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2026**

Ct. No.
24

Ab

**WPA 28281 of 2025
IA No. CAN 1 of 2026
IA No. 3 of 2026**

**Kumar Suraj and others
Vs.
Indian Maritime University and others.**

**Mr. Anant Shaw,
Mr. Yogesh Kumar Sharma,
Mr. Ranvijay Singh,
Mr. Vikash Agarwal.**

... for the petitioners.

**Mr. Bhaskar Mukherjee,
Ms. Deblina Banerjee.**

... for the respondent nos. 1 to 3..

**Mr. Suman Ghosh,
Mr. Pradipta Siddhanta.**

... for the State.

Mr. Anil Kumar Gupta.

... for the UGC.

1. The present dispute stems from an act of commission and/or omission of the respondent nos. 1 and 2, the Indian Maritime University, a Central University.
2. The petitioners are 3rd Year students pursuing a course of B.Tech (Maritime) since 2023. The petitioners will complete the 4th Year course in 2027.
3. The petitioners have been suspended on December 5, 2025 by the Anti Ragging Committee of the University, which has been impleaded as the respondent no. 3 herein.
4. This entire incident of suspension on the ground of

the petitioners having been the perpetrators of a ragging incident is what has been challenged by way of the present writ petition.

5. The conspectus of facts is very short.
6. The 3rd Year students had indulged in an act of ragging against some 2nd Year students, who had lodged a complaint with the local Police Authorities as well as the University, pursuant whereunto the University had taken steps.
7. The steps taken by the University were in terms of the University Grants Commission Act, 1956 (hereinafter the Act) and the regulations framed there under in 2009 (hereinafter Regulations of 2009). In terms of the Investigation Report, which was filed by the Anti Ragging Committee, the petitioners were suspended for a period of six months, which expires on June 4, 2026.
8. Mr. Shaw, learned Advocate appearing for the petitioners, has raised the following issues:
 - (a) There was no incident of ragging at all. What happened on November 22, 2025 between two groups of students was merely a scuffle or at best, a brawl.
 - (b) No complaint had been made by any of the 2nd Year students alleging ragging. What had been alleged by the students was an incident of disagreement, which aggravated

into an act of physical brawl between two groups of students.

(c) There has been a gross violation of the principles of natural justice, inasmuch as the investigation report of the Anti Ragging Committee, which forms the basis of an order of suspension, was never served on the petitioners. The petitioners were never given an opportunity to present their case and were merely interviewed by the Anti Ragging Committee. The petitioners were denied an opportunity of cross-examining the complainants, the 2nd Year students. No hearing was given to the petitioners prior to meting out a severe punishment in the nature of suspension.

(d) The constitution of the Anti Ragging Committee by the University is in complete violation of the regulations framed under the University Grants Commission Act, 1956. The Regulation 6.3(a) specifies and indeed stipulates the persons, who are to be engaged as part of the Anti Ragging Committee. The present Anti Ragging Committee is in complete violation of the particulars as specified and cannot therefore be construed as a Committee validly

constituted under the Regulation of 2009.

(e) He has relied on a decision of the Hon'ble High Court at Patna in Civil Writ Jurisdiction Case No. 1378 of 2022 (Vivek Kumar and others vs. The State of Bihar and others).

9. Mr. Mukherjee, learned Advocate appearing for the respondent nos. 1 to 3, makes the following submissions:

(a) The incident reported by the 2nd Year students was reported as a ragging incident.

(b) There is no violation of principle of natural justice as the perpetrators, the petitioners herein, do not have any right to obtain the investigation report or cross-examine any of the complainants as there was no hearing, which was required to be held nor was it ever held.

(c) The investigation report by the Anti Ragging Committee was filed after giving opportunities of hearing to all the petitioners as well as the complainants and taking into account persons, who had in any manner witnessed the incident or even part thereof. Thus, there was no question of violation of any of the principles of natural justice.

(d) In any event, in a matter of this magnitude,

not giving a mere hearing ought to be overlooked the principles of natural justice have to be construed in a constricted and strict manner as held in 2018 SCC Online Gujrat 2766, which has been relied upon by him.

(e) The formation of the Anti Ragging Committee was done in a manner, which would facilitate the entire process.

(f) Clause 6.3(a) of the Regulations of 2009 are merely directory in nature and do not have any mandatory force. The University Grants Commission, the Nodal Body, has also never objected to such Anti Ragging Committee, as constituted by the University. The same was put up in the Anti Ragging Website, which was known to the UGC, which never objected to the same.

(g) He has placed reliance on (2009) 7 SCC 726, (2009) 16 SCC 712, (2013) 3 SCC 594, AIR 1993 Delhi 354 and 2018 SCC Online (Gujrat) 2766.

10. Mr. Gupta, learned Advocate appearing for the University Grants Commission, has made the following submissions:

(i) The said Act provides for regulations to be framed thereunder, pursuant whereof the

Regulations of 2009 have been framed. Thus, it is mandatory on the respondents to proceed in consonance with such Act and the Regulations framed therein.

(ii) The State of West Bengal has duly adopted the UGC Regulations, 2009. The Regulations of 2009 are mandatory in nature and are also pervasive and are not in any manner to be construed as directory and any violation thereof, will render the entire act of commission and/or omission of the concerned Authority, in this case the University, completely otiose.

(iii) He has relied upon two decisions reported in (2009) 4 SCC 590 and 2025 SCC Online 1420. Both decisions are on the issue that these Regulations framed under the said Act are binding and mandatory in nature.

11. I have heard the learned Advocates appearing for the parties and peruse the documents and the judgments relied upon by them.

12. The main matter has been taken up for hearing with the consent of all the parties, even though the same is appearing under the heading "To Be Mentioned".

13. The principal issues, which require attention, may be summarized as under:

(a) Whether the investigation has been held

following due process of law?

(b) Whether the procedure adopted conforms to the validated procedures of propriety?

14. While exercising jurisdiction of judicial review, as in the present case, a Court has to be extremely cautious in its approach.

15. The accepted parameters for exercise of judicial review are illegality, irrationality and procedural impropriety adopted by an authority. It is not for the Court to see whether the decision taken is right or wrong or even whether it is correct or not. This would mean that the Courts would unnecessarily travel into the domain of the executive and adjudge the merits of the decision, which has been repeatedly held by the Hon'ble Supreme Court and by various Courts of this country to be beyond the purview of judicial review.

16. The powers of judicial review of a Court exercising the jurisdiction under Article 226 of the Constitution of India stem from Article 13 of the Constitution. The significance of judicial review is to prevent misuse of power by an executive and more importantly to safeguard the rights of the citizen against any arbitrary or whimsical exercise of such power by the executive.

17. In the process of preventing any misuse of power and to safeguard the rights of the citizen, the

Courts are well equipped to travel into the domain of natural justice or its violation or whether such an act of commission or omission complained of is ultra vires and also whether the punishment meted out pursuant to such an act is disproportionate to the nature of the complaint made against the errant individuals.

18. In the present case, it would not be proper to go into the question as to whether the incident could be termed as an incident of scuffle or brawl or whether it would tantamount to an act of ragging committed by the petitioners.

19. The issue would be whether the investigation conducted by the respondent no. 3 was done following the due process of law and whether the punishment meted out, that of suspension for six months is proportionate to the action complained of. The brief reference to the incident made in the investigation report seems to suggest that a group of senior students (3rd Year), had engaged in an untoward incident resulting from a disagreement as entailed in the investigation report itself. Whether or not this can be construed as an incident of ragging is best left for the experts. However, undeniably, this was an incident of complete misconduct whether attributable to the petitioners or the complainants (2nd Year students) is again

beyond the domain of the writ petition. The petitioners were hauled up for this incident and were meted out a punishment of suspension for six months on the basis of an investigation conducted by the respondent no. 3.

20. It is this investigation report and far more importantly the body, the respondent no. 3 herein, which conducted such investigation that has to be scrutinized.

21. Admittedly, there was no hearing held for the purpose of coming to a finding that there was an incident of ragging. If there was no such hearing, the investigation report becomes the sole document on which reliance has been placed to mete out the punishment of suspension. The investigation report dated November 27, 2025, inter alia, holds on a reasonable conclusion that there was a verbal disagreement, which led to a physical assault of Cadet Aswar Choudhury and that the complainant Cadets were subject to a few slaps and one of them sustained scratch marks on his neck. Bereft of the finding of the number of slaps and nature of scratches, this much is clear that a verbal disagreement resulted into an assault or even a brawl.

22. The petitioners were all interviewed as were the complainants and several others who had

witnessed the sequence subsequent to the incident. It is not in dispute that an incident did occur on the night of November 22, 2025. It is also not dispute that these petitioners were part of such incident whether as perpetrators or as victims is not clear.

23. The question of violation of principles of natural justice may not have been germane, particularly since no hearing was held to come to the finding in the investigation report or in the order of suspension. However, it will not be out of place to mention that the investigation report came to the conclusion that there had been a disagreement between the parties and such disagreement resulted in certain acts of assault. Two issues arise out of this finding. First, that it was not simplicitor an issue of ragging. Second, that the parties were all part of an incident, which has been subsequently termed as ragging. I say subsequently, deliberately, since neither the investigation report nor the order of suspension refers to any of the provisions under the said Act or the Regulations of 2009 relating to ragging. It was on the basis of the finding alone as contained in the investigation report, that the authorities proceeded to mete out the punishment of suspension to the petitioners. Thus, the petitioners ought to have

been given an opportunity to challenge this investigation report or at least the findings in the investigation report. In any event, the findings of the report are contrary to the suspension order. By not giving a copy of the report to the petitioners, who were affected by the findings, there is a gross violation of the principles of natural justice. The severity of punishment is not for the nature of the punishment but the fact that such a punishment would render the petitioners handicapped by one academic year.

24. Thus, it cannot be said that there was no violation of the principles of natural justice. It cannot, however, be said that the punishment meted out be said to be disproportionate to the act.

25. Thus, as the petitioners are reading to become Marine Engineers, which requires the highest form of discipline, the investigation and the report filed pursuant thereof are clearly indicative of the fact that the petitioners have acted in a manner not befitting the Marine Engineers. There has been no misuse of power nor any illegality nor any foreseeable irrationality in the process undertaken by the authorities to suspend the petitioners.

26. There is just one issue, which requires consideration. This issue evolves from the fact that the Regulations of 2009 specifies in 6.3(a) which is

set out herein :

“That particularly persons would be nominated to this Committee, which it would be known as the Anti-Ragging Committee to be headed by the Head of the Institution. The representation in this Committee has been spelt out in no uncertain terms in the aforesaid clause of Regulations of 2009. Clearly the respondent no. 3 herein, which professes to be the Anti-Ragging Committee of the University does not have these persons as stipulated in Clause 6.3(a) of the Regulations of 2009. The representatives of the civil and police administration, local media non-Government organizations involved in youth activities and representatives of the students belonging to freshers category do not form part of the Committee.”

27. Mr. Mukherjee has fairly submitted that even though a student’s representative is part of the Anti-Ragging Committee, she was not present at the time the investigation was made or the report submitted.

28. It will not be out of place to mention here that the State of West Bengal has duly adopted this Regulation and is binding upon all the Universities.

29. In fact, the decisions relied upon by Mr. Gupta

reported in (2009) 4 SCC 590 (Para 42) and (2025) SCC Online 1420 (Para 46) are clear and unequivocal that the UGC Act and the Regulations herein are binding on all Universities whether conventional or open.

30. Even though Mr. Mukherjee made a submission that this particular regulation (6.3(a)) is merely directory in nature and not mandatory, it does not stand to reason that the entirety of the regulations are mandatory barring this particular clause as argued by him. The entire regulations in the form of a subordinate legislation, permitted by the Act of 1956 itself, cannot be construed to be violative of any of the grounds of subordinate legislation or ultra vires thereof.

31. These regulations are construed to be part and parcel of the process of implementation and facilitating the object of the Act of 1956. Hence, it would be an improper interpretation to hold that only Clause 6.3(a) is directory in nature while all other parts and portion of the Regulations are mandatory.

32. In view of the afore-stated decisions of the Hon'ble Supreme Court as relied upon by Mr. Gupta, I have no hesitation to hold that Clause 6.3(a) is mandatory in nature.

33. If Clause 6.3(a) is mandatory, which it is, then

there has been a complete procedural impropriety in the University forming the Committee as in the respondent no. 3 and relying on a report of the respondent no. 3 to suspend the petitioners to the extent that they lose an academic year of their career.

34. Mr. Mukherjee's submission that the investigation and the suspension have been in strict consonance with the Regulation and particularly in terms of the definition contained in Regulation 3(b), 3(c), 3(g) and 3(i) do not find any support either from the report filed by the respondent no. 3 or the order of suspension dated December 5, 2025, issued by the respondent no. 1.

35. In view of the afore-stated discussions and observations, I hold the following :

(a) Though the acts of commission and/or omission of the respondent nos. 1, 2 and 3 cannot be termed as illegal or rational, they suffer from serious procedural improprieties;

(b) these procedural improprieties stem from the fact that an Anti-Ragging Committee was constituted in violation of Clause 6.3(a) of the University Grants Commission Regulations 2009 and thus required to be set aside;

(c) There is other than the procedural improprieties, the violation of the principles of natural justice, inasmuch as the investigation report of November 27, 2025 ought to have been disclosed to the petitioners, before giving them the punishment on December 5, 2025. The petitioners being the affected parties ought to have been known and if advised would have challenged the same, the findings of the investigation report.

36. In view of the afore-stated, the order of suspension dated December 5, 2025 is set aside.

37. The petitioners will be permitted to sit for their exams, provided they have the requisite percentage of attendance, which if they do not have on account of the suspension, they will be permitted to obtain such attendance after having taken the exams.

38. This order, however, will not be construed in any manner as validating any act of indiscipline or misconduct that the petitioners may have indulged in.

39. With the afore-stated directions, the writ petition is allowed and to the afore-stated extent the connected applications, namely, CAN 1 of 2026 and CAN 3 of 2026 are accordingly disposed of.

40. There shall, however, be no order as to costs.

41. Mr. Mukhrejee has made a prayer for stay of the instant order. Such prayer is considered and declined.
42. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)