



2024:DHC:1224



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9979/2023**JUBER CHAUDHARY**

..... Petitioner

Through: Mr. Zeeshan Hashmi with Mr.
Salman Hashmi and Ms. Sana
Hashmi, Advocates.

versus

JAMIA MILLIA ISLAMIA & ORS.

..... Respondents

Through: Mr. Pritish Sabharwal, Standing
Counsel for JMI with Ms.
Shweta Singh and Ms. Pooja,
Advocates.

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****ORDER (ORAL)****16.02.2024**

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1. The prayer clause in this writ petition reads thus:

“In the light of the aforesaid, it is most humbly and respectfully
prayed that this Hon'ble Court may be pleased to:

- a) Direct production of the records of the Petitioner for the Entrance Exam to M.A. (International Relations – West Asian Studies) 2023-2024, Course Code M66 including the original OMR sheet and answer key;
- b) Direct an independent professor/examiner outside the influence of the Respondent to verify the result of the Petitioner;
- c) Direct the Respondent to declare the Petitioner as a Selected Candidate for M.A. (International Relations-West Asian Studies) 2023-2024, Course Code M66.
- d) Quash the action on the part of respondent in declaring the Petitioner as Not Selected;
- e) Any other Writ order or direction, which may be deemed fit and proper on the facts and circumstances of the case and in the interest of justice.”

Signature Not Verified

Digitally Signed By: AJIT

KUMAR

Signing Date: 17.02.2024 W.P.(C) 9979/2023

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2. Mr. Hashmi, learned counsel for petitioner acknowledges that, with the passage of time it is now no longer possible to grant prayers (a) to (d) which have therefore been rendered infructuous.

3. However, he presses prayer (e) which challenges the decision of the respondent who placed the petitioner on the list of students who are not be admitted to the respondent University.

4. The respondent has, in its counter affidavit, placed reliance on Statute 31 of the Jamia Millia Islamia Act, 1988, which reads thus:

“31. MAINTAINANCE OF DISCIPLINE AMONG STUDENTS OF THE UNIVERSITY:

(1) All powers relating to discipline and disciplinary action in relation to students shall vest in the Shaikh-ul-Jamia (Vice- Chancellor).

(2) The Shaikh-ul-Jamia (Vice-Chancellor) may delegate all or any of his powers as he deems proper to any officer as he may specify in this behalf.

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action in the interest of maintaining discipline as may seem to him appropriate, the Shaikh-ul-Jamia (Vice-Chancellor) may, in the exercise of his powers, by order, direct that any student or students be expelled or rusticated, for a specified period, or be not admitted to a course or courses of study in Department or an Institution of the University for a stated period or be punished with fine for an amount to be specified in the order or be debarred from taking an examination or examinations conducted by the University or a Department or an Institution for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.”

5. The stand of the JMI is that the petitioner was indulging in repeated acts of indiscipline which justifies the decision not to admit



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him to any course of study in the JMI.

6. Without entering into the merits of the rival stands of both sides, I am of the opinion that the petitioner should be given an opportunity of hearing by the Chief Proctor, during which the petitioner would be at liberty to put forward grounds to justify the removal of his name from the list of students not to be admitted in the JMI.

7. Let the petitioner appear before the Chief Proctor of the JMI for the said purpose on 26 February 2024 at 11:00 A.M. The decision of whether to retain him on the list of students not to be admitted, or to remove him from the said list, shall be taken by the Chief Proctor within a period of two weeks from said date. Needless to say, the decision in that regard should consider the submissions of the petitioner and should also be reasoned and speaking.

8. Should the petitioner continue to be aggrieved by the said decision, his rights in law in that regard shall remain reserved.

9. This petition stands disposed of in the above terms.

C. HARI SHANKAR, J.

FEBRUARY 16, 2024/st

Click here to check corrigendum, if any