

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5764 of 2024

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Vicky Kumar Son of Banti Lal Prasad Resident of Village - Raghai, Police Station - Siwaipatti, District – Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Science and Technology Department, Government of Bihar, Patna.
3. The Director, Science and Technology Department, Government of Bihar, Patna.
4. The Bihar Engineering University, through its Registrar, Mithapur, Patna.
5. The Registrar, Bihar Engineering University, Patna, 6th Floor, Examination Block, A.K.U. Campus, Mithapur, Patna - 01.
6. The Principal, Darbhanga Engineering College, Darbhanga.
7. The Chairman, Disciplinary Committee, Darbhanga Engineering College, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hari Shankar Roy, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, GA 7

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 15-07-2026

Heard Mr. Hari Shankar Roy, learned Advocate for the petitioner and Mr. Satyam Shivam Sundaram, learned Advocate appearing on behalf of the Bihar Engineering University. Learned Advocate for the State is also present. There is none to represent respondent nos. 6 and 7, however, a counter affidavit has been filed on their behalf, which is on record.

2. The petitioner, a student of B.Tech. of Computer Science, Engineering branch of Darbhanga Engineering College, Darbhanga is aggrieved by the office order contained in Memo No. 403 dated 27.02.2024 whereby and whereunder he



has been expelled from Darbhanga Engineering College, Darbhanga for one year by the Chairman of the Disciplinary Committee of the college. The petitioner also prayed for to allow him to participate in the B.Tech.'s 7th Semester Examination 2023.

3. It is made clear that during the pendency of the writ petition in pursuant to the orders of this Court, the petitioner has been allowed to appear for 7th and 8th semester examination and the mark sheets have also been issued. Since the result of the petitioner is subject to the final outcome of the present writ application, therefore, the petitioner is pursuing the litigation while challenging the impugned order of this case.

4. Assailing the impugned order, learned Advocate for the petitioner drew the attention of this Court to Annexure 3, 4 and 5 and submitted with all his vehemence that at no point of time the alleged indiscipline conduct of the petitioner was subjected to consideration by the Disciplinary Committee duly constituted by the University, nonetheless he has been suffered with the punishment of expulsion for a year by the Chairman of the Disciplinary Committee. There is specific provisions under the Disciplinary Rules for Government Engineering College/Polytechnic that as soon as a complaint is made to the Principal 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, the charges shall be framed and communicated to the student. A show cause will be served to him to 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 to show cause within a specified period, he will refer the matter to the Disciplinary Committee to look into and to give suitable recommendation to the Principal within the period specified by him. The Rules further stipulates that the Disciplinary Committee shall be constituted by the Principal consisting of certain members as disclosed therein.

5. Taking this Court through the Disciplinary Rules, the copy of which is placed on record as Annexure P/11, it is submitted that at no point of time, the charges against the petitioner have been framed and communicated, besides his case has never been referred to the Disciplinary Committee to look into it and give suitable recommendation. To support the aforesaid contention he further drew the attention to the deliberation made by the Disciplinary Committee, the proceeding of which is brought on record vide Annexure R/D to the counter affidavit filed on behalf of respondent nos. 4 and 5. It is further contented that for the first time, the name of the petitioner has been surfaced on an application filed by one Vicky Kumar Gupta, before the Principal of the Darbhanga



Engineering College, Darbhanga stating therein that on account of the similarity in name of Vicky Kumar and Vicky Kumar Gupta, the college administration has left Vicky Kumar and in his place, the name of Vicky Kumar Gupta has been dragged with the name of the students who were found indulge in making unauthorized demonstration and protesting against the administration of the college, however, without calling for any report or show cause to the petitioner, the Chairman of the Committee has observed that in fact, Vicky Kumar Gupta as well as present petitioner (Vicky Kumar) have been found to be indulged in serious indisciplined act, besides he further observed that the complicity of the petitioner is found graver than the student Vicky Kumar Gupta. Referring thereto, learned Advocate for the petitioner further submits that the act of the Principal as well as the Chairman of the Disciplinary Committee suffers from non-application of mind, and without considering the materials available on record the impugned order has been passed.

6. On the other hand, learned Advocate for the University submitted that the Principal, Darbhanga Engineering College, Darbhanga vide its Letter no. 06 dated 09.11.2023 has informed the University as well as the Joint Secretary, Science Technology and Technical Education Department regarding nuisance created by six students who were found indulged in



obstructing the administrative work and thus requested to take action against them in the aforesaid letter. The Joint Secretary, Science and Technology, Education Department directed the Registrar of the Bihar Engineering University to take proper action in the matter and accordingly, the matter was referred to the Disciplinary Committee. The Disciplinary Committee in its meeting dated 24.11.2023 informed the concerned students through letter/email and Whatsapp to their guardian to appear for the purposes of presenting their defense in compliance of the principle of natural justice and accordingly, the petitioner had entered his appearance and filed an application seeking his apology, the copy of which is also placed on record as Annexure R6-7/D. The mother of the petitioner has also filed an application with a request to forgive his son because of his unauthorized conduct. Upon consideration of the show cause, the Disciplinary Committee made a recommendation based upon which the petitioner has been expelled for one year under the Memo No. 403 dated 27.02.2024.

7. This Court has anxiously heard the learned Advocate for the respective parties and also perused the materials available on record. From perusal of the Letter dated 09.11.2023 issued by the Principal, Darbhanga Engineering College, Darbhanga addressed to the Secretary, Science Technology and Technical Education Department, it appears that



the name of the petitioner does not even find therein. The Principal has mentioned only the name of Vicky Kumar Gupta. Similarly, the case of the petitioner has never been placed before the Disciplinary Committee, as is also evident from the minutes of the meeting of the Disciplinary Committee dated 18.12.2023 wherein there is no deliberation or any consideration of the case of the petitioner. The Disciplinary Committee has considered only the cases of five students without even remotely discussing about the petitioner and even his name did not find place.

8. From the materials available on record it is also evident that at no point of time any charges have been framed against the petitioner or the copy of which has been served upon him with a specific stipulation that in case the explanation of the petitioner is found unsatisfactory, in such circumstances he would be inflicted with the punishment in terms with the provisions as prescribed under Disciplinary Rules issued by the Department of Science and Technology, Government of Bihar. Non observance of such prescription as mandated under the Disciplinary Rules, would certainly go to the root of the fairness as was required to be followed by the respondent college as well as University and in the opinion of this Court such action cannot withstand the test of Article 14 of the Constitution of India.

9. Accordingly the entire action initiated against the petitioner, besides the impugned order of expulsion from



Darbhangha Engineering College, Darbhanga for one year under Memo No. 403 dated 27.02.2024 is prima facie held to be unsustainable, and thus the same is hereby set aside. Since the petitioner has already been allowed to appear in 7th and 8th semester examination the result of which was subject to final outcome of this writ petition; in view of the impugned order having been set aside, this Court directs the concerned respondents of College and the University to publish the result/certificate in favor of the petitioner, preferably within a period of six weeks from the date of receipt/production of the copy of this order, in accordance with law.

10. The writ petition stands disposed off.

(Harish Kumar, J)

siddharth/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2026
Transmission Date	NA

