



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(119)

LPA NO.2016 OF 2024(O&M)
DATE OF DECISION: 28.08.2024

Indian Institute of Management Rohtak and anotherAppellants

VERSUS

Pooja Gupta and anotherRespondents

CORAM HON’BLE MR. JUSTICE G. S. SANDHAWALIA
 HON’BLE MRS. JUSTICE RITU TAGORE

Present Mr.Vivek Singla, Advocate,
 for the appellants.

G.S.SANDHAWALIA, J (ORAL)

1. The present Letters Patent Appeal is directed against the order dated 15.07.2024 passed by the learned Single Judge, whereby, Civil Writ Petition No.14256 of 2020, filed by the writ petitioner / respondent no.1 herein was allowed.
2. The learned Single Judge quashed the order dated 06.06.2020 (Annexure P-9), whereby the appellant Institute had imposed the punishment of repeating Trimester No. VI of the Post Graduate Programme and also directed the writ petitioner to tender an apology, as per the Academic Handbook under clause 7.5.3 on the ground that there was a breach of discipline under 7.5.2 clause of the Academic Handbook. The reason as such to take the extreme step by the Institute was that a complaint dated 14.02.2020 was made by the writ petitioner / respondent no.1 regarding sexual harassment by the Institute against the students which had been gone into by the Internal Complaints Committee which had found that the allegations made were false and baseless. Thus, the reason which prevailed with the Institute was that the student had violated the Institute’s reputation and therefore, the offence falls under the major category of breach of discipline of Academic Handbook 7.5.2.



3. Learned Single Judge while setting aside the order had directed the appellants herein to declare the result of the writ petitioner / respondent no.1 for the Batch-8 of the Academic Handbook for the year 2018-2020, which had already been declared on 09.03.2020 and also imposed costs of Rs.2,00,000/-, to be paid within a period of three months, while noting that student is a young girl and was 27 years at the time when the impugned order was passed and she could not do anything for the next four years and it has seriously affected her career and studies, apart from other incidental consequences.

4. The drastic effect as such upon the career of the young student prevailed with the learned Single Judge to impose the punishment of exemplary costs in the nature of compensation. The reason as such to quash the order was also that the student had taken admission in the Batch (2018-2020) and for the said Batch, there was no such provision to impose major penalty under clause 7.5.2. A provision as such for imposing the penalty was incorporated in the subsequent Batch no.10 for the year 2019-2021 and in such circumstances, in the absence of any such provision for the Batch No.9 for which the student had taken admission, the writ petition was allowed.

5. Mr. Vivek Singla, Advocate has submitted that the Preamble of both the Handbooks provide for amendment / alteration and modifications from time to time and gave the right as such to modify any part of the document within two years. The relevant part of **Preamble of the Handbook for the year (2018-2020)** reads as under:-

1 **PREAMBLE**

“The information, rules, and regulations contained in this Handbook 2018-20 and the amendments, alterations, and modifications that may be made thereto from time to time by the Institute, shall govern the IIM-R Post-Graduate Programme in Management (Post-Graduate Diploma in Management (PGDM) Batch 08 Institute reserves the right to modify any part of this document any time during the two years for which this Handbook is valid and all such changes in this document and consequently in the relevant rules shall be binding on the student.”



Similarly, **Preamble Of Handbook for the next Batch for the year 2019-2021**, reads as under:-

1. PREAMBLE

The information, rules, and regulations contained in this Handbook 2019-21 and the amendments, alterations, and modifications that may be made thereto from time to time by the Institute, shall govern the IIM-R Post-Graduate Programme in Management (MBA)Batch 10. Institute reserves the right to modify any part of this document any time during the two years for which this Handbook is valid and all such changes in this document and consequently in the relevant rules shall be binding on the student."

6. It is, thus, apparent that it is within the right as such of the appellant University to make an amendment in the Handbook pertaining to the concerned Batch. The provisions as such for major penalty which were provided under the Handbook for the year (2019-2021) could not be read into the Batch for the year (2018-2020), as rightly observed by the learned Single Judge. In the absence of any such clause 7.5.3, in the earlier Handbook, the learned Single Judge, has thus, rightly observed that the source of power to impose major penalty was not provided in the Handbook for the year 2018-2020, for which the student had taken admission.

7. Another reason for which we chose not to interfere with the impugned order is that the student was even not put to notice that she has to repeat her VIth Semester, on account of a finding recorded by the Internal Complaints Committee. Thus, the basic principle of natural justice and the rule of audi alteram partem was violated as laid down in **A.D.N. Bajpai Vs State of Madhya Pradesh and Anr. ILR 2010 MP 1235, TVS Finance & Services Ltd. Versus H.Shivakumar 2010(4) LLJ 679, Gorkha Security Services vs Govt. of NCT of Delhi & Ors., (2014) 9 SCC 105 and UMC Technologies Private Ltd. vs. Food Corporation of India and anr. (2021)2 SCC 551**. In such circumstances, the student not being put to notice to reply to the said show cause notice would go on to show the manner in which the appellant was proceeded by imposing a punishment straight away by sitting in their office and that without even associating or giving a chance to the student to file the response that

why the punishment was not liable to be imposed. If that had been done, the student could have pointed out the illegality, which was sought to be perpetuated upon her in the absence of any power of punishment in the Handbook which was governing her admission.

8. Thus, the learned Single Judge was right in quashing the said punishment. The argument as such now raised by Mr. Singla that the compensation of Rs.2,00,000/- as such could not have been awarded is also without any basis. The student has been put to loss for four years before the punishment has been set aside and her career has been put at stake and it was on that account that learned Single Judge, chosen to grant compensation while exercising the extra ordinary writ jurisdiction to reach out and grant justice where it is required.

9. In such circumstances, we are of the considered opinion that there is no infirmity in the order passed by the learned Single Judge and the present appeal is dismissed in *limine*.

10. Pending applications, if any, shall stand disposed of along with this judgment.

(G.S.SANDHAWALIA)
JUDGE

28.08.2024
mamta

(RITU TAGORE)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No