
(1997) 10 AHC CK 0091

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 2840 of 1991

Chander Jeet Singh

APPELLANT

Vs

Vice-Chancellor, Chowdhury Charan Singh University and
Others

RESPONDENT

Date of Decision : 14-10-1997

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : (1998) 2 UPLBEC 877

Hon'ble Judges : M.C. Agarwal, J

Bench : Single Bench

Advocate : C.S. Sharma and Ajay Sharma, for the Appellant; Pankaj Sharma, for the Respondent

Final Decision : Dismissed

Judgement

M.C. Agarwal, J.—By this petition under Article 226 of the Constitution of India, the petitioner seeks a writ of mandamus against respondent No. 2, the Principal J.V. Jain College, Saharanpur to direct him to admit the petitioner in the L.L.B. 3rd year course.

2. The petitioner's case is that he was a regular student of the said college and having passed the LL.B. 2nd year examination, he was entitled to be admitted to the 3rd year course. He submitted his application form on 24.12.1994, but the examination Committee refused to admit him. It is claimed that the action of the respondents in refusing admission is arbitrary. The Principal, respondent No. 2, has filed a counter affidavit sworn by Sri B.K. Mittal, Professor and Incharge of the Admission Committee. His contention is that the petitioner has been denied the admission because of his misbehaviour and involvement with anti-social elements. It is claimed that on 7.11.1994, a list of the students, whose presence in the college was subversive of discipline, was pasted on the Notice Board and the concerned students were required to show cause and it was, thereafter, that the list was finalised. In the rejoinder affidavit, again, the petitioner has

reiterated that the action of the respondent is arbitrary and he was a disciplined student.

3. I have heard Sri Ajay Kumar Sharma, learned Counsel for the petitioner, and Sri Pankaj Mittal, Counsel for the respondent No. 2.

4. It has been urged that the petitioner being a citizen of India has a fundamental right to education and, therefore, he cannot be debarred from being admitted to the college. It is claimed that he has already been a student of the college for last five years and his behaviour has always been satisfactory and the present order of the Principal debarring him from admission to the college is arbitrary and no opportunity of hearing was given to the petitioner.

5. Reliance was placed on Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., , in which right to receive education was held to be a fundamental right being a part of the right to life under Article 21 of the Constitution of India. There can be no dispute with this proposition of law. But fundamental right to receive education does not include the right to pollute the academic atmosphere and cause interference in the fundamental right of the other students to receive education and of the teachers of imparting education. Therefore, in case the petitioner is an element of a subversive nature whose presence would cause indiscipline and would obstruct the rights of others, admission can certainly be refused to him.

6. It is the duty of a Principal of an educational institution to ensure that there is proper discipline in the college campus and imparting of education proceeds undisturbed. It is also his duty to protect his students from lead company. It has been reportedly held that unless the action of the Head of the Institution is mala fide, no Court would interfere in his decision not to admit a student.

7. In Pradeep Kumar Arora v. Vice Chancellor 1993 (2) UPLBEC 1019, the action of the Principal of a college in not admitting a student inspite of recommendation from the Vice-Chancellor was held justified and this Court observed that in the absence of allegations of bias or mala fide, the Courts of law should not lightly interfere with the decisions of academic bodies.

8. In Pravez Ahmad v. Aligarh Muslim University (1987) 1 UPLBEC 517, also it was observed that it is a rule of prudence that Courts should hesitate to dislodge decisions of academic bodies.

9. In the present case, according to the petitioner he has been a student of this college for the last five years. If he has been allowed to continue as student of the college during last five years, there must be compelling reasons for the college authorities to refuse admission to him in his last year of LL.B. The petitioner has not been able to make out any case of mala fide against the Principal or the Proctorial Committee who were involved in the process of taking the decision. The petitioner was not the only one. There were others also who were similarly dealt with.

10. The counter affidavit filed on behalf of the respondents shows that a list of 19 candidates was published on 7.11.1994 stating that during the proceeding academic session 1993-94, their conduct was not found satisfactory and disciplined and their continuance in the college would not be conducive to peaceful atmosphere and proper academic environment in the college and it is proposed not to admit them in the academic session 1994-95. The students were required to make their submission, if any, before the Chief Proctor on 14.11.1994 between 10.00 A.M. and 12.30 P.M. Then the list was finally published on 19.11.1994. The petitioner does not deny the publication of the list nor does he show that he made a representation against the proposal of the authorities to deny him admission, Then, it is stated in paragraph-12 of the counter affidavit that the District Administration i.e. District Magistrate and the Senior Superintendent of Police in confidential letters have apprised the Principal of the involvement of the petitioner in some criminal cases. It is stated that the said report is on the record of the college, but it is in the larger public interest that the report is not being made public. In paragraph-14 of the rejoinder affidavit that is in reply to the contents of paragraph-12 of the counter affidavit, such a report is not denied. In is nowhere stated that the petitioner is not involved in criminal cases and the petitioner has not courage to insist on the report being brought to the Court and at least seen by the Court to verify if there is really some report that speaks of the indiscipline or criminal behaviour of the petitioner.

11. It was contended that before awarding this punishment to refusal of admission, the petitioner was not given any opportunity of hearing. The contention is not correct. As already stated, the list of undesirable students was placed on he Notice Board and they were required to make their submission, if any, before the Chief Proctor, This was sufficient compliance of the requirement of the natural justice. As already observed, the Court has to be very slow in matters like this and will refuse to interfere unless there compelling response. The college authorities are best Judges to determine whether the presence of a student would be harmful to discipline and this decision having been properly arrived at cannot interfered by a Court.

12. This writ petition, therefore, has no force and is hereby dismissed with costs to respondent No. 2.