

(2009) 05 DEL CK 0347

In the Delhi High Court

Case No : LPA 207 of 2009 and C.M. No"s. 6690-92 of 2009

Pranshu S. Raghuvansh

APPELLANT

Vs

Indraprastha Institute of Information Technology

RESPONDENT

Date of Decision : 12-05-2009

Acts Referred:

Citation : (2009) 05 DEL CK 0347

Hon'ble Judges : A.P. Shah, C.J; Neeraj Kishan Kaul, J

Bench : Division Bench

Advocate : Navin Chawla and Vikram Singh, for the Appellant; V.K. Tandon, for the Respondent

Final Decision : Disposed Off

Judgement

1. The present appeal is directed against the order of the learned Single Judge dated 1st May, 2009. Briefly stated the facts of the case are as follows:

2. The appellant (original petitioner in the writ petition), a student of the respondent Institute, was expelled from the Institute on the ground that he and two others were involved in breaking open the Principal's room and downloading the question paper from the Computer. The appellant admitted his presence along with two others, however, his case is that he was not a party to the illegal act and had, in fact, tried to stop the other two students from committing the said act.

3. The learned Single Judge was of the view that at this stage, it would not be appropriate to permit the appellant to appear in the examination and stay operation of the expulsion order dated 28th April, 2009, and thus, interim relief was declined and only notice was issued in the petition filed by the appellant. The present appeal has been filed against this order. It is the contention of the appellant that even bare minimum principles of natural justice have not been complied with and the appellant has not been given any show-cause notice or hearing before passing of the expulsion order.

4. During the course of hearing, both the parties fairly agreed to the disposal of the petition with the direction that the Senate of the respondent Institute would give show-cause notice to the appellant and thereafter, after hearing the appellant and considering his representation pass a reasoned order in the matter. Accordingly, we direct the respondent Institute to give a show-cause notice to the appellant setting out the charges against him within one week from today. It would be open to the appellant to file his reply within one week thereafter. The matter would thereafter be considered by the Senate and after giving a hearing to the appellant, the Senate will pass a reasoned speaking order within a period of two weeks thereafter. In view of the same, the expulsion order passed against the appellant is set aside. However, it is clarified that the setting aside of the expulsion order is not an expression on the merit of the matter. The respondent Institute is entitled to take a decision in the matter in accordance with law.

5. With these observations, the Writ Petition (Civil) No. 8680 of 2009 and the present appeal, both stand disposed of. All pending applications stand disposed of as well.

6. A copy of this order be given dasti to Learned Counsel for the parties.