

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5237 of 2024

Amrit Son of Sri Sanjiv Kumar Singh, resident of village Sukhasan, P.S. and District Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Department of Science and Technology and Technical Education Government of Bihar, Patna.
3. Director, Department of Science and Technology and Technical Education, Government of Bihar, Patna.
4. Bihar Engineering University, Mithapur, Patna through its Examination Controller.
5. Examination Controller, Bihar Engineering University, Mithapur, Patna.
6. Principal Darbhanga College of Engineering, Mabbhi Darbhanga.
7. Chairman, Disciplinary Committee, Darbhanga College of Engineering, Mabbhi Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harishankar Roy, Adv. Mr. Binodanand Mishra, Adv.
For the State	:	Mr. Government Pleader (22)
For the BEU/College	:	Mr. Satyam Shivam Sundram, Adv. Mr. Ankit, Adv. Mr. Aman Kumar, Adv. Mr. Chandra Shekhar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-11-2025

Heard the parties.

2. The petitioner, a student of Darbhanga College of Engineering in Electrical and Electronics engineering for the academic session 2021-25, on being aggrieved with the expulsion from Darbhanga College of Engineering under Memo No. 458 dated 06.03.2024 for a period of one year, invoked the



jurisdiction of this Court seeking quashing of the same and prayed for a direction upon the respondents concerned to allow him to complete his course.

3. It would be worth relevant to note here that during the pendency of the present writ petition, the petitioner was also inflicted with the punishment to deposit a penalty of Rs.25,000/- and asked to vacate the hostel, failing which further disciplinary action would be taken under Memo No. 1289(E) dated 02.08.2024. The order afore noted is put to challenge by filing I.A. No. 2 of 2024. In the meanwhile, the petitioner was also expelled from the college on the basis of the report of the enquiry committee vide order contained in letter No. 1632 dated 26.09.2024. This order is also challenged by filing I.A. No. 3 of 2024.

4. Shorn of details, the petitioner having successfully passed through the Bihar Combined Competitive Examination Board, Examination 2021, took admission in Darbhanga College of Engineering for the academic session 2021-25. While the petitioner was pursuing his 4th Semester noticing lack of basic amenities in the College, a protest was made by the students on 19th October, 2023. To pacify the agitating students, interference was made at the level of the Sub Divisional Officer



and SDPO, Darbhanga. The incident also attracted the print and electronic media. The agitation made by the petitioner along with other students was taken up by the Disciplinary Committee of the College and show cause notice, as contained in office order dated 23.02.2024, came to be issued asking the petitioner and others to explain as to why they may not be expelled from the College.

5. The petitioner appeared before the Disciplinary Committee, and submitted his reply in a duly questionnaire format, which was handed over to him. However, the Disciplinary Committee did not satisfy with the explanation and came out with the impugned order as contained in Memo No. 458 dated 06.03.2024, whereby the petitioner has been expelled for one year from the college and the hostel, on being found the petitioner has actively participated in the lockdown of the College, provoked the students and made slogans against the institution, principal and faculty members.

6. The aforesaid incidence and the consequential order led to filing of the present writ petition. In the meanwhile, the examination of 5th Semester was notified and thus the petitioner sought a direction from this Court to allow him to appear in the examination of 5th Semester. This Court vide order dated



01.04.2024 directed the Principal of the college to allow the petitioner to appear in the mid semester examination subject to final out come of the writ petition. In pursuant to the order of this Court, the petitioner was allowed to appear in the mid semester examination and promoted to 6th Semester but again the petitioner was restrained from attending the classes of 6th Semester vide order dated 06.07.2024, which was also challenged by filing I.A. No. 1 of 2024. However, in the light of the order of this Court dated 18.07.2024, the effect and operation of the order dated 06.07.2024 came to be stayed and the College is directed to give permission to the petitioner to attend the classes. Subsequent thereto, the petitioner was visited with the order dated 02.08.2024 asking him to vacate the hostel and deposit Rs.25,000/- by way of penalty, and finally the petitioner, on being declared guilty of the charges of misconduct, he has been expelled from the College.

7. Mr. Harishankar Roy, learned Advocate for the petitioner while assailing the impugned orders submitted that the action of the respondent Principal of the college is not only arbitrary and malicious but all the times, steps have been taken to frustrate the order passed by the Hon'ble Court. There is complete denial of the allegation that the petitioner has



participated in the lockdown and agitated the students. The initial order of expulsion of the petitioner for one year under the impugned order as contained in Memo no. 458 dated 06.03.2024 was also subject matter of challenge in CWJC No. 5350 of 2024. This Court is apprised that along with the petitioner, two other students of Darbhanga College of Engineering, who had been also pursuing their Electrical and Electronic Engineering for the academic session 2021-25, were subjected to expulsion by the order contained in Memo No. 458 dated 06.03.2024 and the Court, on being found that the disciplinary authority and the Principal of the college in question failed to follow the mandate of the rules, besides constitution of the Committee not in conformity with the Disciplinary Rules, 2021, has set aside the above referred impugned order and directed the concerned respondents to publish the final result of the petitioner of the said case without any undue delay, after following the necessary formalities. Referring to the decision of this Court passed in CWJC No. 5350 of 2024, he thus submitted that the petitioner is also subjected to identical charges leading to enquiry conducted by the Disciplinary Committee and the identical punishment as noted hereinabove and since the order of punishment is already set aside, the identical relief must be accorded to the petitioner.



8. Learned Advocate for the petitioner further submits that so far the order contained in letter No. 1632 dated 26.09.2024 is concerned, whereby the petitioner has been expelled from the College, based upon the report of the Disciplinary Committee, the same is wholly without jurisdiction on account of the Committee having not been constituted in accordance with law and without framing charge and issuing a show cause notice on the said charge. The impugned orders are said to have been passed without following the rule of law and on whimsical ground and causing jeopardy to the future career of the petitioner and ruining his academic life. The one line order of expulsion impugned herein is actuated with *malafide* and without consideration of enquiry report; though the report was also not submitted by the valid Committee. Because of the conduct of the respondents, the petitioner has lost his two years golden period and has suffered a lot without any fault on his part, all the more the petitioner has not been allowed to appear in 6th Semester examination, though he has completed more than 75% attendance and his batchmates have already obtained Bachelor Degree. Hence, prayer has also been made to allow the petitioner to appear in the coming 6th Semester Exam and to continue his further studies in the College so that the petitioner



may complete his B. Tech. (EEE) Course.

9. Mr. Satya Shivam Sundram, learned Advocate for the College and University refuted the aforesaid submissions and submitted that in the lockout protest, the petitioner has actively participated along with other students, whereupon the matter was referred to the Disciplinary Committee in pursuant to the direction issued by the University. Based upon the report of the Disciplinary Committee, the petitioner along with others, whose complicity have been found in instigating the students and causing lockdown, the petitioner and others have been expelled from the College and hostel for one year. Besides the aforesaid fact, on 14.02.2013 a complaint was also received regarding abusing, beating and threatening a junior student in the College premises. In the aforesaid premise, a Fact Finding Committee was constituted by the Principal of the college. The Committee consisting of total 6 members submitted a report with the recommendation to take appropriate action. The information in this regard has also been given to the Officer Incharge, Mabbi OP, Darbhanga and further communication has also been made to all the concerned. The Fact Finding Committee unanimously decided to impose a fine of Rs.5000/- with expulsion of three students, including the petitioner, from



the College for one month. The petitioner accepted the penalty and deposited an amount of Rs.5000/- and an undertaking has been submitted by the father of the petitioner that his son will not repeat such incidence in future.

10. The petitioner, besides the aforesaid fact, was also asked to submit show cause with respect to charges of playing a lead role in provoking and pressuring the students to participate in the lockdown of the College. Show cause reply of the petitioner was duly considered by the Disciplinary Committee. Upon proper consideration, the Disciplinary Committee came to the conclusion that the petitioner along with other students deserve to be punished. Accordingly, the impugned order dated 06.03.2024 contained in Memo No. 458 came to be passed.

11. Mr. Sundram further submitted that the punishment imposed to the petitioner vide letter No. 1632 dated 26.09.2024 based upon the Committee report dated 24.09.2024 is entirely a separate cause of action and is not connected to the aforesaid writ application. Hence, the same cannot be the subject matter of the aforesaid writ petition. Taking this Court through various annexures, it is further submitted that the petitioner has committed multiple incidence of gross indiscipline and misconduct and therefore the petitioner has been permanently



expelled from the College. The petitioner in defiance with the orders/direction of this Court as well as the College administration forcibly entered into hostel which fact has also been found true in the enquiry, thereupon he has been inflicted with the penalty of Rs.25000/-, besides the order to vacate the hostel. So far the submission of the petitioner to the extent of Enquiry Committee having been constituted by the incompetent person, the same is wholly incorrect. The Dean, student welfare and warden were the member of the Enquiry Committee and before issuance of the impugned order, the petitioner has been served with the show cause. Since the conduct of the petitioner constituted major offences under the Disciplinary Rules of Science and Technology Department, Government of Bihar, the petitioner has been expelled from the college and the hostel. Mr. Sundaram further urged that there is apprehension that the petitioner with other individual may influence other students and disturb the peaceful environment of the institution as he continues to visit the institute campus and hostel in illegal and unauthorized manner. The conduct of the petitioner exhibits antisocial behaviour and not as a diligent behaviour.

12. Having bestowed serious consideration to the submissions advanced by the learned Advocates for the



respective parties and on perusal of the materials available on record, this Court finds that the challenge to the impugned order contained in Memo No. 458 dated 06.03.2024 was also made in CJWC No. 5350 of 2024 on behalf of two of the students, who were also inflicted with the punishment of expulsion from the college and the hostel for the period of one year. This Court having considered that the disciplinary authority and the Principal of the college in question, besides unable to follow the mandate of the rules, did not frame the charges by the Disciplinary Committee and/or any competent authority nor any show cause has been served to them for reply before inflicting punishment and also on being found, constitution of the Committee not in conformity with the Disciplinary Rules, 2011 as mentioned in Clause-2 thereof, set aside the impugned order as contained in Memo No. 458 dated 06.03.2024.

13. The Court also observed that the respondent authorities of the College have also failed to take into account the report of the faculties/teachers who have unanimously submitted favourable report, after going through the alleged video and spoke about the satisfactory performance and good behaviour of the students, including the petitioner, the report of which is also placed as Anneuxre-5 to the writ petition. Since



the issue with regard to the earlier punishment came to an end, this Court also finds the case of the petitioner is identical to those in whose case the impugned order came to be set aside. Hence, the petitioner also deserves similar treatment. Accordingly, the impugned order contained in Memo No. 458 dated 06.03.2024 *qua* the petitioner also stands set aside.

14. Now coming to the final order of expulsion, contained in letter No. 1632 dated 26.09.2024, which is said to have been passed based upon the enquiry report of a Fact Finding Committee. This Court finds that as per the rules, the Disciplinary Committee must be constituted by the Principal consisting of Head of the Departments or one senior faculty of each branch, besides the Registrar/Professor In charge academic, Controller of Examination and Senior-most Hostel Superintendent. Bare perusal of the constitution of the Committee, this Court finds that the same has not been followed. However, if it is accepted that it was only a Fact Finding Committee and thus the rules governing the disciplinary action against the students are not required to be followed *in toto*, then in such circumstances after the enquiry, the report submitted by the Fact Finding Committee, be referred to the Disciplinary Committee. Even before constitution of the



Committee, neither the charges of imputation/misconduct has been framed nor the petitioner has been asked or directed to submit show cause reply with regard to the alleged misconduct.

15. The enquiry report also does not reflect any deliberation of the reply of the petitioner and made a recommendation for taking appropriate action. The Committee found the conduct of the petitioner falls under the definition of Major Offence under Section 3 (iv, ix, x & xix) of the Disciplinary Rules of Department of Science and Technology, Bihar but admittedly, neither the copy of the enquiry report has been served upon him before passing the order of permanent expulsion nor any show cause notice has been asked from the petitioner as to why not he be expelled from the college and hostel.

16. It is trite law that no person can be condemned unheard. If any order causes prejudice to the right and entitlement of any person, in any circumstances he should be given proper opportunity of hearing. In the case in hand, the permanent expulsion of the petitioner from the College in question, clearly cause death knell to the academic career of the petitioner. Hence, even for the time being, this Court accepts the contention of the learned Advocate for the College/University



that there was no requirement of show cause notice before inflicting punishment, the same is fit to be rejected and the necessity of asking show cause notice or opportunity of hearing shall be read as an integral part of the disciplinary rules. Any law by which a person is deprived from any entitlement must be just, fair and reasonable. This Court, considering the identical issue noted hereinabove in CWJC No. 5350 of 2024 while setting aside the impugned order as contained in Memo No. 458 dated 06.03.2024, has held as follows:

“20. Bare perusal of the minutes of the meeting of the Disciplinary Committee held on 01.03.2024, this Court finds that there is no deliberation and discussion by the Committee as to why the explanation of the petitioners did not persuade the Committee and why the Committee did not satisfy with the behaviour of the parents of the petitioners. It is also surprising that once the Committee found that the act of the petitioners constitute an offence of major character and accordingly framed the charge, whether the petitioners were not required to be heard on the point of punishment. Based upon the recommendation made by the Disciplinary Committee for expulsion of the petitioners, the Principal of the College expelled the petitioners from the College and its hostel for the period of one year, but without affording any opportunity to file their reply on the report of the Disciplinary Committee.

21. It is pertinent to note that the Disciplinary Committee has proceeded in pursuant to the Disciplinary Rules issued by the Department of Science and Technology, Government of Bihar issued under Letter No. 2634 (wrongly mentioned as 2637) dated 27.10.2011. The aforesaid rule clearly directs that authorities of the



Government Engineering Colleges/Polytechnics as follows:-

“1. As soon as any complaint is made to the Principals against any student regarding an act of indiscipline on his part, or otherwise it comes to the Principal's notice and if the Principal is satisfied that this calls for disciplinary action under the rules, the charges shall be framed and communicated to the student. A show cause will be served to him for reply within a specified period. After considering the show cause reply if the Principal is satisfied that there is prima facie substance in the allegation or if the student fails to reply show cause within the specified period, he will refer the matter to the Disciplinary Committee to look into it and to give suitable recommendation to the Principal within the period specified by him.”

22. From the reading of the above noted rules, there is no hesitation to hold that the disciplinary authority and the Principal of the College, in question, failed to follow the mandate of the rules, inasmuch as, neither the charges framed by the Disciplinary Committee communicated to the student nor any show-cause has been served to them for reply before inflicting the punishment, besides the constitution of the Committee, not in conformity with the Disciplinary Rules, 2011, as mentioned under Clause-2 thereof. There is no deliberation and discussion of the explanation of the petitioners, as to why they have not been found to be satisfactory. All the more, the respondent authorities of the College have also failed to take into account the report of the faculties/teachers, who have unanimously submitted favourable report, after going through the alleged video and spoke about the satisfactory performance and good behaviour of the petitioners.

23. On all these counts, this Court has no hesitation to set-aside the impugned order as contained in Memo No. 458 dated 06.03.2024 and hereby, direct the respondent nos. 4-6 to publish the final result of the petitioners, forthwith, without any undue delay, after



following the necessary formalities.”

17. Besides the discussion made hereinabove and noticing the order afore noted, this Court also finds that the impugned order of expulsion is wholly cryptic and non speaking, inasmuch as, it has not been disclosed the content of the enquiry report. Once the copy of the enquiry report has not even been furnished to the petitioner at least the materials, which have been found against the petitioner must be disclosed in the impugned order of punishment so that while exercising the power of judicial review, the legality of which can be examined. Even an order passed by the authority, while exercising quasi judicial power, it must be adhered with the principle of natural justice.

18. The Apex Court underscored the necessity to give reason and emphasized that even an administrative decision, if it affects any way or causes prejudice, the authority must record the reasons in support of its conclusions. In the case ***M/S Kranti Associates Pvt. Ltd. & Anr vs Masood Ahmed Khan & Ors [(2010) 9 SCC 496]***, while the Court emphasizing and enunciating the principles for recording reasons, have insisted that the requirement for assigning reason, necessary for both the judicial accountability and transparency; the recording of



reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well. The Court cautioned that the recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power. It is the reasons which reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations. Reasons facilitate the process of judicial review by superior Courts.

19. In view of the discussions made hereinabove, keeping in mind that order of expulsion is held to be permanent end of the academic career of the student, as also noticing the orders impugned suffer from various infirmities and in complete disregard to the principle of natural justice, besides not in conformity with the Disciplinary Rules, 2011, this Court left with no option but to set aside the impugned orders of permanent expulsion dated 26.09.2024 as well as the order dated 02.08.2024, whereby the petitioner has been asked to vacate the hostel and deposit Rs.25000/- as penalty.

20. In consequent to the order of this Court, the petitioner shall be allowed to complete the remaining courses and attend the classes, if it has not been completed till date. The



respondent College after proper verification of the attendance, if finds that the petitioner has already completed 75% of the attendance, he may be allowed to appear in the upcoming examination with the junior batch and/or in the special examination and publish the result accordingly. Since, this Court finds time and again because of the alleged conduct of the petitioner, there is likelihood of disruption in the academic environment, hence, in the interest of the petitioner and the institution, this Court directs that the petitioner shall continue the remaining courses, if any, without availing the facility of hostel as was being provided by the College.

21. With the aforesaid direction, the writ petition stands allowed to the extent indicated hereinabove.

22. Interlocutory Application(s), if any, also stands disposed.

23. There shall be no order as to cost.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	10 .11.2025
Transmission Date	

