

(2002) 05 AHC CK 0122
In the Allahabad High Court
Case No : C.M.W.P. No. 22681 of 1998

Ram Gopal

APPELLANT

Vs

Vice-Chancellor Dr. Bheem Rao Ambedkar University, Agra
and Others

RESPONDENT

Date of Decision : 07-05-2002

Acts Referred:

Arms Act, 1959 — Section 25
Penal Code, 1860 (IPC) — Section 147, 148, 149, 307, 323
Arms Act, 1959 — Section 25
Penal Code, 1860 (IPC) — Section 147, 148, 149, 307, 323
Arms Act, 1959 — Section 25
Penal Code, 1860 (IPC) — Section 147, 148, 149, 307, 323

Citation : AIR 2002 All 279 : (2002) 3 AWC 1816 : (2003) 1 UPLBEC 52

Hon'ble Judges : R.B. Misra, J

Bench : Single Bench

Advocate : P.K. Tripathi and Mridul Tripathi, for the Appellant; Pankaj Mithal, S.C., for the Respondent

Final Decision : Allowed

Judgement

R.B. Misra, J.—In this petition, the order dated 31.3.1998 passed by respondent No. 2 has been challenged and the petitioner has prayed for quashing the Impugned order dated 31.3.1998 (Annexure-4 to this petition) and further prayer for commanding respondent No. 2 to admit the petitioner as fresh in M.A. previous political science and allow him to appear in examination.

Heard Sri P. K. Tripathi, learned counsel for the petitioner and learned Standing Counsel for the respondents.

2. By order dated 31.3.1998, it appears that on 18.2.1998 during the course of class study, one Sri Ram Gopal, the petitioner, a student of M.A. previous political science had taken Km. Satyawati a student out of same class and slapped her which was treated as an indiscipline and misconduct and such action of the petitioner was treated to be disgraceful to the discipline and, therefore, he was

rusticated from the school.

3. Apparently the petitioner could not bring any "Act" or Regulation, Rule or any provision of law, or any order which is applicable in the school while dealing such misconduct and it has also not been indicated as what prescribed procedure should be adopted. The school, college or educational institution are basically place of devotion and laboratory of learning. Where the discipline, devotion, obedience, courtesy, peace, faith and patience and order in the system are the essential element of education to be adhered in the school and these are the basic and the primary requirements in a school and student is not supposed to misbehave and create nuisance during teaching which destroys atmosphere and the order of system in school. In these circumstances, prudent action of principal in the interest of school and educational system should not be interfered with.

4. It also appears that F.I.R. was lodged against the petitioner in case Crime No. 46 of 1998 under Sections 147, 148, 149, 307, 504, 323 and 506, I.P.C, and also in Case Crime No. 47 of 1998 u/s 25 Arms Act. This Court is not aware whether the F.I.R. has been worked out or not. The investigation in such matters may take some time, therefore, for prompt remedy to deal with such situation about the mischief and misconduct, misdeed, jeopardising and vitiating the atmosphere of school, the principal or head of school is not supposed to sit silently and wait for the outcome of investigation of concerned agency and indulge in Intricate system of inquiry. The prima facie action of head of school in question was justified. The head of the school/ college is not restrained from reviewing the situation subsequently and his decision by adopting rules of natural justice but that too in rarest cases.

5. Therefore, this Court is not inclined to give any relief by invoking its Jurisdiction under Article 226 of Constitution. The first information report if any, lodged, in the matter may be worked out and proceeded with in accordance with the law if not already expedited.