

(1965) 05 P&H CK 0066
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ No. 724 of 1965

Manjit Singh

APPELLANT

Vs

Punjab Agricultural University and Another

RESPONDENT

Date of Decision : 25-05-1965

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1965) 05 P&H CK 0066

Hon'ble Judges : P.C. Pandit, J

Bench : Single Bench

Advocate : Anand Sarup with Mr. R.S. Mittal, for the Appellant; H.L. Soni, for the Respondent

Final Decision : Dismissed

Judgement

P.C. Pandit, J.—This petition under Article 226 of the Constitution has been filed by Manjit Singh challenging the order of his expulsion from the College of Agriculture, Ludhiana, dated 24th December, 1964 passed by Mr. D. Sundaresan, Dean of this College respondent No. 2.

2. According to the allegations of the petitioner, after passing the Higher Secondary Examination from the University of Punjab, he joined this College as a first year student in July, 1964. The First Trimaster result of the First Year and Pre-University Classes was announced in the last week of Nov. 1964 and it showed a pass percentage of 12 percent only. As a result, a representation under the signatures of all the 300 students of the 1st Year and Pre University Classes was made to the Vice-Chancellor of the Punjab Agricultural University, Ludhiana, and respondent No. 2 praying for a reconsideration of the result, because the teaching arrangements were not efficient and the students were made to suffer unnecessarily. On 7-12-1964 all the students of these two Classes went on strike to enforce their demands. The petitioner was one of the members of the action committee consisting of six persons, who had been elected by the students to conduct the strike and negotiate with the authorities. On 8th December, 1964 the

authorities revised the result and the pass percentage was raised from 12 to 58 and 65 per cent respectively for the two Classes. On 10th December, 1964 the students withdrew their strike and were assured by the Registrar of the University in the presence of respondent No. 2 that none of the students would be victimised as a consequence of the strike. In spite of this assurance the petitioner received a notice to appear before a committee appointed by respondent No. 2 on 21st December, 1964. The petitioner appeared before the said Committee on the specified date and he was orally asked to answer certain questions. In reply, he admitted having taken part in the strike along with all the other students, but denied having indulged in any acts of violence or breaking of window glasses and furniture or shouting undesirable slogans. The committee neither examined any witnesses in his presence nor confronted him with any material, which might have been in their possession showing his guilt. He was allowed to go after he had answered the few questions that were put to him. After this, on 27th December, 1964, he received the impugned order from respondent Nos. 2. That led to the filing of the present writ petition on 19th March, 1965.

3. In the return filed by respondent No. 2, it was stated that the students went on strike from 7th December 1964. The petitioner was one of those leading the strikers, shouting slogans and representing them, when talking to the authorities. The Vice-Chancellor met all the students on 7th December 1964 after the demonstration and enquired from them about their grievances. As a result of this meeting and further consultations, certain relaxations were made in order to bring about a peaceful atmosphere in the College. The relaxations were announced by respondent No. 2 by a notice dated 7th December, 1964. In accordance with these relaxations, revised results were announced by respondent No. 2. The students, however, continued the strike and the demonstrations led by the petitioner on 8th, 9th and 10th December, 1964. On 9th December, 1964 when in spite of the generous stand taken by the authorities, the students had not abandoned the strike, an appeal was made to all the students to attend the classes the next day and if they did not do so, the classes would be suspended from 10th December, 1964. Instead of attending classes on this date, the demonstrators intensified their agitation by organising a mock funeral of respondent No. 2 and by shouting very abusive slogans. The strikers were led by the petitioner and few others. On the same day at about noon, the petitioner accompanied by six or seven other students met the Registrar of the University and respondent No. 2. They wanted an assurance from the latter that no action will be taken against them for their acts of indiscipline. They were, however, told that no such guarantee could be given and none was actually given. The same afternoon the petitioner accompanied by two or three other students came to the room of respondent No. 2 and left a handwritten unsigned chit containing a resolution in which it was mentioned that the authorities had assured the students, among other things that no action would be taken against any on them. They were thankful to the authorities for that and had agreed to

accept the demands mentioned in the chit and readily consented to resume their studies from 11th December, 1964. Since the statements contained in this chit were incorrect, respondent No. 2 issued a notice on 10th December, 1964 to the effect that the final decisions of the College authorities had already been communicated by the notices published on December, 8 and 9, 1964, and the question of re-opening the College for First Year and Pre-University Classes would be considered after the strike was called off. On the morning of 11th December 1964 the petitioner and five other students came to the room of respondent No. 2 and asked for an assurance that no disciplinary action would be taken against them and it was only then that they would attend the classes. They were, however, referred to the notice dated 10th December, 1964 and told that since they did not attend the classes on 10th December, 1964, the same had been closed and that no such assurance would be given. At this, the petitioner became very agitated, jumped from his seat and went out. He and four other students pulled down the name-plate of respondent No. 2 attached near the door, shouted slogans-"Dean Sundaresan Go Back" and called a batch of students, who were standing outside, to demonstrate in front of the office. It was admitted that the petitioner appeared before a Committee appointed by respondent No. 2 on 21st December, 1964 in response to the notice sent to him on 18th December, 1964. On this date, the charge-sheet dated 18th December, 1964 framed against the petitioner and which was based on a report from the staff and respondent No. 2, was read out and explained to him. He was charged with having indulged, during the days of the strike in acts of gross misbehaviour, indiscipline and rowdiness. Respondent No. 2 was empowered to take disciplinary action, but by convention he got the charges investigated and recommendations made by a Committee of the staff. It was true that this Committee did not record any evidence in the presence of the petitioner, but it was clear from their report that the material before them was put to the petitioner and he was asked to give his explanation. They found him guilty and recommended his expulsion. Respondent No. 2 accepted this recommendation and ordered his expulsion from the College on 24th December, 1964.

4. Learned counsel for the petitioner raised the following two contentions before me:

(1) That respondent No. 2 had no authority to pass the impugned order under any provisions of the Punjab Agricultural University Act, 1961 (hereinafter referred to as the Act) or the statutes framed thereunder. u/s 6(13) of the Act, the University had been given the power to supervise and control the residential accommodation and to regulate discipline of the students of the University and to make arrangements for promoting their health and welfare. These powers had not been delegated to the Dean of a College by the University: and

(2) that the impugned order had not been passed in conformity with the principles of natural justice. The material on which the said order was based had been used to the prejudice of the petitioner without having been shown to him

and no opportunity had been given to him to defend himself, and to refute the allegations made against him.

5. Section 6(13) of the Act empowers the University to regulate the discipline of its students. Section 20 provides for the constitution of the Academic Council, which is in charge of the academic affairs of the University. By virtue of Notification No. G.S.R. 226/P.A. 32/61/Ss. 29 and 30/62 dated 26th October, 1962, the Governor of Punjab, in exercise of the powers conferred on him, by sub-section (1) of section 30 read with clause (1) of section 29 of the Act, made the statues regarding the admission of students to the University and their enrolment and continuance as such. Rule 2 of the same, which relates to maintenance of discipline etc., reads as under-

The privilege of continuing as a student in the University shall be held only by keeping up a certain level of academic performance, class attendance and requirements of discipline as may be prescribed by the Academic Council in consultation with the Board of Studies and regular payment of dues of the University.

From these provisions, it is clear that the maintenance of discipline amongst the students is the responsibility of the Academic Council. This Academic Council, in their meeting held on 2nd May, 1964, framed certain regulations regarding the rustication and expulsion of the students. According to them, the Dean of the College was authorised to rusticate or expel a student. He could also revise his own decision in this respect within 15 days of the date of the passing of the order. It was also provided therein that when facts came to the knowledge of the Vice-Chancellor, which made him think that the order of the Dean required revision, he could bring the case to the notice of the Academic Council, whose decision would then be final. From these regulations it is clear that the Dean of the College was fully empowered to expel the petitioner, if he was found guilty of acts of indiscipline, gross misbehaviour and rowdyism. The argument of the learned counsel is that under Rule 2 the requirements of discipline had to be prescribed by the Academic Council in consultation with the Board of Studies and since that had not been done in the present case the petitioner could not be held guilty of indiscipline. This argument is devoid of any force, inasmuch as under this Rule it was not necessary that certain acts should be prescribed by the Academic Council which may amount to indiscipline. The word "indiscipline" is of very wide import. It is not possible to lay down all the contingencies under which a student can be held to be guilty of indiscipline. Each case will depend on its own facts and circumstances. The expression "requirements of discipline" only means the "maintenance of discipline." Since certain procedure with regard to the awarding of punishment on account of the breach of discipline had to be laid down, it is perhaps due to that that the words "as may be prescribed by the Academic Council in consultation with the Board of Studies" were mentioned. In Rule 2. There is thus ho merit in the first contention of the learned counsel for the petitioner.

6. Coming to the second contention of the learned counsel, the same is also without any substance. The petitioner was heard by the Committee appointed by respondent No. 2 and was given an opportunity to explain his position. The relevant part of their report is as under-

Shri Manjit Singh (petitioner) He agreed that he was one of the strikers and that he was one of the leaders elected by the students for the purpose of this strike. He said that out of the three dirty slogans listed as 1, 2 and 3 in the Dean's report, he joined in shouting only the first slogan which may be reproduced in English as below:

"What happened, Dean died."

He did not think that any of the other two dirty slogans was ever shouted. He said that he was not one of the strikers who carried the charpai with the effigy but he was walking very close to those who were carrying the charpai. He did not know the names of those persons who carried the charpai. He, however, informed that he was one of the five students who entered the office of the Dean on the 11th December, but he was not responsible for pulling down the name plate and using any abusive language outside the office. In fact, he denied that the name plate was pulled down. He admitted that the shouting of abusive slogans, carrying of effigy on the charpai etc., was a most undesirable act on the part of the strikers but all this appears to have been done in excitement.

* * *

After carefully considering the statements of the students who appeared before the Committee as well as the information furnished by the Dean the Committee makes the following recommendations unanimously:

1. Shri Manjit Singh should be expelled from the Punjab Agricultural University without any prejudice to his admission in another University.

* * * * *

No statements of the students, as is clear from the return of respondent No. 2, were recorded in the presence of the petitioner. The reference to "the statements of the students who appeared before the Committee" in this report is to the statements of those students on whom the charge-sheet was served by respondent No. 2 and who had been asked to appear before the Committee. The factual information furnished by respondent No. 2, regarding the role of each student in this strike, was made known to the petitioner and on the basis of the same the Committee put the various questions to him and he was asked to give his explanation thereto. After hearing him, the Committee had made the recommendation, which was later on accepted by respondent No. 2. Under these circumstances, it cannot be said that there has been any violation of the principles of natural justice.

7. The result is that this writ petition fails and is dismissed. In the circumstances

of this case, however, I will make no order as to costs in these proceedings.