
(2002) 03 DEL CK 0061

In the Delhi High Court

Case No : Civil Writ Petition No. 893 of 2001

A. Amrender Reddy

APPELLANT

Vs

Indian Agricultural Research Institute

RESPONDENT

Date of Decision : 22-03-2002

Acts Referred:

Citation : (2002) 99 DLT 712

Hon'ble Judges : Sanjay Kishan Kaul, J

Bench : Single Bench

Advocate : C. Mohan Rao, for the Appellant; Ravi Sikri, for the Respondent

Judgement

Sanjay Kishan Kaul, J.—Rule

2. With consent of learned counsel for the parties, the petition is taken up for final disposal.

3. The petitioner did his B.Sc in agriculture in 1993 and M.Sc. in the year 1996. The petitioner stood first in All India Entrance Examination for the Ph.D in the respondent institution held in September 1996 and pursued his research from September 1996 to June 2000. The petitioner initially started his research under the supervision of the Chairman Dr. Selvarajan who left the respondent organization and thereafter Dr. Chotan Singh was made the Chairman. The petitioner apparently requested for the change of the Chairman. At the request of the petitioner Dr. R.K. Pandey was appointed as the Chairman.

4. The controversy in the present matter arose due to the allegation that Dr. Pandey had been rude to the petitioner and a complaint was made by the petitioner on 1.6.2000 to the following effect:

"As my chairman is not only co-operative, but he is sexually abusing, when ever I go to him. As I was in the 4th year and my whole analysis work is over. If you provide congenial atmosphere for 10 days, I will present my thesis seminar on 12th June & I will submit my thesis as early as possible."

5. The complaint resulted in proceedings before the Standing Committee on Faculty and Discipline and Standing Committee on Student Problems and Discipline Proceedings were held on 20.6.2000 and a decision was taken by the members of the Standing Committee that the conduct of the petitioner was highly indisciplined inasmuch as he has leveled false allegations against a very respected and senior faculty member which amounts to gross misbehavior and requires a strict punishment. The Committee recommended that the name of the petitioner should be removed from the roles of P.G. school with immediate effect.

6. The minutes of the said meetings shows that on the comments being asked from Dr. Pandey the Supervisor denied the allegations and stated that the petitioner could not adjust to him or the previous chairman. It was further stated by Dr. Pandey that in the present situation there was no research guide available as well as willing to undertake this student in the division.

7. The petitioner by the present petition has sought quashing of the memorandum dated 12.7.2000 removing the petitioner from the roles of the P.G. school.

8. I have heard the learned counsel for the parties.

9. Learned counsel for the petitioner contends that the allegations made by the petitioner against Dr. R.K. Pandey was that he has used sexually explicit terms. Learned counsel contends that the petitioner was almost at the end of his research work and he has been deprived of his Ph.D though he stood first in the examination at the stage of enrolment. Learned counsel also states that such a severe action has been taken against the petitioner without giving any opportunity to the petitioner to explain his case. Without prejudice to the aforesaid submission, learned counsel contends that the punishment is totally disproportionate to the alleged offence of the petitioner.

10. Learned counsel for the respondent on the other hand contends that the decision has been taken by the competent body and the Court should not interfere with the same. It is also stated that the petitioner could not get along with previous Research Guide and has sought change. It is also stated that Dr. R.K. Pandey was made Chairman at the request of the petitioner.

11. There is nothing on record to show that the petitioner has any problems either with the initial guide who left the University or the previous guide who was changed. Learned counsel for the petitioner has contended that the petitioner made a request for change in view of Dr. Pandey being a specialist in the field.

12. There is force in the submission of the learned counsel for the petitioner that the petitioner has been deprived of the consideration of his thesis after spending almost full time for his research without any opportunity having been granted to him to put forth his case or any evidence having been recorded. The decision is thus completely contrary to all principles of natural justices and fair play and thus cannot be sustained in law. There is also force in the submission of the

learned counsel for the petitioner that even if the allegations have been proved the punishment imposed on the petitioner is extremely severe.

13. The petitioner must show due deference to senior professors and academicians and conduct himself in a manner befitting the academic atmosphere of the respondent. It is stated in the petition that the dean called for the petitioner and asked the petitioner to give an apology letter stating that if the apology is given proceedings against him would be dropped. The petitioner states that he had given a letter of apology to Dr. R.K. Pandey but the same does not appear to have been placed before the committee or the academic council. The petitioner has thus shown remorse and apologised to his professor Dr. R.K. Pandey. This is a mitigating circumstance for the petitioner.

14. There is, however, no doubt the petitioner was deprived of the opportunity to put forth his case which is in violation of natural justice. Another important aspect of the case is also that the petitioner has almost completed his thesis work and at the stage when the thesis has to be submitted it is not appropriate to deprive the petitioner of the result of his research. In view thereof I see no purpose in remanding back the case to the Committee to be re-considered after giving an opportunity to the petitioner to establish his case. The petitioner has expressed his regret on the direction of the Dean. This should also enable a sympathetic view to be taken in the case of the petitioner.

15. Taking into consideration the facts and circumstances of the case, the memorandum dated 12.7.2000 removing the petitioner from the roles of P.G. School of the respondent is quashed and the petitioner is permitted to complete Ph.D. thesis. Parties are left to bear their own costs.