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

+ W.P.(C) 11004/2025 & CM APPL. 56953/2025

MUKARRAM KHAN & ORS.

.....Petitioners

Through: Ms. Anha Rizvi and Mr. Ritesh Kumar Dubey, Advs.

versus

JAMIA MILLIA ISLAMIA & ORS.

.....Respondents

Through: Mr. Pritish Sabharwal, Standing Counsel with Mr. Sanjeet Kumar and Ms. Shweta Singh, Advs. along with Mr. Anjum Thanvi, S.O. JMI.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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15.09.2025

1. With the consent of learned counsels appearing on behalf of parties, writ petition is taken up today for hearing.
2. The present petition has been filed assailing four impugned orders of even date i.e. 28.04.2025 passed by the respondents/University against petitioners whereby petitioners have been expelled from their respective courses.
3. Insofar as petitioner no.1, petitioner no.3 and petitioner no.4 are concerned, the expulsion is for a period of three years whereas the expulsion in case of petitioner no.2 is for a period of one year.
4. The sole ground on which the present petition has been pivoted by petitioners is that the expulsion is a major penalty and before imposing such a penalty, the principles of natural justice have not been complied with.
5. Ms. Anha Rizvi, learned counsel appearing on behalf of petitioners



has invited attention of the Court to Clause 5 of Ordinance 14(XIV) of Jamia Milia Islamia University, which reads thus:

“5. Students found guilty of breach of discipline shall be liable to such punishment, as prescribed below:

- (1) Fine;*
- (2) Campus Ban;*
- (3) Expulsion; and*
- (4) Rustication*

However, no such punishment shall be imposed on a erring student unless he is given a fair chance to defend himself. This shall not preclude the Shaikhul-Jamia (Vice-Chancellor) from suspending an erring student during the pendency of disciplinary proceedings against him.”

6. A perusal of Clause 5 of Ordinance 14(XIV) shows that it provides for four kinds of punishments that can be imposed against a student of respondents/University, who is found guilty of breach of discipline. The same are : (i) Fine; (ii) Campus Ban; (iii) Expulsion and; (iv) Rustication.

7. However, the latter part of said Clause 5 makes it evident that before imposing such punishment on erring student, a fair chance to defend himself has to be afforded.

8. On a pointed query posed by the Court as to whether any show cause notice was given to petitioners or they were given a fair chance to defend themselves, Mr. Pritish Sabharwal, learned Standing Counsel appearing on behalf of respondents/University fairly states that no show cause notice was given to petitioners.

9. In that view of the matter, this Court is of the considered opinion that impugned orders of even date i.e. 28.04.2025 passed against the petitioners, cannot be sustained. Accordingly, the said orders are quashed and set aside.

10. It is clarified that this will not preclude the respondents/University



from initiating fresh proceedings against petitioners after complying with the principles of natural justice as embodied in Clause 5 of Ordinance 14(XIV) of the University.

11. At this stage, Mr. Sabharwal submits that on an earlier occasion as well, order dated 14.10.2024 was passed against petitioner no.1 suspending him with immediate effect from his course, pending outcome of the inquiry of Disciplinary Committee. Likewise, order dated 02.01.2025 against petitioner no.3, and order dated 31.08.2023 against petitioner no.4, were also passed.

12. Inviting attention of the Court to the order dated 14.10.2024, he submits that petitioner no.1 was also campus banned, however, notwithstanding such ban, he often enters the university premises and is resorting to illegal activities. He submits that order dated 14.10.2024 was never assailed by the petitioner.

13. Without going into the merits of allegations made by Mr. Sabharwal, it is observed that respondent no.1 shall remain bound by the aforesaid order dated 14.10.2024 passed by respondents/University, till the time it is set aside.

14. The petition along with pending application stands disposed of in the aforesaid terms.

15. The date already fixed i.e. 10.11.2025 stands cancelled.

VIKAS MAHAJAN, J

SEPTEMBER 15, 2025/aj