
(2010) 07 SC CK 0152

In the Supreme Court Of India

Case No : Civil Appeal No. 5894 of 2010

Mahatma Gandhi University and Others

APPELLANT

Vs

Sherin, S. and Others

RESPONDENT

Date of Decision : 23-07-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 376

Citation : (2010) 07 SC CK 0152

Hon'ble Judges : H. L. Dattu, J;D. K. Jain, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Leave granted.

2. These appeals, by special leave, are directed against final order dated 22nd March, 2007, passed by the High Court of Kerala at Ernakulam in Writ Appeal Nos. 668 and 688 of 2007. By the impugned common judgment, the appellate Bench of the High court has upheld the order passed by the learned Single Judge of that Court, directing the Appellant University to permit the Respondents--students to attend the concerned institution pending finalization of disciplinary as well as criminal proceedings instituted against them in respect of the incident, which took place on 21st October, 2005.

3. Both the appeals are being disposed of by this order, as they arise from a common judgment.

4. It appears that on account of involvement of the Respondents in the said incident in the precincts of the educational institution, they were charge-sheeted for having committed offences punishable under the Indian Penal Code, as well as under the Kerala Prohibition of Ragging Act, 1998. Simultaneously, on initiation of disciplinary proceedings against them, they were suspended by the University by order dated 23rd November, 2005. The Respondents questioned the propriety of University's action in placing them under suspension by

preferring writ petitions in the High Court. Being influenced by the fact that the disciplinary proceedings as well as trial in the criminal case would take considerable time, the learned Single Judge directed the University to permit the Respondents-students to attend the institution where they were studying at the time of occurrence or in any other institution administering the same academic course, as may be decided by the Vice-Chancellor of the University.

5. Appellants' writ appeal against the said direction having been dismissed, they are before us in these appeals.

6. At the outset, it may be noted that in appeal arising out of SLP (C) No. 6480/2007, out of the three charge-sheeted students, namely, Sherin, S., Robin Paul and Shafeek Usuf, Robin Paul has since been acquitted by the Trial Court. Therefore, in the appeal qua him no orders are called for.

7. We have heard learned Counsel for the remaining parties.

8. Learned Counsel appearing for the University has vehemently submitted that the Respondents--students having been charged with very serious offences, the High Court, in issuing the said direction clearly exceeded its jurisdiction. It is urged that the High Court's interference in such academic matters would result in serious indiscipline in the University and, therefore, the impugned direction deserves to be set aside.

9. Mr. Chacko, learned Counsel appearing for the students, on the other hand, submits that since the Syndicate had decided to place the students under suspension only for a period of six months, effective from 23rd November, 2006, the said period being over, the present appeals are rendered infructuous.

10. Having considered the matter in the light of the allegations against the Respondents and the nature of offences for which they have now been convicted, we are of the opinion that both the judgments of the learned Single Judge as well as of the appellate Bench can'tot be sustained. This Court has repeatedly disapproved passing of interim orders by the High Court in educational matters. It needs to be emphasized that such interim orders not only result in creating confusion, they are also destructive of academic discipline. The menace of ragging in educational institutions adversely impacts the standards of education and has to be curbed with an iron hand.

11. As already stated, in the present case, the Respondents were not only charged under the Ragging Act but also u/s 376 IPC etc. and it was for the University authorities to decide whether or not any disciplinary action against the students was called for. We are convinced that the High Court's sympathy with the students, on the stated ground, was clearly misplaced and the impugned directions were wholly uncalled for.

12. Consequently, the appeals are allowed and the impugned orders are set aside with no order as to costs.

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