

(2021) 05 UK CK 0083

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 379 Of 2018

Sushil Singh Rawat

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 27-05-2021

Acts Referred:

Citation : (2021) 05 UK CK 0083

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : M.S. Pal, Vikramaditya Shah, J.S. Bisht, Dr. Kartikey Hari Gupta

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Heard learned counsel for the parties through video conferencing.
2. Petitioner was a regular student of Swami Ramteerth Campus, Badshahithaul, Tehri Garhwal, which is a campus college of H.N.B. Garhwal University. While he was pursuing B.A. Part-I Course during academic session 2017-2018, he participated in the election to the Students Union and was elected as President of the Students Union. Subsequently, a complaint was made that the Board, from which petitioner has passed 12th standard examination, is not recognised. Based on the said complaint, an Inquiry Committee was constituted, which found substance in the complaint received against the petitioner. The recommendation made by the Inquiry Committee on 09.01.2018, is on record as Annexure No.-1 to the writ petition, which is impugned in this writ petition.
3. In the concluding para of the report of Inquiry Committee, it has been observed that the said Inquiry Report will be used only qua the election of the

petitioner to the office of President and the said Inquiry Report will not be used for any other purpose. The said stipulation in the concluding para of

the Inquiry Report indicates that the adverse finding, if any, recorded by the Inquiry Committee against the petitioner, will not prejudice his rights, other

than the right to hold the office to which he was elected.

4. Since the term of the office, to which petitioner was elected was only one year; the said period has already expired and the inquiry report, impugned

in the writ petition, clearly stipulates that it shall not affect other rights of the petitioner, therefore, in the humble opinion of this Court, the reliefs as

claimed in the writ petition now do not survive.

5. Accordingly, the writ petition is dismissed.

6. Learned Senior Counsel appearing for the petitioner submits that admission of the petitioner in B.A. Course has also been cancelled by the college

authorities.

7. If that is so, then petitioner shall be at liberty to approach respondent no. 3, by making a representation. If petitioner makes such representation to

respondent no.3 against cancellation of his admission, within two weeks from today, respondent no. 3 shall consider and decide the same on merits, in

accordance with law, without being prejudiced by the findings recorded by the Inquiry Committee in its report dated 09.01.2018. Such decision shall be

taken as early as possible, but not later than four weeks from the date of receipt of representation along with copy of this order.