

(2022) 02 TEL CK 0028
In the Telangana High Court
Case No : Writ Appeal No. 110 Of 2021

National Institute Of Technology

APPELLANT

Vs

Chandra Mohan Andugula

RESPONDENT

Date of Decision : 08-02-2022

Acts Referred:

National Institute Of Technology Act, 2009 — Section 8

Citation : (2022) 02 TEL CK 0028

Hon'ble Judges : Satish Chandra Sharma, J;N. Tukaramji, J

Bench : Division Bench

Advocate : T Mahender Rao, Y Rama Rao

Final Decision : Dismissed

Judgement

1. The present writ appeal is arising out of an order dated 01.02.2021, passed in W.P.No.13546 of 2020 by the learned Single Judge allowing the writ

petition filed by the respondent No.1/writ petitioner.

2. The facts of the case reveal that the respondent No.1/ writ petitioner came up before the learned Single Judge being aggrieved by the order passed

by the Director, National Institute of Technology, Warangal (NITW), dated 28/29.01.2019 cancelling his Ph.D., admission and consequential

proceedings, dated 30.07.2019, 18.11.2019 and final Senate proceedings, dated 03.01.2020 confirming his expulsion from the Ph.D., course.

3. The facts of the case further reveal that the respondent No.1/writ petitioner joined as a Junior Research Fellow for DST-SERB Project on

12.12.2017 and was subsequently enrolled for the Ph.D., programme for the Academic Year 2017-18 vide Roll No.717168 in the Department of

Chemistry under the supervision and guidance of the appellant No.4/Dr. K.Hari Prasad, Assistant Professor and Supervisor, Department of

Chemistry. The respondent No.1/writ petitioner is a member of Schedule Caste community and his father is working as a daily wage labour. The facts further reveal that the respondent No.1/writ petitioner submitted a Progress Report in respect of his research work for the period December, 2017 to April, 2018 to the Dean, Academic Affairs on 25.04.2018 and the same was recommended and forwarded by the Dean, Academic Affairs. The Chairman and Members of the Doctoral Scrutiny Committee assessed the research work of the respondent No.1/writ petitioner and he was given 'A' grade in two subjects and 'B' grade in the other two subjects. The allegation against the respondent No.1/writ petitioner is that not being satisfied with the grading awarded to him, he, on 04.06.2018 at about 1.30 p.m., allegedly used unparliamentary language against his research guide, the appellant No.4/Dr. K.Hari Prasad in the laboratory and had an emotional outburst on his research guide, i.e., the appellant No.4/Dr. K.Hari Prasad at his chamber at about 5.00 p.m., in front of another faculty Member Dr. B.Srinivas. The appellant No.4/Dr. K.Hari Prasad, reported the matter to the authorities and at his request, the Doctoral Scrutiny Committee (for short, 'DSC') convened a Meeting on 11.06.2018 and enquired about the conduct of the respondent No.1/writ petitioner and asked the respondent No.1/writ petitioner to submit his resignation and to leave the institution.

4. The facts further reveal that on 19.06.2018, the appellant No.4/Dr. K.Hari Prasad, addressed a written complaint to the Director, NITW stating that he was threatened by the respondent No.1/writ petitioner and he also levelled other allegations against the respondent No.1/writ petitioner. He requested to remove the respondent No.1/writ petitioner from his Project and to cancel the respondent No.1/writ petitioner's Ph.D., registration. That the Director, NITW based upon the complaint made by the appellant No.4/Dr. K.Hari Prasad, constituted a committee under the Chairmanship of Professor K.V.Jayakumar to discuss the issue and take further course of action. The Committee met on 20.08.2018 and 21.08.2018, considered the matter and decided to take a lenient view by giving an opportunity to the respondent No.1/writ petitioner and also decided to caution the respondent No.1/writ petitioner by imposing certain conditions to be complied with by the respondent No.1/writ petitioner with regard to his research work and

conduct.

5. That after a decision was taken by the Committee under the Chairmanship of Professor K.V.Jayakumar, again a Committee was constituted under

the Chairmanship of Professor Srilakshmi and the Committee recommended cancellation of Ph.D., registration of the respondent No.1/writ petitioner.

A show cause notice was issued on 02.01.2019 stating that the respondent No.1/writ petitioner has not shown any improvement in his conduct. The

respondent No.1/writ petitioner has submitted his reply on 07.01.2019 and finally, an order was passed on 28/29.01.2019 cancelling the Ph.D.,

registration of the respondent No.1/writ petitioner. The respondent No.1/writ petitioner thereafter preferred an Appeal on 05.09.2019 to the Senate

and the Appeal was rejected and communicated to the respondent No.1/writ petitioner vide order dated 18.11.2019. The respondent No.1/writ

petitioner gave a representation on 29.11.2019, however, the fact remains that the respondent No.1/writ petitioner's Ph.D., registration

cancellation order dated 28/29.01.2019 was not interfered with by the Authorities.

6. The respondent No.1/writ petitioner contended before the learned Single Judge that his Ph.D., course started on 12.12.2017 and research work for

the period from December, 2017 to April, 2018 in four subjects was assessed and grading was given. The respondent No.1/writ petitioner got grade

â??Aâ?? in two subjects and grade â??Bâ?? in other two subjects and as an emotional outburst on account of lower grading, he shouted at the

appellant No.4/Dr. K.Hari Prasad. A complaint was lodged by the appellant No.4/Dr. K.Hari Prasad and in spite of repeated requests, a copy of the

complaint was not furnished to the respondent No.1/writ petitioner. A meeting of DSC committee took place on 11.06.2018 and the DSC committee

questioned the respondent No.1/writ petitioner and recommended the respondent No.1/writ petitioner to leave the institution by submitting

recommendation. On 19.06.2018, a written complaint was made to the Director, NITW by the appellant No.4/Dr. K.Hari Prasad, who is the guide of

the respondent No.1/writ petitioner, that the respondent No.1/writ petitioner has threatened him. The contention of the respondent No.1/writ petitioner

is that on 04.07.2018, a show cause notice was issued and finally based upon the assurance given by the respondent No.1/writ petitioner and keeping

in view his social background, the committee recommended that a lenient view should be taken in the matter and to give one final opportunity to the respondent No.1/writ petitioner subject to certain terms and conditions. The Committee constituted under the chairmanship of Professor K.V.Jayakumar in its meeting held on 20.08.2018 and 21.08.2018 resolved to give one last chance to the respondent No.1/writ petitioner and the recommendations of Professor, K.V.Jayakumar were approved by the Director, NITW on 28.08.2018. The respondent No.1/writ petitioner, thereafter, submitted an undertaking on 04.09.2018 stating that he will work sincerely and honestly and finally the matter was closed by issuing a letter dated 05.09.2018 giving one more chance to the petitioner and it was also held that the period from 04.06.2018 to 03.09.2018 shall be treated as period spent under suspension. The respondent No.1/writ petitioner's contention is that in spite of the fact that matter was put to an end, again based upon the same issue, the DSC Committee Meeting took place on 05.12.2018 and show cause notice was issued on 02.01.2019 and finally an order was passed on 28/29.01.2019. The respondent No.1/writ petitioner's contention is that in the show cause notice, it was alleged that some lady office staff has made an oral complaint against the respondent No.1/writ petitioner about his quarrelsome nature. The respondent No.1/writ petitioner's contention is that once he was punished and there was a request by him to change his Guide, he could not have been terminated in the peculiar facts and circumstances of the case.

7. The respondent No.1/writ petitioner before the learned Single Judge has certainly admitted the factum of earlier disciplinary action which took place on the basis of the complaint submitted by the Guide of the respondent No.1/writ petitioner, dated 19.06.2018. The issuance of show cause notice, dated 04.07.2018, the explanation offered by the respondent No.1/petitioner dated 10.07.2018 submitting the apology for the incident, the Meeting of the DSC Committee which met on 20.08.2018 and 21.08.2018 have been admitted by the appellant No.1/institution and it has also been admitted that on 5.09.2018, the respondent No.1/writ petitioner was treated to be on probation from 04.09.2018. The respondents in the writ petition have further stated before the learned Single Judge that a second show cause notice was issued on 02.01.2019 directing the respondent No.1/writ petitioner to

show case as to why his registration should not be cancelled, he did submit a reply and as the respondent No.1/writ petitioner did not improve his conduct and there were complaints against him, an order was passed on 29.01.2019 cancelling the registration of the Ph.D., registration, against which the appeal was preferred by the respondent No.1/writ petitioner and the same was dismissed. The respondents have stated that as the matter was relating to disciplinary action of a Ph.D., scholar, who has misbehaved with his Guide, they have rightly passed the impugned order dated 29.01.2019 keeping in view the gravity of the misconduct after grant of due opportunity to the respondent No.1/writ petitioner. Before this Court also, the learned counsel for the appellants has vehemently argued that the respondent No.1/writ petitioner has used unparliamentary language and repeatedly threatened his Professor, he was a quarrelsome student, who submitted apology several times and he deserves no leniency. He has further contended that the learned Single Judge has failed to appreciate that the issue involved is violation of sub-rule (i) of Rule 1 of the Student Conduct and Disciplinary Code of the National Institute of Technology, Warangal. It has also been argued before this Court that the respondent No.1/writ petitioner was let off initially with minor punishment by taking a lenient view as he submitted his undertaking on 04.09.2018, he was permitted to resume his research by an order dated 05.09.2018. However, he did not show any improvement in his conduct, and he continued to misbehave with his supervisor and other research scholars and therefore, a show cause notice dated 02.01.2019 was issued and after granting an opportunity of hearing, registration was cancelled and therefore, the learned Single Judge has erred in law and facts in allowing the writ petition preferred by the respondent No.1/writ petitioner.

8. Learned counsel for the appellant No.1/institution has further argued before this Court that the maintenance of discipline in an educational institution is of paramount importance as it affects larger interest of the academic community and the punishment imposed was proportionate to the proven misconduct and therefore, the order passed by the learned Single Judge deserves to be set aside.

9. It has been repeatedly argued before this Court that initially a lenient view was taken in the matter and the learned Single Judge has arrived at an

erroneous conclusion in holding that the complainant i.e., the appellant No.4/Dr. K.Hari Prasad was included in the Professor K.V.Jayakumar

Committee as a Member and he could not have been included in the Committee to take action against the respondent No.1/writ petitioner. It has been

argued that the Professor K.V.Jayakumar Committee invited the complaint, he was a special invitee to the committee and in fact, a lenient view was

taken by the Committee against the respondent No.1/writ petitioner and therefore, the observation made by the learned Single Judge deserves to be

set aside.

10. It has also been argued before this Court that the respondent No.1/writ petitioner was the Ph.D., scholar in the Department of Chemistry and the

work of Ph.D., scholar has to be scrutinized keeping in view the University Grants Commission Standards and Procedure for awarding M.Phil.,

Degree/Regulations 2016 and the projects are time bound projects. The work of the respondent No.1/writ petitioner was reviewed and as there was

no satisfactory progress in respect of the respondent No.1/writ petitioner's work, the Authorities have rightly cancelled his Ph.D., admission. It

has also been stated that the Regulations, 2016 was followed while passing an order against the respondent No.1/writ petitioner and the question of

permitting the respondent No.1/writ petitioner to conclude his Ph.D., does not arise.

11. While arguing the matter before this Court, heavy reliance has been placed upon the Judgments delivered in the case of Satish Nainala v. English

and Foreign Languages University 2016 (4) ALD 37, Varanasya Sanskrit Vishwavidyalaya v. Dr. Raikishore Tripathi AIR 1977 SC 615, Vice

Chancellor, Guru Ghasidas University v. Craig Macleod (2012) 11 SCC 275, Mahatma Gandhi University v. Sherin.S Civil Appeal No.5894 of 2010

and Chhatrapathi Sahuji Maharaj University, Kanpur v. Sweta Singh 2017 Law Suit (All) 3161 (Allahabad High Court), and it has been argued that in

the matters of discipline or administration of the internal affairs of the Universities, the Courts should be most reluctant to interfere and refuse to grant

any injunction unless prima facie case is made out for interference. A prayer has been made for setting aside the order passed by the learned Single

Judge.

12. The learned counsel for the appellant No.1/Institution has also argued before

this Court that the respondent No.1/writ petitioner was initially let off with minor punishment, however as he did not improve his conduct and as there was a complaint from a lady staff, show cause notice was rightly issued for the second time on 2.01.2019 and finally the order dated 28/29.01.2019 cancelling the Ph.D., registration has rightly been passed. The learned counsel has further contended that the appellant No.1/institution is having 6000 students and if such misconduct is permitted to continue, the other students will also, in case they do not get accepted grades, protest in the matter and institution will not be able to maintain discipline. A prayer has also been made to set aside the order passed by the learned Single Judge.

13. Heard the learned counsel for the parties and perused the record. The matter is being disposed of at the admission stage itself with the consent of the parties.

14. The facts of the case reveal that the respondent No.1/writ petitioner, who belongs to Schedule Caste community was serving as a Junior Research Fellow in DST-SERB Project. He joined the project on 12.12.2017 and was enrolled for Ph.D., programme for the Academic Year 2017-18 in the Department of Chemistry under the supervision of the appellant No.4/Dr. K.Hari Prasad. He has submitted his Progress Report for the period from December, 2017 to April, 2018 with the Dean, Academic Affairs and was awarded 'A' grade in two subjects and 'B' grade in other two subjects. It is alleged that he has abused his Guide at about 1.30 p.m., on 04.06.2018 being dissatisfied with his grading and at the request of his Guide, a Meeting of DSC Committee took place on 11.06.2018 and on 19.06.2018, the appellant No.4/Dr. K.Hari Prasad submitted a written complaint to the Director, NITW stating that after the DSC Committee took place, the respondent No.1/writ petitioner has threatened him. A show cause notice was issued on 04.07.2018 and the respondent No.1/writ petitioner submitted his explanation on 10.07.2018. The explanation was forwarded by the Registrar to the DSC Committee, whereupon the DSC Committee made a remark on the document stating that 'the DSC Committee recommended the respondent No.1/writ petitioner to leave the institution by submitting resignation letter. It is herewith recommended that a necessary action be taken. (Signed by the Registrar on 17.07.2018)'. The matter was forwarded to the Dean (Academics), who commented on the note sheet

as under: Committee may be constituted and decision may be taken based on the report of the Committee (signed on 18.07.2018). Thereafter,

the Committee was constituted vide letter dated 03.08.2018 under the Chairmanship of Professor K.V.Jayakumar with Dean (R & C), Dean (SA),

Registrar, Head of Department of Chemistry and Liaison Officer of SC/ST as its Members. The Committee met on 20.08.2018 and 21.08.2018 and

noted the following issues:-

1. Shri A. Chandra Mohan was initially appointed as JRF for the DST-SERB Project on 12.12.2017 and has subsequently enrolled for the Ph.D

programme as full time scholar in the academic year 2017-18 second semester under project fellowship.

2. He has completed the course work and obtained 'A' grade in two courses and 'B' grade in other two courses.

3. Having not satisfied with the grades awarded, Shri Chandra Mohan has created unhealthy environment in the lab and the corridors of the

Department when other research scholars were present. He argued with his supervisor and used unparliamentary language against him.

4. In the DAC meeting held on 11.6.2018, he did not give proper explanation to his misconduct and gave irrelevant answers.

5. In the reply to the show cause notice and in his oral submissions, Shri Chandra Mohan regretted his behavior and apologized to the Supervisor,

Head of Department and other Members of the Committee. He assured that he will be sincere and will ensure that such incident will not recur.

15. The Professor K.V.Jayakumar Committee, after hearing the respondent No.1/ writ petitioner decided the matter and following order was passed

by the Committee as under:-

'While this is a fit case for terminating the fellowship of Shri Chandra Mohan, keeping in view his assurance and his social background, the

Committee recommends taking a lenient view on the present misconduct and to give one final opportunity to him to pursue his research, subject to the

following conditions:

1. The period from 4.6.2018 to 3.9.2018 may be treated as suspension and he will not be entitled to fellowship, during this period.

2. Shri Chandra Mohan will be on probation for a period of three months from 4.9.2018, during which his work and conduct will be under close

scrutiny. In case he is found to be indulging in any act of misconduct against his Supervisor or any other Research Scholar or other staff member, his

fellowship may be terminated without any further notice.

3. Shri Chandra Mohan should submit an undertaking that he will be sincere and honest to his research work and shall maintain cordial relations with

all concerned.

Further he understands that if he is found to be indulging in any act of misconduct against his Supervisor or any other Research Scholar or other staff

members, his fellowship will be terminated without any further notice.â??

16. The recommendations of the Committee were approved by the Director, NITW on 28.08.2018 and the respondent No.1/writ petitioner keeping in

view the recommendation of the Committee submitted an undertaking on 04.09.2018 and the same is reproduced as under:-

â??I will not involve in quarrelling with either my supervisor (or) co-scholars in the Department. I believe in doing my work sincerely and honestly and

do my best. If any quarrelling (or) untoward instances had done by me in future you can expel me from the department and from the institute without

any notice. I request you to consider my case as humanitarian grounds and permit me to continue my research in the department of chemistry.â??

17. Finally, the matter came to an end on account of issuance of Order passed by the Registrar dated 5.09.2018 and the same is reproduced as under:-

â??NATIONAL INSTITUTE OF TECHNOLOGY

No.NITW/RS/SC/2018/2259 Â Â Â September 5, 2018

Subject: Representation of Shri A. Chandra Mohan, Research Scholar

On consideration of the representation and undertaking submitted by Shri A. Chandra Mohan, Research Scholar and based on the recommendations

of the Committee constituted for the purpose, the Competent Authority has decided to take a lenient view on the misconduct of Shri Chandra Mohan

and to give on final opportunity to him to pursue his research, subject to the following conditions:

1. The period from 4.6.2018 to 3.9.2018 may be treated as suspension and he will not be entitled to fellowship, during this period.

2. Shri Chandra Mohan will be on probation for a period of three months from 4.9.2018, during which his work and conduct will be under close

scrutiny. In case he is found to be indulging in any act of misconduct against his Supervisor or any other Research Scholar or other staff member, his

fellowship may be terminated without any further notice.

3. Shri Chandra Mohan should submit an undertaking that he will be sincere and honest to his research work and shall maintain cordial relations with

all concerned. Further he understands that if he is found to be indulging in any act of misconduct against his Supervisor or any other Research Scholar

or other staff members, his fellowship will be terminated without any further notice.

Shri Chandra Mohan has submitted the undertaking as at S.No.3 above. Accordingly, Shri Chandra Mohan is permitted to resume his research in the

Department of Chemistry under the supervision of Dr.K.Hari Prasad, Asst. Professor, with effect from 5.9.2018, subject to the above conditions.

(S. Goverdhan Rao)â??

18. The respondent No.1/writ petitioner was permitted to continue his work and the most important aspect of the case is that the respondent No.1/writ

petitioner also requested the Director to change his Guide. The documents on record reveal that in spite of that, an order was finally issued by the

Registrar on 05.09.2018, the DSC Committee again convened a Meeting vide letter dated 05.12.2018 and a show cause notice was issued to the

respondent No.1/writ petitioner on 02.01.2019. The show cause notice dated 02.01.2019 is reproduced as under:-

â??Office of the Registrar

National Institute of Technology

WARANGAL â?" 506 004

No.R/RS/SC/2019/3997 dated 02.01.2019

SHOW CAUSE NOTICE

Show Cause Notice for cancellation of Ph.D Registration of Shri A. Chandra Mohan, Research Scholar in Chemistry Department.

Shri Chandra Mohan may please refer to this office note No.NITW/RS/SC/2018/2259, dated 05.09.2018 regarding the final opportunity given to him to

show improvement in his work and conduct. It has been reported with the approval of DSC and DAC (PG&R) that Shri Chandra Mohan, has not

shown any improvement in his work and conduct and still continue to misbehave

with his Supervisor and Research Scholars and others in the Department. In the light of the above the Competent Authority of the Institute has decided to issue a Show Cause Notice to Shri Chandra Mohan, as to why his Ph.D Registration should not be cancelled.

Reply to this Show Cause notice should be submitted to the undersigned within seven (07) days i.e., by 09.01.2019 failing which it would be presumed that he has no representation to make and further action will be taken.

REGISTRAR

Shri A. Chandra Mohan
Research Scholar
Department of Chemistry
NIT, Warangal.

Copy to:

- 1) Dean (SW) 2) Dean (FW) 3) Head, Dept. of Chemistry
- 4) Dr. Hari Prasad, Asst. Professor, Dept. of Chemistry
- 5) Associate Dean (Accounts).

19. The original record of the case was produced before the learned Single Judge and the learned Single Judge in respect of the original record, in paragraphs 36 to 38, has observed as under:-

36. The opening sentence of the DSC Committee Minutes reads that as per the suggestion from the Registrar NITW (dated:30.11.2018)

the Doctoral Scrutiny Committee met on 05.12.2018 at 11.00 am in the chambers of the Head of the Department to discuss on the complaint

given by Dr. K. Hari Prasad, Assistant Professor against his research student Mr. A. Chandramohan (Roll No.717168) regarding his

misconduct in the lab and threatening the supervisor.

37. Yet another sentence in Para 2 of the same Minutes is "In addition to this, recently the Head of the Department has received an oral

complaint from one of the lady office staff about his quarreling with her."

38. In the Original File placed before this Court, and the documents placed by the respondents counsel along with the summary of arguments before

this Court, there is no other complaint other than the one made by respondent No.5 on 19.06.2018 which is relevant for the purpose of this Writ

Petition. The file also does not disclose the suggestion alleged to have been made by the Registrar dated 30.11.2018 and what was the suggestion and in what circumstances the Registrar came to make a suggestion. It is also not discernible from the Minutes as to what was the reason for convening the DSC Meeting on 05.12.2018 except on the suggestion said to have made by the Registrar.â??

20. The aforesaid statement of fact reflected in the order the learned Single Judge makes it very clear that there was some oral complaint from a lady

office staff and the complaint of the appellant No.4/Dr. K.Hari Prasad was again looked into for the second time. The learned Single Judge has also

held that only a Photostat copy of the Minutes of the Committee dated 05.12.2018 was produced before the learned Single Judge and not the original

copy and the respondent No.1/writ petitioner has been punished again on the basis of the complaint made by the appellant No.4/Dr. K.Hari Prasad

regarding the misconduct of the respondent No.1/writ petitioner in the Lab, but the same complaint was the subject matter of the earlier disciplinary

action. The respondent No.1/writ petitioner did submit a reply to the show cause notice on 7. 01.2019 and requested the authorities to change his

supervisor, if possible. However, the Supervisor was not changed and his work progress was recorded as unsatisfactory. The learned Single Judge

has dealt with the statutory provisions governing the field in respect of Â M.Phil/ Ph.D., known as University Grants Commission (Minimum Standards

and Procedure for Award of M.Phil/Ph.D., Degrees) Regulations, 2016 (for short, â??the Regulations, 2016) and Regulation 8.3 is reproduced as

under:-

â??8. Research Advisory Committee and its functions:

8.1 ---

Â 8.1.1 --

Â 8.1.2 --

Â 8.1.3 --

Â 8.2 ---

8.3 In case the progress of the research scholar is unsatisfactory, the Research Advisory Committee shall record the reasons for the same and

suggest corrective measures. If the research scholar fails to implement these

corrective measures, the Research Advisory Committee may recommend to the Institution/College with specific reasons for cancellation of the registration of the research scholar.â??

21. Thus, no material on record is produced before this Court nor before the learned Single Judge to establish that the appellant No.1/institution has

suggested corrective measures in case of unsatisfactory progress and by simply mentioning unsatisfactory progress in the show cause notice, after

receiving the reply, his registration has been cancelled and therefore, as the action of the appellant No.1/institution was contrary to the Regulations,

2016, the learned Single Judge was certainly justified in setting aside the impugned orders. The learned Single Judge has also taken into account the

statutory provisions dealing with academic matters published under the Statutes of the National Institute of Technology Act, 2009 (for short, â??the

NIT Act, 2009). The relevant statutory provision as contained under Section 8 and Schedule â??Câ?? of the aforesaid Act, reads as under:-

â??Section 8 â?" Powers of the Senate (First Statute)

(i) ---

(ii) ---

(iii) ---

(iv) Appoint Advisory Committees or Expert Committees or both for the Departments or Centres of the institute to make recommendations on

academic matters connected with the working of the Departments or Centres;

(v) appoint Committees from amongst the members of the Senate, other teachers of the Institute and experts from outside to advise on such specific

and important academic matters as may be referred to any such Committee by the Senate;

(vi) consider the recommendations of the Advisory Committees attached to various Departments or Centres and that of Expert and other Committees

and take such action (including the making of recommendations to the Board) as warranted by each case;

(vii) ---

(viii) ---

(ix) promote research and academic development or activity within the Institute and seek reports on such research or academic development or

activity from the persons engaged therein;

Schedule - Deanships (Statute 19(5))

3. Dean (Students Welfare)

(c) He/She will advise the Director in matters related to students; discipline and welfare.

(g) He/She will conduct the enquiries of students indulged in indiscipline.

(h) He/She will correspond with Parents/Guardians of Students about their progress with individual problems/Welfare.

22. In the present case, the appellant No.1/Institution has ignored the statutory provisions as contained in the Regulations, 2016 as well as under the

NIT Act, 2009, there was no enquiry conducted by the Dean at any point of time and after taking a decision against the respondent No.1/writ

petitioner treating him under suspension, the subsequent action against the respondent No.1/writ petitioner was triggered only account of complaint of

the appellant No.4/Dr. K.Hari Prasad and allegedly some oral complaint made by some unknown lady staff and therefore, in the considered opinion of

this Court, the learned Single Judge was justified in quashing the impugned order, dated 28/29.01.2019 as well as the consequential proceedings dated

30.07.2019 and 18.11.2019 and the final Senate proceedings dated 03.01.2020.

23. Considering the totality of the circumstances of the case, the change of Guide has become necessary and therefore, the Director, NITW shall pass

necessary orders for changing the Guide of the respondent No.1/writ petitioner as enough bad blood has been generated between the respondent

No.1/writ petitioner and the appellant No.4/Dr K.Hari Prasad. The exercise of passing necessary orders for changing the Guide shall be concluded

within a period of thirty days from today.

24. Resultantly, the writ appeal is dismissed and time lost in litigation shall not come in way of the respondent No.1/writ petitioner in completing the

Ph.D., keeping in view the tenure which is provided for completion of Ph.D., programme under the UGC Regulations, 2016.

Miscellaneous applications, if any pending, shall stand dismissed. There shall be no order as to costs.