
(2018) 04 OHC CK 0004
In the Orissa High Court
Case No : W.P.(C) NO. 6722 OF 2017

VISHAL VISWAKARMA AND OTHERS

APPELLANT

Vs

RAVENSHAW UNIVERSITY AND OTHERS

RESPONDENT

Date of Decision : 11-04-2018

Acts Referred:

Income Tax Act, 1961 — Section 10(22)
Constitution of India, 1950 — Article 30(1)

Citation : (2018) 04 OHC CK 0004

Hon'ble Judges : VINEET SARAN CJ., DR. B.R. SARANGI

Bench : Division Bench

Advocate : A.A. Das, B.K. Parida, A.N. Pattnayak, S.A. Pattnaik, M. Panda, Pami Rath, J.P. Behera

Final Decision : Disposed of

Judgement

DR. B.R. SARANGI, J.

1. Petitioners no.1 to 4 are the students of 3rd year B.Com., 2nd year B.A. Political Science (Hons.), 2nd year B.A. Sociology (Hons.) and 2nd year

B.Sc., ITM respectively of Ravenshaw University, Orissa, Cuttack and continuing their respective courses residing in the hostel. On the basis of the

incident that took place on 21.11.2016 because of clash between two groups of students, who are the boarders of Lalitgiri hostel and New hostel, both

groups submitted their complaint against each other. Consequentially, the authority caused an inquiry by constituting discipline committee, which

submitted its report that the scuffle among the students/boarders of Lalitgiri hostel and New hostel was due to exchange of words and remarks to

each other. In the report dated 15.02.2017, it was observed that the petitioners had involved and instigated the fighting and they were leading the

groups. Consequentially, punishment of detention of four semesters and cancellation of hostel seats against Ajay Behera, Srinu Kumar Patra and Md.

Asfak Ali was awarded and detention of two semesters against Vishal Viswakarma, Trailokyanath Upadhy and Srikanta Malik. After the

recommendation of the discipline committee, the Vice Chancellor/Competent Authority, in exercise of power under clause-152 of the statute, imposed

punishment on the petitioners vide office order dated 03.03.2017 holding that the petitioners were guilty for the alleged involvement in the clash

between Lalitgiri hostel and New hostel on 21.11.2016. So far as petitioner no.1 is concerned, he has been detained for two consecutive semesters

along with cancellation of his hostel seat with immediate effect till 31.12.2017 and his studentship was suspended during the said period and he was

also not allowed to enter into the University premises till 31.12.2017. It was further directed that he can enroll and complete his remaining semesters

after 31.12.2017. So far as petitioner no.2 is concerned, similar punishment has also been imposed on him. As regards petitioners no.3 and 4, they

have been detained for four consecutive semesters along with cancellation of their hostel seats with immediate effect till 31.12.2018 and their

studentship stood suspended during the said period and also not allowed to enter into the University premises till 31.12.2018. It was further directed

that they can enroll and complete the remaining semesters after 31.12.2018. Against such imposition of punishment, the petitioners preferred appeals

before the Executive Council to reconsider the same, but in turn the Executive Council in its 31st meeting held on 25.03.2017 upheld the decision of

the Vice Chancellor in the matter of punishment inflicted on the petitioners and consequentially issued office order on 28.03.2017. Against imposition

of such punishment by the Vice Chancellor dated 03.03.2017 in Annexure-3 series and confirmation thereof in appeals by the Executive Council under

Annexures-4 and 5 series dated 28.03.2017, the petitioners have approached this Court by filing the present writ application.

2. Mr. A.N. Pattnayak, learned counsel for the petitioners contended that so far as petitioners no.1 and 2 are concerned, the punishment imposed

against them have already been exhausted and the said period has already been over by 31.12.2017. But in the event the order of punishment

remained against them, it would affect their career. So far as petitioners no.3 and 4 are concerned, the punishment imposed against them is continuing

and the same is going to be over on 31.12.2018. It is contended that clash between the two groups of students arisen at the spur of the moment

without any intention thereon which led to indiscipline in the campus itself and for that they are regretting themselves and as such the punishment so

imposed would affect the career of the students.

It is further contended that the petitioners owe responsibility by maintaining peace and tranquility in the campus itself being the student of the

University. But because of imminent situation, some untoward incidents occurred and for that purpose the punishment so imposed may be relaxed by

allowing them to prosecute their study as before. It is further contended that so far as petitioners no.1 and 2 are concerned, their punishment has

already been exhausted and so far as petitioners no.3 and 4 are concerned, their punishment still continues. Therefore, the same may kindly be

quashed or reduced, as they are repenting for their past deeds. He further contended that the petitioners may be allowed to fill up the forms and

appear in the semester examinations, which are scheduled to be held in the month of April, 2018.

3. Ms. Pami Rath, learned counsel for the opposite party-University contended that on the basis of the allegations made by 38 students and after

examining the CCTV footage of the hostel, so also giving due opportunity of personal hearing to the petitioners, they have been found guilty and

accordingly an inquiry has been conducted by the discipline committee. On the basis of such inquiry report, the competent authority imposed

punishment which has been confirmed by the appellate authority. As such, there was no illegality and irregularity committed by the authority in

awarding such punishment, which may warrant interference by this Court at this stage. But at the same time, it is contended that due to efflux of time

the punishment as against petitioners no.1 and 2 has already been exhausted and so far as petitioners no.3 and 4 are concerned, the punishment is still

continuing, and as such the same is going to be exhausted by 31.12.2018.

4. We have heard Mr. A.N. Pattnaik, learned counsel for the petitioner, as well as Ms. Pami Rath, learned counsel for the opposite parties and

perused the records. Pleadings between the parties having been exchanged, with the consent of the learned counsel for the parties this writ petition is

being disposed of finally at the stage of admission.

5. On the basis of the undisputed facts narrated above, we show our concern about the indiscipline students in the campus of the reputed educational institution like Ravenshaw University. No doubt the institution has its past glory in catering the needs of the education in the State and even at national level by imparting "education" to its "students", whose moral duty and responsibility to acquire knowledge and come out from the institution with flying colors obtaining degree maintaining discipline and set an example for future generation.

Then question comes to consideration, who is a student? A student means, a person who is admitted to an educational institution and whose name is lawfully borne on the attendance register thereof and undergoing a course of studies for obtaining a degree, diploma or other academic distinction duly instituted.

6. Ravenshaw University has got its own importance in the field of education. Many students of this institution have adorned the highest chair of the country as well as the State and many of them have built up their career even as Statesman, bureaucrats, doctors, scientists, historians and what not.

More particularly, the institution itself has got its rich heritage, prestigious glory and culture. Therefore, any indiscipline within the campus would

definitely frustrate the very purpose for which the institution is established and it would also tarnish the image in the public esteem. It is never

expected that students would indulge themselves in such an activity which would affect the reputation of the institution itself. It is also quite

unfortunate that parents are spending money for betterment of their children, but the children, without realizing their own position, parental status and

their survival in society, are indulging themselves in inter se disputes creating an indiscipline situation in the campus of the educational institution, which

not only affect their individual career but also affect the reputation of their parents.

7. In *Aruna Roy v. Union of India*, (2002) 7 SCC 368, the apex Court held as follows:

"Value-based education is likely to help the nation to fight against all kinds of prevailing fanaticism, ill will, violence, dishonesty, corruption,

exploitation and drug abuse." Similarly, in *Rohit Singhal v. Principal, Jawahar N. Vidyalaya*, (2003) 1 SCC 687, in the words of Justice R.C. Lahoti, it

is stated:

“Education is an investment made by the nation in its children for harvesting a future crop of responsible adults productive of a wellfunctioning

society. However, children are vulnerable. They need to be valued, nurtured, caressed and protected.”

8. In *Unni Krishnan v. State of A.P.*, (1993) 1 SCC 645 the apex Court held as follows :

Education has never been commerce in this country. Making it one is opposed to the ethos, tradition and sensibilities of this nation. The argument to

the contrary has an unholy ring to it. Imparting of education has never been treated as a trade or business in this country since time immemorial. It has

been treated as a religious duty. It has been treated as a charitable activity.”

9. In *Maharashtra State Board of Secondary and Higher Secondary Education v. K.S. Gandhi*, (1991) 2 SCC 716 the apex Court held as follows:

“Education means a process which provides for intellectual, moral and physical development of a child for good character formation; mobility to

social status; an opportunity to scale equality and a powerful instrument to bring about social change including necessary awakening among the

people.” In the said case, their Lordships have further held as follows:

“In nation building activities, education is a powerful lever to uplift the poor. Education should, therefore, be co-related to the social, political or

economic needs of our developing nation fostering secular values breaking the barriers of casteism, linguism, religious bigotry and it should act as an

instrument of social change. Education system should be so devised as to meet these realities of life. Education nourishes intellectual advancement to

develop dignity of person without which there is neither intellectual excellence nor pursuit of happiness. Education thus kindles its flames for pursuit of

excellence, enable and ennobles the young mind to sharpen his/her intellect more with reasoning than blind faith to reach intellectual heights and

inculcate in him or her to strive for social equality and dignity of person.”

10. Being an educational institution, what should be the function of Ravenshaw University? In *S. Azeez Basha v. Union of India*, AIR 1968 SC 662,

while considering the provisions contained in Article 30(1) of the Constitution of India, the apex Court held that the words “educational

institutions” are of very wide import and would include a University also. “In

Aditanar Educational Institution v. Addl. C.I.T., AIR 1997 SC 1436,

while considering Section 10(22) of the Income Tax Act, the apex Court held that the expression "educational institution" occurring in Section

10(22) of the Act includes a society which imparts education at the levels of colleges, and schools. In T.M.A. Pai Foundation v. State of Karnataka

(2002) 8 SCC 450, the apex Court held that the expression "educational institutions" occurring in various Articles of the Constitution of India

means institutions that impart education from primary school level upto the post graduate level and includes professional educational institutions.

11. Taking into consideration the law laid down by the apex Court as discussed above, it can safely be concluded that a student, who prosecutes his

education in an educational institution, has to maintain discipline. Discipline or management of the school shall mean and include, all matters respecting

the conduct of the masters or scholars, the method and times of teaching, the examination into the proficiency of the scholars, of any school; and the

ordering of returns or reports with reference to such particulars, or any of them. In a way, it includes the whole conduct of the orderly running of the

institution. In Cleary v. Booth, (1893), 1 QB 465, discipline has been explained in following manners :

"Training, especially use of training which produces self-control, obedience, orderliness; maintenance of a proper subordination in the army or

school or the like (as, military discipline; school discipline). The discipline of school children is not confined to school hours; but extends to acts done by

a pupil out of school." In M.P. Electricity Board v. Jagdish Chandra Sharma, AIR 2005 SC 1924, discipline has been explained by the apex Court,

which reads thus :

"A form of civilly responsible behaviour which helps to maintain social order and contributes to the preservation, if not advancement, of collective

interest of society at large."

12. In view of the aforesaid law laid down by the apex Court and meaning attached to the word "discipline", it can safely be concluded that a

student has to possess civilly responsible behavior, which helps to maintain social order and contributes to the preservation, if not advancement, of

collective interest of society at large. Therefore, it is expected from the petitioners, who are nonetheless students of Ravenshaw University and

prosecuting their studies in an educational institution to get education, have to maintain â??disciplineâ?? so as to project themselves as good citizens

of India.

13. If this avowed objective of an educational institution will be taken into consideration, which is imparting education to the students, and if the

discipline in the institution itself is allowed to be jeopardized due to some misdeeds of the students for ulterior motive in the campus, the same cannot

and should not be tolerated. As has been indicated in the inquiry report, on the basis of which punishment has been imposed, which has been

confirmed in appeal, the situation would be alarming in case discipline is not maintained in the campus of an educational institution. Normally, we

would not have interfered with the order of punishment imposed by the authority concerned, but in the peculiar facts and circumstances of the case,

since punishment imposed on petitioners no.1 and 2 has already exhausted, so far as punishment imposed on petitioners no.3 and 4 is concerned, which

is going to be exhausted by 31.12.2018, is reduced to that of petitioners no.1 and 2, because of the reasons that the petitioners are vulnerable, caressed

and protected. It is worthy to note that this Court, vide order dated 19.03.2018, passed an interim order to the following effect:-

â??The petitioners no.1 and 2 have already been allowed to reenroll as students as their period of punishment is over. As regards petitioners no.3 and

4, since the last date of filing up of the forms is 20.03.2018, we direct that the opposite partyUniversity shall permit petitioners no.3 and 4 also to fill up

the form. The prayer for permitting the petitioners to appear in the examination shall be considered on the next date. List on 28.03.2018. Issue urgent

certified copy today on payment of usual charges.â??

In compliance of the aforesaid interim order, petitioners no.3 and 4 have already filled up their forms and today by filing an affidavit sworn on

28.03.2018 the petitioners have stated that they are willing to submit any kind of undertaking before the University authority so as to enable them to

appear in the ensuing examination by regularizing their studentship without creating any disturbance and indiscipline situation.

14. Taking a lenient view and considering the future of the students, who are the petitioners before this Court, we observe that the opposite party-

University should accept the undertaking of the petitioners and allow them to

appear in the ensuing examination by regularizing their studentship

because they have repented for their misdeeds. Therefore, we are of the opinion that the petitioners should be cautioned not to commit any indiscipline

situation in the premises of the University in future by keeping their undertaking as desired by the University authority, so that they shall mend

themselves and their conduct and see that the glory of the noble institution remains unimpaired.

15. With the above observation and direction, the writ petition stands disposed of. No order to costs.