

**CWP-18689-2024**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CWP-18689-2024 (O&M)
Date of Decision:04.11.2024**

Deepam Anand Singh

.....Petitioner

Versus

Indian Institute of Management Rohtak through Director and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Priyanka Sud, Advocate for the petitioner.

Mr. Vivek Singla, Advocate for respondents.

JASGURPREET SINGH PURI J.(Oral)**CM-15513-CWP-2024**

Present application has been filed for placing on record written statement alongwith Annexures R-1 to R-4 and for seeking exemption from placing on record the typed/certified copy of the above-mentioned annexures. documents.

Application is allowed as prayed for subject to all just exceptions.

The accompanying written statement alongwith Annexures R-1 to R-4 are taken on record.

Main case

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned orders dated 07.05.2024 (Annexure P-7), 21.05.2024

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(Annexure P-11), 11.06.2024 (Annexure P-17), 04.07.2024 (Annexure P-22), 31.07.2024 (Annexure P-31), 31.07.2024 (Annexure P-34) with a further prayer to direct the respondents to declare the withheld result of the petitioner for the third semester which has already been declared on 08.07.2024.

2. The brief facts of the present case are that the petitioner took admission in the five-year integrated LL.B. course at respondent No.1- Indian Institute of Management, Rohtak, for the batch of 2023-2028. During the first trimester, the respondent-Institute, vide Annexure P-7, imposed two penalties upon the petitioner on 07.05.2024. The first penalty was expulsion from the hostel residence facility, and the second penalty was a fine of Rs. 10,000/-. It was also provided that an appeal could be filed before the Chairperson, Hostel and Student Affairs, within seven days. Thereafter, a second order of punishment was passed against the petitioner by the respondent-Institute, vide Annexure P-11, on 21.05.2024, based on allegations that the petitioner was found to be indulged in 'attendance malpractice'. A monetary penalty of Rs. 10,000/- was imposed on him, with a warning that any repeat instance of breach of discipline would be dealt with strictly and may lead to termination/expulsion from the programme. Subsequently, a third order of punishment was passed against the petitioner, vide Annexure P-17, dated 11.06.2024, whereby the petitioner was expelled from the programme i.e., the institute itself on the basis of allegations that he used the hostel facility for three days i.e. from 16.05.2024 to 19.05.2024, despite not being permitted to do so. The expulsion was also based on the ground that he had been repeatedly involved in breach of discipline, with reference to the earlier two punishments i.e. Annexure P-7 and Annexure P-11. The petitioner filed an appeal against the expulsion order, vide Annexure P-18, dated 13.06.2024,

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explaining that although he was not permitted to use the hostel facility and was required to stay in private accommodation but he was unable to do so due to a painful burn on his left calf. The injury made it difficult for the petitioner to walk and travel to his rented accommodation, which was 5-6 kms. away from the campus. With no personal vehicle, he was compelled to stay in the hostel for three days and it was so done because of immediate threat to his safety, health issues and academic stress.

3. Thereafter, on 18.06.2024 vide Annexure P-19, respondent No.3 rejected the appeal of the petitioner without granting him an opportunity of personal hearing. On 19.06.2024 vide Annexure P-20, petitioner filed another appeal before the Dean of the respondent-institute providing detailed reasons as to why he was compelled to stay in the hostel for three days. Subsequently, vide Annexure P-22, the Dean of the respondent-institute conveyed to the petitioner that his appeal has been rejected and again no opportunity of personal hearing was given to the petitioner. The appellate authority against the order of punishment is the Director of the respondent-Institute. The Director passed an order dated 31.07.2024 on the mercy appeal, vide Annexure P-34, stating that the mercy appeal of the petitioner had been decided by reducing the punishment from expulsion to repeat a year with full fee, as per Clause 7.5.3 of the student handbook, and by setting aside the expulsion order. The present writ petition has been filed challenging the orders of punishment and the order of the appellate authority.

4. Learned counsel appearing on behalf of the petitioner submitted that this is a case where the petitioner was inflicted with a punishment order, vide Annexure P-7, by which he was expelled from the hostel residence facility and also imposed a penalty of Rs. 10,000/-. Thereafter, a second

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punishment order regarding separate issue was passed vide Annexure P-11, by which another monetary penalty of Rs.10,000/- was imposed. However, when the punishment order was passed for the third time, it was based on the aforesaid two earlier punishments, which formed the foundation for the punishment order of Annexure P-17, by which the petitioner was expelled from the institute. Additionally, a third ground was also taken, alleging that the petitioner had overstayed in the hostel for three days, which was considered an unauthorized stay.

5. Learned counsel asserted that even though one of the allegations was for staying in the hostel unauthorizedly for three days but the foundation of the punishment order in Annexure P-17 was based on prior two punishment orders that had already been implemented. Therefore, the earlier two punishment orders could not have served as the basis for the third punishment order, Annexure P-17, which resulted in the petitioner's expulsion from the respondent-Institute i.e. the programme and this action of the respondent-Institute amounted to double jeopardy.

6. She further submitted that as per the Regulations of the respondent-Institute, known as the Indian Institute of Management Rohtak Integrated Programme in Law, Batch 03 (2023-28) (Academic Handbook) (hereinafter to be called as 'Academic Handbook'), Chapter 7 is devoted to General Disciplines on the Campus, and Clause 7.3 defines the Disciplinary Authority and it has been categorically provided that the Disciplinary Authority shall be the 'IPL Committee' and it is also provided that the appellate authority for all disciplinary matters will be the 'Director'. Furthermore, Regulation 9 provides for the provision of appeals, stating that the Director of the Institute shall be the final appellate authority for any orders

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or proceedings passed by any authority subordinate to the Director. She submitted that the aforesaid Regulation i.e. 7.3 is a categorical provision whereby the Disciplinary Authority has been defined for the purpose of General Discipline on the Campus. However, the order of punishment (Annexure P-17) by which the petitioner was directed to be expelled was passed by an authority who was not competent to pass the order. While referring to Annexure P-17, she submitted that the aforesaid is merely a communication of order by the A.O. (Programme). However, when the respondent-Institute filed their reply, they attached the orders of a committee vide Annexures R-1 and R-2. While referring to the aforesaid annexures, she submitted that Annexure R-1, dated 22.05.2024, contains the minutes of the Hostel & Student Affairs Executive Committee meeting which was headed by the Co-Chairperson, Hostel & Student Affairs consisting of members wherein there was a proposal to impose a penalty of expulsion from the programme of the petitioner. This proposal dated 22.05.2024 was thereafter considered by the aforesaid HSA Executive Committee vide Annexure R-2 on 27.05.2024 whereby the proposal of expulsion from the programme i.e. Institute itself was decided to be accepted and the same was signed by four members. She submitted that the aforesaid order (Annexure R-2), by which the proposal for the petitioner's expulsion from the respondent-Institute was accepted and was passed by the HSA Executive had no authority under the Regulations. According to Clause 7.3, the disciplinary authority is only the IPL Committee (Integrated Programme in Law). Therefore, the aforesaid order (Annexure R-2), issued by a committee that decided on the expulsion was not even competent to pass the order of expulsion.

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7. To further substantiate her arguments regarding the constitution of the committees, she referred to Annexure R-3, which is the order imposing a penalty of Rs. 10,000 as costs. This was the second punishment, connected to Annexure P-11, which was the basic source of Annexure P-11. Annexure R-3 is dated 14.05.2024, while Annexure P-11 is dated 21.05.2024, as Annexure P-11 is merely a communication of the decision taken in Annexure R-3. While referring to the aforesaid document, she submitted that the order imposing a penalty of Rs.10,000/- was passed by the IPL Committee, which is evident from the document itself. The committee consists of various members and is headed by the Chairperson. It is clear from this that the disciplinary authority is the IPL Committee, whose members have signed Annexure R-3, as the penalty of Rs.10,000 was imposed on the petitioner. However, when it came to the petitioner's expulsion from the respondent-Institute, the same was a result of an order dated 27.05.2024 (Annexure R-2), which was not the IPL Committee but only a HSA Committee which had no competence or authority to pass the order. Therefore, the basic order of expulsion is *non-est* and in violation of the relevant regulations.

8. She further submitted that when the petitioner filed an appeal then in pursuance of Regulation 7.3, the Appellate Authority is the Director and the same is so reflected in Regulation 9 as well that the Director is the Appellate Authority whereas when the petitioner filed an appeal vide Annexure P-18, the same was declined and rejected by the Chairperson, Hostel and Student Affairs, who had no authority to pass an order on appeal. Thereafter when the matter went to the Director vide impugned order Annexure P-34, the Director passed an order by modifying the order of expulsion by reducing it to a repeat year with full fee. However, the Director

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passed this order without hearing the petitioner or affording him an opportunity for hearing, therefore violating the basic principle of natural justice, namely *audi alteram partem*. While again referring to the aforesaid order vide Annexure P-34, she submitted that a bare perusal of the same would show that Director exercised the power by considering the appeal as a 'mercy appeal' which is clear from the language used in the aforesaid order whereas there is no such provision in the Regulation for any mercy appeal and therefore on the face of it, the Director could not have decided the appeal in the nature of mercy appeal but the Director ought to have decided on the basis of it being an appellate authority under the Regulation and that too he decided without even hearing the petitioner, which is an admitted position. She further submitted that even otherwise also the aforesaid order of Appellate Authority i.e. Director was passed without giving any reasons although punishment was reduced. She submitted that in view of the aforesaid position, Annexures P-7, P-11, P-17, and P-34 are liable to be set aside.

9. On the other hand, learned counsel appearing on behalf of the respondent-Institute submitted that so far as the first argument raised by learned counsel for the petitioner is concerned that the impugned order (Annexure P-17) was a result of double jeopardy is not sustainable in view of the fact that when orders Annexure P-17 and Annexure R-2 were passed, they were based on the cumulative effect of the earlier two orders of punishment as well. Furthermore, since the order of expulsion has already been passed, it cannot be said to amount to double jeopardy. He further submitted that so far as the second argument which was raised by learned counsel for the petitioner that the HSA Committee did not have any power to pass the order of punishment is concerned, reference may be made to Clause 8.1 of the Hostel

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Rules and Regulations of the aforesaid Academic Handbook. According to this provision, if an order is to be passed for the violation of hostel rules, the HSA is the competent authority, not the IPL Committee. Therefore, the HSA Committee rightfully passed the order, as the allegations pertained to hostel discipline, specifically that the petitioner had stayed in the hostel for three days without authorization and, therefore, it cannot be said that orders at Annexures P-17 and R-2 were passed without the authority of law. With regard to the third argument raised by learned counsel for the petitioner, learned counsel for the respondents submitted that so far as the violation of *principles of natural justice* is concerned, it is correct that the Director when he passed the impugned order (Annexure P-34), no opportunity of hearing was given to the petitioner but he submitted that since the punishment was reduced, no such requirement was there in this regard. He further submitted that the order of expulsion was primarily on the ground of violation of hostel rules but it also had a cumulative effect. He submitted that in view of the aforesaid position, present petition is liable to be dismissed.

10. I have heard the learned counsels for the parties.

11. The petitioner faced a punishment order vide Annexure P-7 dated 07.05.2024, by which two penalties were imposed upon him i.e. expulsion from the hostel residence facility and a penalty of Rs. 10,000/- as costs. The second punishment was imposed upon the petitioner vide Annexure P-11, which involved a penalty of Rs. 10,000/- on the grounds of attendance malpractice. When the third punishment was imposed upon the petitioner vide Annexure P-17, he was expelled from the respondent-Institute itself, i.e., from the programme. All the aforesaid three orders are reproduced as follows:

“Annexure P-7



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Indian Institute of Management Rohtak
Office of Hostel & Student Affairs and Student Grievance Redressal

OFFICE ORDER

Date: 07 May 2024

Dear Mr. Deepam Anand Singh (IPL03077),

It has been observed that on January 28, February 15 & April 20, 2024, you were involved in acts related to the public display of affection.

The above incidents are a breach of discipline as per Point 15 (Public display of Affection/Obscenity and lewd acts) of clause 7.5.3 of the program handbook.

Accordingly, taking into cognizance the above, below penalties are imposed on you:

- Expulsion from hostel residence facility
- Penalty of Rs. 10,000/-

You may appeal against this decision to the Chairperson, Hostel and Student Affairs within 7 days. The appeal form is also attached with this order.

Best wishes,

Sd/-

A.O.-Program”

“Annexure P-11

Indian Institute of Management Rohtak
Office of Integrated Programme in Law

Date: 21 May 2024

Breach of Discipline-Attendance Malpractice

To

Mr. Deepam Anand Singh (IPL03077)

This is with respect to the subject cited above, you have been found indulged in Attendance Malpractice in the Introduction to Programming session scheduled on 06 May 2024 at 04:05 PM onwards. As



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per clause 7.5.2 of Academic Handbook attendance malpractice is breach of discipline attracting penalty.

For the first instance, a monetary penalty of Rs.10,000/-has been imposed on you.

Further, you are warned that any repeat instance of breach of discipline would be dealt strictly and may lead to termination/expulsion from the programme.

Sd/-

Administrative officer

IPL Office”

“Annexure P-17

Indian Institute of Management Rohtak

Office of Hostel & Student Affairs and Student Grievance Redressal

OFFICE ORDER

Date: June 11, 2024

Dear Mr. Deepam Anand Singh (IPLUS077),

On 6 Feb. 2024, you opted out of the hostel residence after submitting the written request. However, on May 19, 2024, it was found that you were using hostel premises unauthorisedly without any prior permission from the office since 16th May 2024.

The above incident is a breach of discipline as per Point 23 (Unauthorised access to any Institute, Hostel, or personal premise) of clause 7.5.3 of the program handbook.

You are found to be repeatedly Involved in Incidents of breaches of discipline earlier as listed below:

- 1. Involved in the public display of affection/obscenity and was issued with expulsion from the hostel residence facility and a fine amounting to Rs.10,000/- as per clause 7.5.3 (Refer to Office Order dated May 7, 2024).*
- 2. Indulged in biometric malpractice and was imposed with a penalty of Rs. 10,000/- (as per clause 7.5.2) (Refer to Office Order dated May 21, 2024).*

Accordingly, taking into cognizance the multiple instances of breach of discipline, the below penalty/condition is imposed on you:

- Expulsion from the programme.*

Student may appeal against this decision within three days as per the provisions of the academic handbook.

Best wishes

Sd/-

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A.O.-Program”

12. Dealing with the first argument raised by learned counsel for the petitioner regarding double jeopardy, a perusal of Annexure P-7 (the first punishment order) would show that it imposed two penalties upon the petitioner i.e. expulsion from the hostel residence facility and a penalty of Rs. 10,000/-. The second punishment vide as Annexure P-11, involved a penalty of Rs. 10,000/-. However, a perusal of Annexure P-17, the third punishment order, reveals that it was based on allegations against the petitioner for unauthorizedly staying in the hostel from 16.05.2024 to 19.05.2024. Furthermore, the foundation of Annexure P-17 was also based on the earlier two punishment orders, which is clear from the language used in Annexure P-17. In other words, the petitioner has been expelled from the programme on the basis of three punishments, two of which were earlier and had already been implemented. The argument raised by learned counsel for the respondents that the expulsion was due to the cumulative effect of the earlier punishments cannot be sustained, as it clearly amounts to double jeopardy. Once the petitioner was subjected to two orders of punishment, a third punishment order could not have been imposed on the same grounds. Furthermore, the third punishment i.e. expulsion from the Programme, was a major penalty was also based on the earlier two punishment orders. Therefore, on this very ground, Annexure P-17 cannot be sustained and is liable to be set aside.

13. The second issue involved in the present case concerns the order of punishment (Annexure P-17). Although it is merely a communication issued by the A.O. Program, the original order has been attached with the

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reply as Annexure R-2. The order vide Annexure R-2, which decided to impose the punishment of expulsion on the petitioner, was passed by the HSA Executive Committee on 22.05.2024. The aforementioned order, Annexure R-2, is reproduced as under:

“Annexure R-2

INDIAN INSTITUTE OF MANAGEMENT ROHTAK

Management City, NH-10, Southern Bye-Pass,

Sunaria, Rohtak-124010 (Haryana)

Office of Hostel & Student Affairs and Student Grievance Redressal

Note Sheet

Date: May 27, 2024

*Subject: **Proposal of the HSA Executive Committee Meeting held on 22nd May 202***

The below agenda point was discussed during the HSA executive committee meeting held on May 22, 2024. Breach of the discipline of IPL03 student Mr. Deepam Anand Singh (IPL03077).

Pertaining to the agenda point of Hostel and Student Affairs (HSA) Executive Committee (EC) meeting held on 22 May 2024 (Copy of minutes attached), the following were agreed:

On 6th Feb. 2024 Mr. Deepam Anand Singh opted out of the hostel residence after submitting the written request. However, on May 19, 2024 it was found that he was staying in the hostel premises unauthorizedly without any prior permission from the office since 16th May, 2024.

The above incident is a breach of discipline as per Point 23 (Unauthorised access to any Institute, Hostel, or personal premise) of clause 7.5.3 of the program handbook.

Deepam Anand Singh is found to be repeatedly involved in earlier incidents of breaches of discipline, as listed below:

- *Involved in multiple instances of public display of affection/obscenity. Issued with expulsion from hostel residence facility and a fine amounting to Rs.10,000/- as per clause 7.5.3 (Refer to Office Order dated May 7, 2024).*
- *Indulged in Biometric malpractice and was imposed with penalty of Rs.10,000/- (as per clause 7.5.2) (Refer to Office Order dated May 21, 2024).*



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After due deliberation, the committee has proposed that the penalty below may be levied on the student.

<i>Roll No.</i>	<i>Name</i>	<i>Penalties</i>
<i>IPL03077</i>	<i>Mr. Deepam Anand Singh</i>	<i>Expulsion from programme</i>

Mr. Deepak Anand Singh (IPL03077) may appeal against this decision as per provisions of the program handbook

Encl:

- 1. Copy of the apology letter of Mr. Deepam Anand Singh (IPL03077)*
- 2. Copy of Office Order dated May 7, 2024*
- 3. Copy of Office Order dated May 21, 2024*

Submitted for approval, please

*Sd/-
Assistant Manager*

*Sd/-
Administrative Office-Programme*

*Sd/-
Co-Chairperson(s), Hostel and Student Affairs*

*Sd/-
Dean, (Academics)”*

14. However, before proceeding further it will be necessary to refer the provisions of Academic Handbook. Regulations No.7, 7.3, 8, 8.1 and 9 are reproduced as under:-

7. General Discipline on the Campus

7.1.1 to 7.2.1 xxxxx xxxxxx xxxxxx

7.3 Disciplinary Authority

7.3.1 The Disciplinary Authority shall be the IPL Committee. The appellate authority on all disciplinary matters will be the Director.

8. Hostel Rules and Regulations

8.1 Administration



8.1.1 *The hostel and the mess shall be under*

The hostel and the mess shall be under the care of the Chairperson of Students' Affairs, who shall be responsible for the hostel and mess administration and hostel discipline with support from administrative staff. The Institute's decision shall be final in the interpretation of the rules and in all matters connected with the hostel. The Chairperson of Students' Affairs shall have powers to issue standing orders to regulate internal matters and other details not explicitly covered by these rules in relation to the hostels and student actions outside the class room.

9. APPEALS

9.1 The Director of the institute shall be the final appellate authority on any orders/proceedings passed by any authority subordinate to the Director. You can only approach the Director with an appeal after exhausting the grievance process mentioned. 7.5.4. Any appeals shall be filed within 7 days from the date of the concerned order issued the final authority in 7.5.4. On any disputes arising out of or in respect to the IPL Programme, the decision of the Director of IIM Rohtak shall be final and binding. All matters involving dispute or legal remedy shall be subject to Rohtak Jurisdiction.

15. A perusal of Regulation 7 shows that it deals with general discipline on the campus. Regulation 7.3 clearly and unambiguously provides that the disciplinary authority shall be the IPL Committee (Integrated Programme in Law Committee) and that the Director shall be the Appellate Authority in all disciplinary matters. However, in the present case the order of punishment by which the petitioner was expelled from the Institute was passed by the Hostel and Student Affairs Executive Committee (HSA) which is clear from Annexure R-2 who had no authority of law or any kind of competence to do the same. Once the Academic Handbook by which the present petitioner is governed and regarding which there is no dispute and rather the respondent-Institute itself has relied upon the aforesaid Handbook, it was the duty of the respondent-Institute to have strictly adhered to the

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provisions of the said Handbook. Admittedly, Annexure R-2 had not been passed by the IPL Committee which was the disciplinary committee but had been passed by the HSA committee.

16. To further clarify the aforesaid position, Annexure R-3 would also be relevant which was pertaining to the second punishment of imposing of fine of Rs.10,000/-. This order Annexure R-3 which was the second punishment was passed by the IPL Committee which is clear from the language used. The argument which has been raised by learned counsel for the respondents that since in the order Annexure R-2, the basic ground was of unauthorized stay in the hostel and therefore the hostel committee was authorized, is absolutely unsustainable because the respondent-Institute cannot be permitted to interpret the Academic Handbook to suit its own convenience. Once there is a specific provision nominating the IPL Committee as the disciplinary authority then respondent-Institute cannot twist the interpretation to suit their own convenience on the ground that since one of the allegations against the petitioner pertained to unauthorized stay in the hostel, therefore, the hostel committee was authorized which amounts to in fact change in their own Academic Handbook. Therefore, it is *ex facie* clear that the HSA Committee, which passed the order of punishment (i.e., expulsion from the programme) vide Annexure R-2, and which was subsequently communicated through Annexure P-17, acted without the authority of law and beyond its competence. On this ground as well, the orders of punishment, Annexure R-2 and Annexure P-17, are liable to be set aside.

17. The third issue involved in the present case pertains to the petitioner's appeal against the aforementioned order. As per Regulation 7.3

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which has been reproduced above, it categorically provides that the Appellate Authority on all the disciplinary matters will be the 'Director'. However, in the present case, when the petitioner filed the appeal, vide Annexure P-18, it was decided by the Chairperson, Hostel & Student Affairs. The Chairperson was not competent to pass such an order in the appeal, as he was not the Appellate Authority. Rather more interestingly, the Chairperson was also a member of the Committee and, although he was not the Appellate Authority, for reasons best known to him, he passed an order stating that the appeal had been reviewed and, after due deliberation, it was rejected. The order further stated that the petitioner could appeal again as per the provisions of the Academic Handbook. Be that as it may when the matter went to the Director of the respondent-Institute then the Director surprisingly considered the appeal of the petitioner as a 'mercy appeal' and passed the impugned order vide Annexure P-34. It is not understandable as to how the Director considered the appeal to be a mercy appeal whereas there is no provision of mercy appeal and rather the Director was the only authority who ought to have exercised the power as an Appellate Authority. Not only this, admittedly, the Director did not give any opportunity of personal hearing to the petitioner before considering the appeal. The Director reduced the punishment of the petitioner from expulsion to repeat of the year with full fees as per clause 7.5.3.of the student handbook.

18. However a perusal of the aforesaid order (Annexure P-34) would also show that the aforesaid order of appeal is not a reasoned order as there is no reason mentioned in the aforesaid order as to how the petitioner was even liable to get the aforesaid punishment of repeating of the year. The petitioner had given detailed reasons and grounds in the appeal vide Annexure P-18

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explaining the position but none of the grounds were considered by the Appellate Authority. At least the Appellate Authority who is the Head of the respondent-institute i.e.the Director ought to have applied his mind by considering the grounds taken in the appeal and the order could not be *ipse dixit* of the officer concerned who is the Appellate Authority. On the top of it, even an opportunity of hearing was not given to the petitioner before deciding his appeal. Therefore, the appellate order on this ground as well is liable to be set aside.

19. During the course of arguments, learned counsel for the petitioner submitted that the petitioner has suffered due to the order requiring the petitioner to repeat the year with full fees, which the petitioner cannot afford to pay and one year of the petitioner would get wasted because of the aforesaid illegal action of the respondent. Firstly passing the order of punishment was without the authority of law and secondly passing an appellate order which cannot sustain in the eyes of law.

20. After hearing learned counsels for the parties and considering the aforesaid facts and circumstances, this court is of the considered view that the present petition deserves to succeed and accordingly, is allowed. Impugned orders at Annexure P-17 based upon Annexure R-2 and Annexure P-34 are hereby set aside and quashed. A direction is issued to the respondent-Institute to declare the result of the petitioner of 3rd Semester of first year which according to learned counsel for the petitioner, the petitioner has already taken the examinations. The Institute is further directed to permit the petitioner to continue his studies in the normal course, without insisting on repeating the year with full fees.

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21. So far as the order at Annexure P-7, whereby the petitioner was expelled from the hostel residence facility, is concerned, the petitioner shall be at liberty to make a representation to the Board of Governors for the restoration of the hostel facility. In case such a representation is filed, the Board of Governors shall consider it in accordance with the law and pass an order thereon.

22. Since the career of the petitioner has been affected by the illegal action of the respondent-Institute whereby the punishment order was passed by an authority not competent or authorized to do so and the Director passed the appellate order without affording an opportunity of hearing to the petitioner and also without considering the grounds taken by the petitioner in the appeal and without even determining as to whether the authority that imposed the punishment was competent to pass the order or not, the petitioner shall be entitled for costs of Rs.1,00,000/-(one lac), which shall be paid to the petitioner by the respondent-institute within a period of three months from today. The aforesaid amount of costs shall be paid to the petitioner by the respondent-institute at the first instance. Thereafter, the Board of Governors shall be at liberty to fix accountability for the officer(s) concerned, including the Director of the respondent-Institute, and recover the amount from the concerned officer(s) in accordance with law.

(JASGURPREET SINGH PURI)
JUDGE

04.11.2024*shweta*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No