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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 13730/2021
SWATI SINGH

.....Petitioner

Through: Mr. Abhik Chimni, Mr. Pranjal Abrol,
Mr. Maarooof, Mr. Gurupal Singh,
Advs.

versus

JAWAHARLAL NEHRU UNIVERSITYRespondent

Through: Ms. Monika Arora, Mr. Subhrodeep
Saha, Advs.
Mr. Ripudaman Bhardwaj (CGSC)
along with Mr. Kushagra Kumar, Mr.
Abhinav Bhardwaj, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **05.05.2025**

1. The present petition has been filed by the petitioner assailing office order dated 16.09.2021 issued by the respondent, in terms of which, a fine of Rs. 6,000/- was imposed upon the petitioner on account of being found guilty for '*barging into the class, disrupting the class in room no.35, SLL&CS-I on 14th March 2019-11.00 am at SLL&CS-I and had heated argument with a faculty member taking the class*'. Further, the petitioner also assails an order dated 16.11.2021 passed by the Chief Proctor of the respondent university, whereby, order dated 16.09.2021 was upheld.
2. The petitioner is a student of the respondent university at the Centre for Russian Studies, School of Language, Literature and Cultural Studies. It is the case of the petitioner that the respondent university has passed the impugned order dated 16.09.2021 in violation of the norms and procedures prescribed under the Statute 32(5) of the Statues of the University



[hereinafter referred as “the Statue 32(5)”].

3. Learned counsel on behalf of the petitioner points out that the petitioner had also filed W.P(C) 15907/2023 titled as ‘Swati Singh vs. Jawaharlal Nehru University’ against the respondent, assailing certain other orders (whereby, the petitioner was rusticated for two semesters and declared out of bounds from the University) against the petitioner in violation of the norms and procedure prescribed under the Statue 32(5). In the said case, a coordinate Bench of this Court *vide* judgment dated 07.02.2024 quashed the orders impugned therein and directed the respondent to proceed with conducting a fresh enquiry against the petitioner strictly in accordance with law and in compliance with the provisions of Statute governing the JNU. The relevant portion of the said judgment reads as under:

“23. The law since Taylor v. Taylor⁴ and moving, thereon, through the decision of the Privy Council in Nazir Ahmed v. King Emperor⁵ and a plethora of the decisions of the Supreme Court including State of U.P. v. Singhara Singh⁶ and, most recently, Vivek Narayan Sharma v. UOI⁷, is that, where the applicable statutes or legislation requires a particular act to be done in a particular manner, that act must be done in that manner or not done at all, all other modes of doing the act being necessarily forbidden.

24. The statutes of the JNU, in Statue 32(5) sets out a specific protocol to be followed in Proctorial Enquiries. Where a statute merely states that the principles of natural justice are required to be followed, the authority acting under the statute enjoys far greater latitude regarding the manner in which it can act, and the protocol to be followed by it in that regard. The Court, in such a situation, has only to satisfy itself that there has been compliance with the principles of natural justice as they generally stand recognized.

25. Where, however, the Statutes set out a particular procedure, as has been set out in Statue 32(5), that procedure must be regarded as



having been consciously prescribed as the envisaged minimum for compliance with the principles of natural justice and fair play.

26. Inasmuch as Statute 32(5) sets out a specific procedure for conduct of the Proctorial Enquiry, the Proctorial Enquiry, if conducted, had to abide by the said procedure and could not have been conducted in any other way. It would be hazardous for the Court to, in the face of the stipulated procedure, regard any part thereof as directory or dispensable, as that would throw open the doors for arbitrariness, with the University being free to jettison, at its own whim and fancy, any part of the procedure prescribed by the statute.

27. It is true that Statute 32(5) states that the procedure envisaged therein is that which is “generally” to be followed. The word “general” is defined, in P. Ramanatha Aiyar’s Law Lexicon (5th Edn), thus:

“Principal; universal, common to all, or to the greatest number. Relating to a genus or kind; pertaining to a whole class or order; belonging to a whole rather than to a part, having relation to all; that which pertains to a majority of the individuals which compose a genus or whole; widely spread, not specific.”

In **Biharilal Rada v Anil Jain**⁸, the Supreme Court cited, with approval, the following definition of “general”, from Black’s Law Dictionary:

“... It relates to the whole kind, class, or order. ... Pertaining to or designating the genus or class, as distinguished from that which characterises the species or individual; universal, not particularised, as opposed to special; principal or central, as opposed to local; open or available to all, as opposed to select; obtaining commonly, or recognised universally, as opposed to particular; universal or unbounded, as opposed to limited; comprehending the whole or directed to the whole, as distinguished from anything applying to or designed for a portion only. Extensive or common to many.”

“Generally”, therefore, does not, however, mean “ordinarily” though, in everyday speech, we tend to use one for the other. The High Court of Mysore, in its decision in **Padmanabhacharya v State of Mysore**⁹,



underscored the difference between the expressions, by holding that “the word ‘generally’ means as a general rule, whereas the word ‘ordinarily’ means ‘in the large majority of cases but not invariably’.”

28. Statute 32(5), therefore, requires that, as a general rule, the procedure that it envisages is to be followed. If, in a particular case, it is impossible to do so, then, perhaps, one or the other ingredients of the procedure may be dispensed with. Even in such a case, a conscious decision to do so, with cogent and convincing reasons, must be forthcoming, not only “on the file” but also communicated to the student concerned.

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42. Resultantly, the impugned orders dated 8 November 2023, 16 November 2023 and appellate order dated 23 November 2023 as well as the decision to rusticate the petitioner and evict her from the premises in her occupation cannot sustain on facts or in law. They are accordingly quashed and set aside.

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44. This shall, however, not prevent the JNU from proceeding against the petitioner, if it so desires, strictly in accordance with law and in complete compliance with the provisions of Statutes governing the JNU.”

4. During the course of hearing, learned counsel for the respondent concedes that there are certain gaps in the procedures followed prior to issuance of the impugned order dated 16.09.2021 and is amenable to remanding back the impugned orders for a fresh consideration by the respondent.

5. In the circumstances, considering the judgment rendered by this Court in **Swati Singh vs. Jawaharlal Nehru University (supra)** and the submissions advanced by the learned counsel on behalf of the respondent,



the impugned orders dated 16.09.2021 and 16.11.2021 are set aside. It is further directed that the respondent shall consider matter afresh, in the light of the procedure laid down under Statue 32(5) and take further steps / pass a reasoned order in consonance thereof.

6. The present petition is disposed of in the above terms.

SACHIN DATTA, J

MAY 5, 2025/sl