



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL WRIT PETITION NO.3072 OF 2025

PETITIONER : Ishan Singh son of Shri Upendra Prasad Singh Aged about 20 years, Student ID 1102230315 with Jawaharlal Nehru Medical College.
Permanent resident of 6, Commissariat Road, PS Hastings, Kolkata 700022.

..VERSUS..

RESPONDENTS : 1) Datta Meghe Institute of Higher Education & Research, (Deemed to be University), Sawangi (Meghe), Wardha – 442107, through its Registrar
Email : registrar@ dmiher.edu.in
2) Jawaharlal Nehru Medical College Sawangi (Meghe), Wardha – 442004, Through its Dean
Email:
deanjnmc_wardha@dmiher.edu.in

Mr. S.V. Bhutada, Advocate for Petitioner.

Mr. A.A. Naik, Senior Adv. a/b Mr. V.V. Joshi, Adv. for the Respondents.

CORAM : ANIL S. KILOR AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 18/06/2025

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

3. By this writ petition filed under Article 226 of the Constitution of India, the petitioner who is a student of the respondent No.2 – College, pursuing IInd year medical course, praying for quashing and setting aside impugned final punishment order dated 10.06.2025, issued by the respondent No.2, suspending him for three months excluding the period he had already undergone for one month vide order dated 20.02.2025.

4. In short, it is the case of the petitioner that on a complaint against the petitioner relating to sexual harassment, he was initially suspended until further order with immediate effect vide order dated 20.02.2025 which was revoked on 24.03.2025. Thereafter, a show cause notice was issued to him on 27.05.2025 calling explanation from him why a major punishment/penalty-suspension for the period of three months be not imposed.

5. Thereupon, he sought material and documents on which the reliance had been placed to propose final action vide a report submitted by the Committee.

6. The said material which was in the form of audio clips was provided to the petitioner on 09.06.2025. By the E-mail dated 09.06.2025, the petitioner was granted time till 11.06.2025 to submit his explanation to the show cause notice.

7. However, without waiting till 11.06.2025, which was the last date for submission of explanation by the petitioner, the impugned order came to be issued on 10.06.2025, suspending the petitioner for three months.

8. Today, a request is made to take this matter on board and hear in the afternoon, in view of urgency i.e. from tomorrow, the preliminary examination is going to commence. Accordingly, the matter is taken in the afternoon.

9. Since the advance notice was served upon to respondents, Shri Naik, learned Senior Advocate appeared on behalf of respondents.

10. While opposing the interim prayer made by the petitioner to allow him into the preliminary examination, he submits that, even if the period of earlier suspension is ignored and calculated, the petitioner does not fulfill the pre-condition of having required attendance for appearing in the examination. He, therefore, submits that, even if the interim order is passed, the petitioner will not be permitted to appear in the examination on the ground of required attendance.

11. Mr Naik, learned Senior Advocate has pointed out the various correspondence made with the mother of the petitioner since January, 2025 till May, 2025, informing about the less attendance of the petitioner.

12. There is also a communication informing that as per the regulations prescribed by the National Medical Commission and Academic Policies of the Institution, minimum attendance of 75% in Theory and 80% in Practical/Clinic sessions is mandatory to be eligible to appear for university examinations. It is further informed that as per the record, the petitioner's attendance has fallen short of the required minimum and unless satisfactory improvement is

observed, he may face detention and be ineligible to appear for upcoming university examinations. This communication is dated 14.06.2025.

13. The learned counsel for the petitioner thereupon, requested the Court to take this matter after some time so as to enable him to take instructions from the parents of the petitioner. Accordingly, the matter was taken after some time.

14. In the meantime, the leaned counsel for the petitioner took instructions and made a statement that, would take recourse as available to file reply to the communication informing about the less attendance of the petitioner and to satisfy the college about fulfillment of requisite attendance.

15. The gist of the above referred discussion is that *prima facie*, at this stage, the petitioner is not eligible to appear for the examination and therefore, there is no reason to consider his request to grant *ad-interim* relief to allow him to appear in the preliminary examination scheduled to be held from tomorrow.

16. In the above referred backdrop and having satisfied that the respondents without waiting to end the time period given till 11.06.2025, to the petitioner to submit his reply to the show cause notice, passed the impugned order on 10.06.2025, it is evident that the respondents failed to follow the principles of natural justice. For this reason only the impugned order vitiates and accordingly, the same needs to be quashed and set aside by allowing the present petition in terms of prayer clause (A).

17. At this juncture, on a query about the further course, the respondents intended to follow in the present matter, Shri Naik, learned Senior Advocate fairly states that the respondents would give further time till 05.00 p.m. 25.06.2025 to the petitioner to submit his explanation and thereafter, the respondents will take final decision in the matter.

18. Mr Bhutada, learned counsel for the petitioner shows satisfaction about the time given for such extention. Accordingly, we pass the following order:-

- i) The writ petition is **allowed**.
- ii) The impugned order dated 10.06.2025 issued by the respondent No.2, is hereby quashed and set aside.
- iii) The petitioner is at liberty to submit his explanation to the show cause notice as per the time period given by the respondents i.e. by **05.00 pm. of 25.06.2025**.

Rule accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)