in the present case is Annexure P-18 which has been passed by the Vice-Chancellor of the University in pursuance of the liberty granted to the petitioner vide Annexure P-16 by the LPA Bench to file an appeal. A perusal of the impugned order dated 23.12.2022 (Annexure P-18) would show that the same does not reflect cogent reasons by the Vice-Chancellor and even the learned counsel for the respondent-University has also not disputed that the aforesaid order is not backed by cogent reasons and has also stated that the Vice-Chancellor of the University may now be permitted to pass a fresh detailed speaking order in accordance with law after giving an opportunity of hearing to the petitioner.

7. In view of the aforesaid facts and circumstances, the present petition is partly allowed. The impugned order dated 23.12.2022 (Annexure P-18) is hereby set aside. The Vice-Chancellor of the respondent-University is



directed to pass a fresh detailed speaking order backed by cogent reasons after hearing the petitioner or her counsel, within a period of two months from today. Needless to say that in case any adverse order is passed against the petitioner, then the petitioner shall always be at liberty to challenge the aforesaid order before the appropriate forum in accordance with law.

24.09.2024

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No