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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 2085 OF 2001

BETWEEN

CF 1001
Randhawa Prasad ,aged about 23 years, S/o Late Shri
Satyanarayan, Resident of Ompur, Rajgamar, District
Korba (Chhattisgarh).

PETITIONER

A N D

1. Indira Kala Sangeet Vishwavidyalaya,
Khairagarh (Chhattisgarh).
2. Vice Chancellor,
Indira Kala Sangeet Vishwavidhyalay Khairagarh,
District Rajnandgaon (CG).
3. Registrar,
Indira Kala Sangeet Vishwavidhyalay Khairagarh
District Rajnandgaon (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION
OF INDIA

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आदेश पत्रक

मामला क्रमांक WP 2085 सन् 2001

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>26.11.2001</u></p> <p>Shri R.S.Baghel learned counsel for the petitioner.</p> <p>Notices were ordered by this Court on 30.10.2001. Registered notices were issued on 3.11.2001 making returnable by 19.11.2001. None represents the respondents. The order impugned herein is dated 28.9.2001 issued by the Registrar, Indira Kala Sangeet Vishwavidyalaya, Kheragarh.</p> <p>The allegation levelled against the writ petitioner who is student of the said university is that he was making an attempt to attack the Vice Chancellor by covering his face and also, two swords and an air gun were found in possession of the petitioner. The petitioner is a Painting student of the university. According to the Learned counsel for the petitioner the Vice Chancellor constituted the committee and the said committee recommended to the Vice Chancellor for expulsion/^{rustication} of the student from the university.</p> <p>It is contended that no opportunity of being heard was given to the student before the impugned order of expulsion/rustication was passed by the university. It is also submitted that before the impugned order was passed the guardian was not given any information about the activities and the action taken by the university. Rule 9 of the ordinance no.2 of the said university provides</p>	

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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“(1) When a student has been guilty of grave misconduct or of persistent idleness, the Principal of the College at which such student is studying may, after informing his guardian and according to the nature and gravity of the offence:-

- (a) expel
- (b) rusticate, or
- (c) disqualify such student from being a candidate at the next ensuing Vishwavidyalaya examination.”

In the impugned order of rustication it is further stated that no university in India would accept this student. The impugned order is rendered in Hindi. I have sought the assistance of the learned counsel for the petitioner and also Rajiv Shrivastava a member of the bar. They have read the impugned order twice and they have translated the order orally into English. There is nothing to show that in the meeting of the committee held on 26.9.2001 the writ petitioner was given any opportunity to make his statement. In fact, there is nothing to indicate in the impugned order that some inquiry as such was made except that recommendation was made by the committee for taking action against the writ petitioner. To pass an order of expulsion or rustication is a very grave and serious step. No such order in my view could have been passed without giving an opportunity of being heard to the writ petitioner. In other words it seems clear to me that there is clear violation of the principles of natural justice.

Further there is nothing to indicate that the guardian of the student was informed before any such drastic action

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक (पूर्वागुबद्ध)

आदेश का दिनांक या आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>was taken by the university. If the impugned order remains operative, the future of the student is doomed.</p> <p>Apart from the fact that the principles of natural justice have been violated in the present case, I am further of the opinion that on humanitarian grounds also this petition should be allowed.</p> <p>In the result this petition is allowed. The impugned order of rustication issued by the Registrar on 28.9.2001 is set-aside. Let the student be accepted immediately so that he does not lose any class. Even assuming that student has made some mistake in his life, it is hoped that he would co-operate with the university ^{as} to do so will be in his own interest.</p> <p>Petition is accordingly disposed of.</p> <p>Certified copy free of cost.</p>	<p>Sd/- Chief Justice</p>