

(2010) 02 RAJ CK 0036
In the Rajasthan High Court

Manmohan Machra and Another

APPELLANT

Vs

University of Rajasthan and Another

RESPONDENT

Date of Decision : 26-02-2010

Acts Referred:

Citation : (2010) 3 RLW 2249

Hon'ble Judges : Raghvendra S. Chauhan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.S. Chauhan, J.—The petitioners have challenged the orders dated 12.12.2009 and 30.12.2009. passed by the Maharaja College, University of Rajasthan. By the former order, the petitioners were rusticated from the College. By the latter order, their admissions in the college was cancelled.

2. Briefly, the case of the petitioners is that they were studying in B.Sc. III year at Maharaja College, in the University of Rajasthan. According to them, they had filled up the examination form in the academic year 2009-10 and had deposited the requisite fees. However, due to politics amongst the college students, they were falsely implicated in two criminal cases. Both the FIRs were registered at Police Station Lal Kothi. According to them, they were suddenly served with a letter dated 12.12.2009 wherein they were informed that due to the FIRs registered against them, they were being rusticated from the college. They further received an order dated 30.12.2009 wherein it was stated that on 12.12.2009, the Anti-Ragging Committee has decided to cancel their admissions in the college. Therefore, their admissions stand cancelled. Hence, this petition before this Court.

3. Mr. Ripu Daman Singh, the learned Counsel for the petitioners, has raised the following contentions before this Court: firstly, the petitioners have been falsely implicated in the criminal cases, but they are innocent. Secondly, they have already been granted bail in both the criminal cases. Therefore, they should be

permitted to continue their studies. Thirdly, unlike the other States, in the State of Rajasthan there is no law against ragging. Therefore, the respondents are not justified in either rustivating, or in cancelling the admissions of the petitioners. Forthly; no opportunity of hearing was granted to the petitioners by the respondents. Thus, the impugned orders have been passed in violation of principles of natural justice.

4. On the other hand, Dr. Y.C. Sharma, the learned Counsel for the University, has vehemently contended that the falsity or genuineness of the criminal cases cannot be decided by this Court in its writ jurisdiction. It is a matter to be discussed and debated, tried and tested by the learned trial Court. Secondly, although there is no Anti-Ragging Act prevalent in the State of Rajasthan, but nonetheless Ordinance 88 of the University of Rajasthan permits the University to rusticate and to cancel the admission of a student. Thirdly, the petitioners have not come with clean hands and have hidden some facts from this Court. The petitioners were given an opportunity of hearing before the Anti-Ragging Committee on 21.12.2009. At the meeting, the petitioners were heard and a decision was taken. According to the Committee since the petitioners had indulged in indisciplined activities even on earlier occasions, their admission should be cancelled from the college and T.C. should be issued to them. Hence, the petitioners are not justified in claiming that no opportunity of hearing was given to them. Thus, he has supported the impugned orders.

5. Heard the learned Counsel for the parties and perused the impugned orders.

6. Educational institutions are temples of learning. In educational institutions, students are not only educated, but they also learn about life in general. In the temples of learning, sanctity, discipline, decorum and serenity have to be maintained. Students are expected to excel in their studies and to perform well in their extra-curricular activities. They are expected to train and discipline their mind and body. No educational institution can permit its students to be rowdy, to be indisciplined and to be uncouth. For, the peace and tranquility of the campus, the prestige and goodwill of the institution has to be preserved and protected at all times. Thus, one of the responsibilities of an educational institution is to enforce and maintain discipline among its students. Likewise, the students owe a duty towards an education institution to be on their best behaviour during their student life. Although the State of Rajasthan may not have an Anti-Ragging Law, yet the University Ordinance does prescribe the procedure and the consequences for indulging in indisciplined behaviour.

Ordinance 88 of the University is as under:

The following provisions are laid down for dealing with cases of indiscipline:

1. When a student has been accused guilty of serious criminal charges, grave mis-conduct, persistent negligence of work or mis-behaviour, the Principal of the affiliated college/Director, of University School or College or Institution/Head of University Teaching Department/Dean, University Studies in Arts/Fine Arts/Social

Science/Science/Commerce/Law where he is studying/Chief Proctor will suspend a student forthwith from attending the classes. During the period of suspension the student will not be allowed to participate in any activity of the College/University including appearing in the examinations. When the student has been suspended pending enquiry, the Warden or the Chief Warden of University Hostel(s)/Principal may suspend or remove such student from the hostel.

2. Soon after suspension, the case will be referred to the Standing Discipline Committee of the College/University. The Chairman of the Standing Committee shall be a senior member of the teaching staff with 5 or 6 other members of staff nominated by the Principal/Vice-Chancellor. The members should preferably represent all major faculties and should be such as have positive influence on the students.

The Standing Discipline Committee will meet and after due consideration recommend suitable punishment which may include fine or expulsion for a fixed period/permanent expulsion or both. The punishment will be implemented by the authority which had suspended the student.

3. If a criminal case has been registered in a Court of Law by the Police (State), the student shall be suspended immediately pending enquiry.

4. No student who has been so suspended or expelled shall be admitted to any other college/teaching unit of the University without the permission of authority which suspended/expelled him and no student who has been so suspended/expelled shall be admitted to any other college/teaching unit of the University within the period of his suspension/expulsion.

5. On appeal from the student the Director, College Education in the case of affiliated colleges and the Vice-Chancellor in the case of University teaching units, may review the case and after due consideration, may decide to concur or enhance or reduce the punishment.

Under the Ordinance, the respondents not only have the power to suspend, to rusticate the student, but also have the power to cancel his admission. Of course, the power has to be exercised in a fair and reasonable manner and not in a malicious, whimsical, or capricious manner. Thus, the contention raised by the learned Counsel for the petitioners that since there is no law against anti-ragging, the respondents are not empowered to rusticate and to cancel the petitioners' admissions, the said contention is unacceptable.

The petitioners have not approached this Court with clean hands. In the entire body of the writ petition, it is nowhere revealed that in fact the Anti-Ragging Committee had heard the petitioners and had taken a decision to cancel their admissions. Therefore, the contention that the principles of natural justice have been violated is absolutely baseless. Considering the fact that the petitioners had earlier indulged in similar acts of indiscipline, the Anti-Ragging Committee was certainly justified in cancelling their admission from the college. Since the

petitioners have not approached this Court with the clean hands, on this ground alone, the writ petition deserves to be dismissed.

There has been a cancerous growth of ragging in the educational institutions across the State. The menace of ragging has claimed the lives of many young men, and has psychologically destroyed others. It is an act which needs to be dealt with by the law. While other States such as Maharashtra, Tamil Nadu, Kerala and Karnataka have enacted laws against ragging, the State of Rajasthan has yet to do so. Therefore, the Government is requested to consider the feasibility of enacting an Anti-Ragging Act for the State. A copy of this judgment shall be sent forthwith to the Chief Secretary, Home Secretary and to the Hon"ble Law Minister for their due consideration of the recommendation made by this Court.

For the reasons stated above, this writ petition is devoid of an merit. It is, hereby, dismissed.