

(2002) 10 JH CK 0021
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5230 of 2002

Sukumar

APPELLANT

Vs

Indian School of Mines and Others

RESPONDENT

Date of Decision : 09-10-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 10 JH CK 0021

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Anil Kumar Sinha, for the Appellant; M.M. Banerjee, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The petitioner, Sukumar is a final year student of M. Tech. in the Indian School of Mines, Dhanbad (School for short). By impugned letter dated 7th June, 2002, he having been expelled from the roll of the School for all time to come, has challenged the letter dated 7th June, 2002 communicated by Acting Registrar, Indian School of Mines, Dhanbad.

2. The grievance of the petitioner is that the order expelling the petitioner from the school contained in letter dated 7th June, 2002 has been passed without affording reasonable opportunity of being heard. An enquiry Committee was constituted one day prior to the examination of 2nd semester, so that the petitioner can be deprived from the examination, which according to petitioner shows the mala fide intention on the part of the respondents.

3. According to respondents, the petitioner was indulging in criminal activities and sheltering his criminal associates in the school hostel and Executive Development Centre by misrepresentation. As this incident has brought disrepute to the institute, the petitioner was expelled from the roll of the school.

4. Counsel for the petitioner submitted that he has no criminal antecedent, nor indulged in any criminal activity. There is no criminal case pending against the

petitioner.

5. It appears that the petitioner requested the authorities to allot two rooms in the Executive Development Centre in the names of Prabin Singh and Anand Singh. Later on, certain raids were made in the hostel and the Executive Development Centre by the police when it came to the notice of the School that two criminals were actually residing in the Executive Development Centre.

6. According to petitioner, the name of Prabin Singh is actually Prabin Jha and two accused were brought by said Prabin Singh @ Prabin Jha in the hostel. The petitioner had no direct link with the criminal, nor he has been made an accused in any criminal case.

7. Having heard the counsel for the parties, while I accept that the incidence brought some disrepute to the institute in question but taking into consideration that the petitioner is a final years student and is not an accused in a criminal case, nor there is any allegation made in any criminal case that he gave shelter to any of the accused, I am inclined to direct the respondents to modify their decision contained in letter dated 7th June, 2002.

8. In the circumstances, I set aside the order contained in letter dated 7th June, 2002 and appellate order dated 8th July, 2002 with direction to the respondents to allow the petitioner to complete M. Tech. course, he being in final year though they may expel the petitioner from the hostel. In such a case, the petitioner will attend the class like day scholar in view of Court's order though there is no such provision in the rules.

9. The writ petition stands disposed of, with the aforesaid observation/directions.