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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2805/2024

ANKITA SINGH Petitioner

Through: Petitioner in person.

Versus

VICE CHANCELLOR OF JAWAHARLAL

NEHRU UNIVERSITY AND ORS Respondents

Through: Ms Monika Arora, Ld. CGSC,
& Adv Mr Kautilya Birat -GP for UOI.

Mr. Subhrodeep Saha, Adv. for JNU.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

% **01.04.2024**

W.P.(C) 2805/2024

1. Notice in this writ petition was issued on 26 February 2024. Counter affidavit was directed to be filed by the respondent- Jawaharlal Nehru University (JNU) within three weeks with the specific observation that no extension of time would be granted for filing counter affidavit. A month and a half have passed since then with no counter affidavit from the JNU in sight. For the purposes of *ad interim* relief, therefore, this Court presumes the assertions in the writ petition to be correct and untraversed.

2. Mr. Saha, learned Counsel for JNU, advanced a preliminary objection to the maintainability of this writ petition on the ground that the petitioner has an alternate remedy of appeal under the Statutes



governing JNU.

3. The submission is truly surprising, especially as the petitioner has approached this Court pursuant to the liberty granted by the Supreme Court *vide* order dated 29 January 2024 in WP (C) 1426/2023, which reads thus:

- “1. The petitioner-in-person seeks permission to withdraw this petition with liberty to approach the jurisdictional High Court.
2. Permission is granted.
3. The writ petition is, accordingly, dismissed as withdrawn with the liberty sought for.”

4. Once the Supreme Court has granted liberty to the petitioner to move this Court, the respondent cannot be heard to contend that the petitioner should be relegated to any other alternate remedy.

5. Besides, the case deals with expulsion of the petitioner from JNU without, allegedly, complying with either the principles of natural justice or the Statutes governing the procedure to be followed in that regard. In such a case, it is trite¹ that the remedy under Article 226 of the Constitution of India can never be foreclosed, despite the availability of alternate forms of redress. It is also settled that the availability of an alternate remedy is not a bar to exercise of jurisdiction under Article 226 but is only a self-imposed restraint.

6. The preliminary objection advanced by Mr. Saha is, therefore, summarily rejected.

¹ Refer **Harbanslal Sahnia v. Indian Oil Corporation Ltd, (2003) 2 SCC 107**



7. Insofar as the merits of the case are concerned, the record discloses that, on 4 August 2022, the following office order was passed by the JNU:

**“JAWAHARLAL NEHRU UNIVERSITY
OFFICE OF THE CHIEF PROCTOR
NEW-DELHI-110067**

ROOM NO.108, Administrative Building
Telephone:26741562, 26704045
e-mail- chief-proctor@mail.jnu.ac.in

CPO/PRKM/JNU/2022/434

4th August, 2022

OFFICE ORDER NO.21/CP/2022

Taking into account the recommendations of several authorities and committees the following recommendations were made for Ms. Ankita Singh (Registration Number: 200810132397, Enrolment Number: 20/65/MS/008 and Year of Admission: 2020, a second year Ph.D student, Centre for the Study of Social Systems, School of Social Sciences and r/o 106, Ganga Hostel).

1. *She needs medical assistance on an urgent basis for which the competent authority must constitute a legal medical board to assess her well being and provide help if needed.*
2. Her family should take care of her accommodation till legal medical board recommends her deem fit to stay in the hostel.
3. However, she may continue to be a student of JNU and pursue her studies in consultation with the Board of faculty members constituted by CSSS and if she needs to visit JNU campus, she has to inform the authorities in advance and to be accompanied by a female security guard in case of her visit.

She was also found to be involved in such activities which falls under Item 3, Category II (x), (xv), (xxiv) and (xxv) of the statute 32 (5) of the statutes of the University which states that:

- (x) “Use of abusive, defamatory, derogatory or



intimidatory language against any member of University Community”.

(xv) “Damaging or defacing, in any form, any property of the University or the property of any member of the University Community”.

(xxiv) “Any intimidation or insulting behaviour towards a student, staff, or faculty or any other person.”

(xxv) “Any other act which may be considered by the V.C. or any other Competent Authority to be an act of violation of discipline and conduct.”

This act of Ms. Ankita Singh is serious in nature. However, keeping her career prospects in mind, the Vice-Chancellor has taken a somewhat lenient view in the matter.

This has the approval of the Vice-Chancellor.

CHIEF PROCTOR”

8. The Office Order dated 4 August 2022, therefore, purports to have been passed on the basis of the “recommendation of several authorities and committees”. To a query from the Court, *Ms. Ankita Singh, who appears in person, submits that no recommendation of any such authority or any such committee was provided to her.*

9. It is further alleged by Ms. Ankita Singh in the writ petition, that JNU extracted, from her, the following undertaking dated 3 April 2023 perform:

“Date: 03/04/2023

To,

The Chief-Proctor,
Jawaharlal Nehru University,
New-Delhi, 110067.



Sir/Madam,

I, Ankita Singh, Ph.D. scholar (cohort 2020) at Centre for the Study of Social Systems, School of Social Sciences, Jawaharlal Nehru University, hereby, admit to adhere to/abide by all the regulations of the university & hostel. I also admit to not indulge in any violent action within the premises of university. If any such action happens, the university has all the legitimate authority to take disciplinary action against me.

Yours sincerely,
Sd.
Ankita Singh,
CSSS, SSS, JNU.
Contact- 7982601994”

10. *Ms. Ankita Singh submits that there was no other communication in the form of any proctorial inquiry or any opportunity granted to her to show cause against any allegation before the following impugned order came to be passed against her on 8 May 2023:*

**“JAWAHARLAL NEHRU UNIVERSITY
OFFICE OF THE CHIEF PROCTOR**

NEW-DELHI-110067

ROOM NO.108, Administrative Building

Telephone:26741562, 26704045

e-mail- chief-proctor@mail.jnu.ac.in

CPO/PRKM/JNU/2022/2163-2167

8TH May, 2023

OFFICE ORDER NO.35/CP/2023

Ms. Ankita Singh, (Registration Number: 200810132397, Enrolment Number: 20/65/MS/008 and Year of Admission: 2020, a second year PhD student, Centre for the Study of Social Systems, School of Social Sciences and r/o 106, Ganga Hostel) has been found guilty of the following acts of indiscipline:

1. She vandalized the office of the Chairperson on 24th June 2022.



2. She broke the glasses of the display shelf on 27th June 2022 of the library of Centre for the Study of Social Systems. She misbehaved with students sitting in the library and the faculty members who tried to intervene.

3. She kept visiting the Centre and School Office without any prior information to the authorities and violating the Office Order (21/CP/2022 dated 4th August, 2022) issued to her.

4. She refused allocation of roommate in her room and misbehaved with the hostel authorities and staffs during the month of April, 2023 and violating the hostel rules as per hostel manual.

5. Insulted and humiliated all the CSSS faculty members during her Ph.D. synopsis presentation meeting on 25th April, 2023.

6. Misbehaving and assaulting a faculty member of CSSS on 25th April, 2023.

These acts of indiscipline of Ms. Ankita Singh fall under Item 3, Category II (x), (xv), (xxiv) and (xxv) of the statute 32(5) of the statutes of the University which states that:

(x) “Use of abusive, defamatory, derogatory or intimidatory language against any member of University Community”.

(xv) “Damaging or defacing, in any form, any property of the University or the property of any member of the University Community”.

(xxiv) “Any intimidation or insulting behaviour towards a student, staff, or faculty or any other person.”

(xxv) “Any other act which may be considered by the V.C. or any other Competent Authority to be an act of violation of discipline and conduct.”

This act of Ms. Ankita Singh is serious in nature, unbecoming of a student of JNU and calls for a strict disciplinary action against her.

Ms. Ankita Singh is hereby rusticated and out of bounds from the university and all the facilities shall be withdrawn



with immediate effect. Anyone giving shelter to Ms. Ankita Singh in any hostel/residences in the campus shall invite disciplinary action against him/her.

This has the approval of the Vice-Chancellor.

Sd.
CHIEF PROCTOR

11. This is not a first case which is coming up before this Court of JNU taking coercive and punitive action by rustication of students, in complete derogation of its own Statutes and the Rules governing proctorial inquiries to be conducted by JNU, and in total disregard of the principles of natural justice and fair play. If what Ms. Ankita Singh says is correct, an extremely disturbing state of affairs is revealed.

12. The matter acquires greater seriousness as the Office Order dated 4 August 2022 alleges that the petitioner needs medical assistance on an urgent basis. Ms. Ankita Singh submits that she is in no need of medical assistance, and she is completely clueless as to basis of this allegation. Significantly, this assertion does not find place in any of the later communications of the JNU, including the order of rustication dated 8 May 2023.

13. A statement that a female student of the University is in need of urgent medical assistance, coupled with various allegations of misbehaviour by her, is extremely serious. The Office Order dated 4 August 2022 neither specifies the ailment, if any, that the petitioner was suffering from, as requiring “urgent medical assistance”, nor the incidents of misbehaviour or misconduct of which she was culpable.



14. The facts of this case, to repeat, are deeply disturbing. At this juncture, the Court is not inclined to make any further comment, as JNU has yet to file counter affidavit.

15. In the circumstances of the case, however, there can be no question of the impugned office order dated 8 May 2023 being allowed to continue to remain in operation.

16. As a result, till the next date of hearing, the operation of the impugned office order dated 8 May 2023 shall stand stayed.

17. The petitioner shall *forthwith* be readmitted in the JNU in the same capacity in which she was pursuing her study earlier and shall be allowed to continue her course of study. This shall, however, be subject to outcome of this writ petition.

18. A further opportunity of four weeks is granted to the JNU to file counter affidavit with advance copy to the petitioner, who may file rejoinder thereto, if any, within four weeks thereof.

19. Renotify on 9 July 2024.

20. *Dasti.*

C. HARI SHANKAR, J.

APRIL 1, 2024

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[Click here to check corrigendum, if any](#)