



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 7069/2025

Mohit Sharma S/o Bhim Singh, R/o H. No. 213, Bharman Pada,
Burari, North Delhi, Delhi 110084

-----Petitioner

Versus

Dr. Bhimrao Ambedkar Law University, Through its Vice
Chancellor, RUSA Building, Shiksha Sankul, J.L.N. Marg, Jaipur,
Rajasthan. 302015

-----Respondent

For Petitioner(s) : Mr. Vikram Ballav Sharan
Ms. Akshita Sharma
For Respondent(s) : Mr. Ajit Maloo

JUSTICE ANOOP KUMAR DHAND
Order

23/07/2025

1. By way of filing this writ petition, a challenge has been led to the impugned order dated 17.02.2025 passed by the respondent-University by which the second year examination of the petitioner has been cancelled.
2. Counsel for the petitioner submits that while appearing for the second year examination of LLB Course for the Subject-Public International Law and Human Rights on 31.07.2024, a member of the flying squad came and inspected the petitioner by checking his pockets. Counsel submits that the petitioner allowed the same but looking to the lengthy question paper, he raised an objection that he, along with other students had already been checked at the entrance of the examination hall. Counsel submits that the aforesaid act/conduct of the petitioner was treated as misconduct on his part by holding that the same amounted to use of unfair



means and thereafter a heavy punishment order dated 10.01.2025 was passed, by which not only his present examination was cancelled but he was also debarred for one year. Counsel submits that a statutory appeal was preferred by the petitioner before the Appellate Authority, who reduced the punishment order to only cancellation of present examination vide impugned order dated 17.02.2025. Counsel submits that the stand of the petitioner was not taken on the requisite form prepared by the flying squad/ invigilator at the time when the alleged incident had occurred. Counsel submits that the petitioner has apologized for his behavior by way of filing an appeal but even then a heavy punishment has been imposed upon the petitioner by which his present examination has been cancelled, hence interference of this Court is warranted.

3. Per contra, counsel for the respondent opposed the arguments raised by counsel for the petitioner and submitted that when the flying squad came and tried to inspect the petitioner on 31.07.2024, he refused and thereafter, he raised a hue and cry, and threatened the members of the squad and compelled them to allow him to use his mobile phone. Counsel submits that the petitioner refused to sign the form prepared by the members of the flying squad. The aforesaid conduct of the petitioner amounts to Disorderly conduct under the Ordinance 152(2) of the Rajasthan University, which has been adopted by the respondent-University. Counsel submits that looking to the aforesaid conduct of the petitioner, the punishment order dated 10.01.2025 was passed which was reduced by the Appellate Authority vide impugned order dated 17.02.2025, hence interference of this



Court is not warranted and the present petition is liable to be rejected.

4. Heard and considered the submissions made at Bar and perused the material available on record.

5. Perusal of the Form 39-E attached with the reply i.e. Annexure R1/2 indicates that the flying squad wanted to check the petitioner when he was taking second year examination of LLB Course. It has been alleged that the petitioner has refused for such checking, raised hue and cry and left the examination room after threatening the flying squad members and compelling them to talk to a person on his cell phone. The aforesaid act of the petitioner was found to be Disorderly conduct under the provisions of the Ordinance 152 of the Rajasthan University by the respondent-University and accordingly, the controller of the examination not only cancelled his present exam but debarred him for one year vide order dated 10.01.2025. The aforesaid order was assailed by the petitioner by way of filing an appeal. The Appellate Authority has partly allowed his appeal and reduced the punishment order to cancellation of the present examination vide impugned order dated 17.02.2025.

6. Aggrieved by the aforesaid, the petitioner has approached this Court by way of filing this writ petition and looking to the fact that the Ordinance 152 of the Rajasthan University deals with the situation which has been alleged against the petitioner and accordingly, the order of punishment has been passed against the petitioner. A procedure has been prescribed which is required to be followed before taking any decision against the student-petitioner.



7. A bare perusal of the Form 39-E, attached with the reply i.e. Annexure- R1/2, indicates the allegations levelled against the petitioner, however, there is no such assertion that the petitioner refused to submit his stand or refused to sign the aforesaid form.

8. In the considered opinion of this Court, the respondent-University have failed to comply with the provisions contained under the Ordinance 152 and heavy punishment order has been imposed, by which the petitioner's entire second year examination has been cancelled. The ordinance 152 deals with several kinds of punishments with regard to the guilty conduct of a student, usually unfair means. The ordinance 152 (3) deals with the punishment which reads as under:

"3. Punishment

A candidate found guilty of unfair means or disorderly conduct at or in connection with an examination shall at the discretion of the Syndicate, be punished with one or more of the following. This may even be in addition to the punishment that may have been already awarded by the Principal/Centre Superintendent, under O.88 or O.152:

- (i) Cancellation of the result of the paper in respect of which he is found to have been guilty; and/or
- (ii) Cancellation of the result of the examination for which he was a candidate; and/or
- (iii) Debarring the candidate from securing admission to a class and appearing at any future examinations of the University for a stated period; and/or
- (iv) Any other punishment deemed suitable by the Syndicate".

9. Clause 3 of the Ordinance 152 deals with a lighter punishment i.e. the cancellation of the result of the paper in



respect of which he is found guilty. The same could have been passed by the respondent-University in the instant case but instead of awarding the lighter punishment, the entire second year examination of the petitioner has been cancelled. The Appellate Authority has decided the appeal of the petitioner in one single line, and the stand of the petitioner was not even taken into account. No reasoned and speaking order has been passed by the Appellate Authority.

10. In the considered opinion of this Court, if any appeal is decided by the Appellate Authority without recording the reasons, the same amounts to violation of the principles of natural justice. After all, passing of the punishment order causes stigma on the life, future and career of a student.

11. Keeping in view the above facts and circumstances of the case, the impugned order dated 17.02.2025 passed by the Appellate Authority stand quashed and set aside and the matter is remitted to the Appellate Authority for passing fresh order after considering the reply submitted by the petitioner and taking a sympathetic view in the future.

12. It goes without saying that the fresh order would be passed by the respondent-University within a period of two weeks from the date of receipt of the certified copy of this order.

13. The present writ petition stands disposed of, accordingly. Stay application and all pending application(s), if any, also stands disposed of.

(ANOOP KUMAR DHAND),J