

(2013) 03 NCDRC CK 0013

In the National Consumer Disputes Redressal Commission

Maulana Azad National Institute of Technology

APPELLANT

Vs

S.K. Pathak

RESPONDENT

Date of Decision : 19-03-2013

Acts Referred:

Citation : 2013 2 CPJ 277

Hon'ble Judges : J.M.MALIK J.

Judgement

1. THIS is a strange case where the father, Sh. S.K. Pathak, claims compensation for the suicide committed by his son, Sh. Rahul Pathak, student, who was expelled from the Institution on the accusation of "ragging" for producing a person who impersonated as his guardian, got the pardon and subsequently committed suicide. Shri Rahul Pathak, since deceased, was a student of Engineering College of Maulana Azad National Institute of Technology, Bhopal, Madhya Pradesh, OP. He, unfortunately, passed away on 11.8.2008 in suspicious circumstances. The District Magistrate had ordered a Magisterial Inquiry under provisions of Section 176 of the Code of Criminal Procedure. The Joint Collector conducted the inquiry of death. He held all the Members of the Proctor Committee and Senior Officers of the Management liable for the death of Rahul Pathak.

2. SH . S.K. Pathak, father of the deceased student, filed complaint before the District Forum and claimed compensation in the sum of Rs. 20,00,000 from the OPs. District Forum, vide its order dated 8.2.2011 dismissed the complaint. Aggrieved by that order, the complainant preferred an appeal before the State Commission. The State Commission, while partly allowing the complaint, directed the petitioner/OP to pay Rs. 5,00,000 as damages to the complainant along with Rs. 5,000 towards suit expenses.

3. WE have heard learned Counsel for the parties. Counsel for the petitioner has invited our attention towards the certified copy of the report filed by Joint Collector, 23.12.2008, along with its True Translated Copy. The relevant extracts from the translated copy of the report run as follows: (1) At pg. 62 of the paper -

book:

Father Shri Shashi Kumar in his statement stated that his son Rahul was selected in the year 2007 in MANIT in Bio -Informatics. Rahul in study was brilliant and last year got 72% marks. According to his (father's) memory, on 14.11.2008, in the evening at 5.00 O'clock, phone of Chief Warden Shri P.K. Jain came on his mobile. He had told that Rahul is not giving heed in study. "You come once in MANIT, get him understand otherwise his career will be spoiled. He at that very time got me on line to talk to Rahul. At that time, Rahul was weeping. Rahul while weeping said, that PAPA I have committed mistake. After that I had assured Sh. Jain that I will definitely come to MANIT on 17 -11.2008. On 14.11.2008, in the night at 8.00 O'clock, phone of Rahul had come to me and he had told that from him during examination in Examination Hall had been got filled Bond and for rest of the examinations he would be allowed after the disposal of the case. Making enquiry about his weeping, he stated that Sh. P.K. Jain, Sh. Gupta, Sh. Arun Shadilya, Sh. M.S. Chauhan and Ms. Saroj Raangdekar have harassed me. I assured him coming to Bhopal on 17.11.2008, and will solve all the problems personally. My brother -in -law Raghvendra also had received the information of death of Sh. Rahul through any student, near about 4.30 on 15.11.2008.

(2) At page 92 of the paper -book:

The security arrangement of the students living in hostels is insufficient, untrained, unplanned without resources not sufficient.

4. THE Joint Collector, gave a gist of his enquiry in the last para of his inquiry report, which runs as follows: Thus, in the above Magisterial inquiry regarding the suicide committed by late Rahul Pathak all facts have been analysed in detail in which not only all members of Proctor Committee and all senior officers of management are responsible but the atmosphere in MANIT, the father Sh. Shashi Kumar Pathak not having live contact with the management, in the absence of administrative expertise are equally responsible and on all these points in the joint finding the reasons of suicide are included.

The State Commission, while commenting on this report stated that the Members of Proctor Committee did not give satisfactory reply. The Undertaking/Bond was filled up. The mental condition of the student became very weak. His father used to reside in Nagaland. He had no local guardian in Madhya Pradesh. The Management did not care to give him even the medical aid.

5. FROM the evidence, it is clear that Rahul was charged for "ragging". The inquiry report mentioned that deceased was simply ragging the junior students by giving them the written assignment which was wrongly interpreted by the management and he had been punished for that.

6. THERE is another report which was sent on 16.6.2009 to the Chairman, Sh. A.N. Singh, Board of Governors by respondent Institute by the Human Resources

Development Ministry on the basis of Magisterial inquiry. According to this report, on 19.11.2008, there was an incident of misbehaviour with students by three students including late Sh. Rahul Pathak. These three students were expelled. The students gave their written apology on 4.11.2008 to the then Dean (Student Affairs), Dr. Sushil K. Mittal and he gave them a written NOC to appear in the exams. The then Dean (Student Affairs) and Proctoral Committee had imposed fine on the students and the case was closed. Thereafter, the case was re-opened. It was further alleged that at the time of examination, the students were asked to fill up the Bond. The order passed by Dr. S.K. Mittal, Dean (Student Affairs), is reproduced as under. Maulana Azad National Institute of Technology, Bhopal

ORDER

DEAN SA/2008/Hostel/01

Dated 19.10.2008

Following students of 2nd year were caught red -handed in Hostel No. 1 (First Year Hostel) forcing their junior first year students to write their assignments. They have also accepted that they had slapped the junior students.

(1) Akashdeep Choudhary 071116061 III Sem B. Tech. (Mech. Engg.)

(2) Hemangjit Kekati 071116063 III Sem B. Tech. (Mech. Engg.)

(3) Rahul Pathak 071114117 III Sem B. Tech (Bio -Informatics)

The above students are expelled from the Institute with immediate effect. They are instructed to vacate the hostel and leave the Institute premises latest by 5.00 p.m. on Monday (20.10.2008).

Authority Directors Approval Dated 19.10.2008.

Sd/ -Dr. S.K. Mittal DEAN (S.A.).

Rahul Pathak gave undertaking, which runs as follows: Undertaking

I Rahul Pathak hereby state that when my father was called I called Mr. Amit as my uncle, who is working in Hotel Palash Residency, Bhopal. I met him through a friend of mine who stays in Mata Mandir.

Sd/ -Rahul Pathak Bio -informatics 0711104117

7. STATEMENT of Ajeet Bhaskar, Sr. Manager, runs as follows: (2nd yr 3rd Semester, Energy)

I am staying with MANIT BOY Amijeeti in my hostel. He called me to help a boy named Rahul who was going to be expelled from College for ragging case. He came to my hotel (Palash Residency) for getting help for this boy. I met Rahul at the entrance of the college. He explained everything to me and asked me for help.

He told me to act as his uncle. He told me there is no risk. Everything means -He asked me to act as his uncle and told me that to say I am coming from Delhi and working there.

I am Amit Kumar, working in Hotel Palash Residency, my father retired from Bokaro Steel Plant, three years back.

Mr. Ajeet Bhaskar Senior Manager MOB: -09826024984 Hotel Palash Residency.

8. THE Counsel for the petitioner has cited the following two authorities in support of his case. (1) Bihar School Examination Board v. Suresh Prasad Sinha, : IV (2009) CPJ 34 (SC) : VII (2009) SLT 109 : (2009) 8 SCC 483 and (2) Maharshi Dayanand University v. Surjeet Kaur, : III (2010) CPJ 19 (SC) -V (2010) SLT 545 : (2010) 11 SCC 159. To sum up, it is clear that Rahul Pathak was involved in "ragging". The Hon"ble Apex Court is averse to ragging and so many directions were given in this connection. It has been rightly said that the end may not always justify the means. Behind the facade of "welcoming" new students to college, "ragging", in actuality, is a notorious practice, wherein the senior students get an excuse to harass their junior counterparts, and more often than not, make them easy targets to satiate their own perverse sadistic pleasures. Apart from sustaining grievous physical injuries, those unfortunate students who succumb to "ragging", either develop a fear psychosis that haunts them throughout their lives, or worse, quit their college education even before it begins. For any student who slogs day and night to secure admission into a prestigious college, "ragging" can be "his" or "her" worst nightmare come true. It would not be an exaggeration to say that, today, "ragging" has taken the shape of a serious human rights violation with even the most respected and disciplined educational institutes falling prey to it. The deceased committed fraud, by producing an imposter, as his "uncle". It is difficult to understand, as to "What kind of character, Mr. Rahul Pathak had - Writing of the Bond, is a matter of one"s own choice. Nobody can force him. There should be some protest, whisper or syllable against that move. The idea of commission of suicide cannot be tomtomed otherwise, it would never happen. This idea has to be kept under a rose. The deceased was under depression and he should have been properly treated. It was for the parents to look after their son. It is very difficult to trace out "depression" from a person, unless and until it is known from the surrounding circumstances or by the patient himself. The persons who have been named by the Joint Collector, in his report, have already been removed from their services. It is not understood under the circumstances, why the Petitioner/ OP should be asked to pay the compensation? Consequently, we accept the revision petition and dismiss the complaint and, restore the order passed by the District Forum.