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

CNR No. DLHC010450582026

+ **W.P.(C) 13875/2026 & CM APPL. 64894/2026**

PRIYANKA RAWAT

.....Petitioner

Through: Advocate Karan Nambiar Advocate
Kneev Raizada Advocate Pranav Gadu

versus

UNIVERSITY OF DELHI & ORS.

.....Respondent

Through: Mr. Mohinder JS Rupal, Adv. for R2-3
Mr. Pratap Singh, Adv for R1

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **30.09.2026**

CM APPL. 64895/2026

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 13875/2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“a) Issue a writ of certiorari, or any other appropriate writ, order or direction, quashing and setting aside the rustication order bearing Endt. No. OLDC/COL/34 dated



10.09.2026 as being void, illegal, arbitrary and in breach of the principles of natural justice;

b) Issue a writ of mandamus, or any other appropriate writ, order or direction, directing the Respondents to reinstate the Petitioner to the Certificate Course in Bakery and Confectionery (Batch-VII) forthwith, and to permit her to complete the same in a safe, hygienic and non-discriminatory environment;...”

2. For the reasons stated in the petition, issue notice.
3. Mr. Pratap Singh, learned counsel accepts notice on behalf of respondent No. 1. Mr. Rupal, learned counsel accepts notice on behalf of respondent Nos. 2 and 3.
4. The brief facts of the case are that the petitioner is enrolled in the six-month Certificate Course in Bakery and Confectionery at the Centre of Innovative Skill Based Courses (CISBC) under the Open Learning Development Centre (OLDC), Delhi University.
5. She raised complaints regarding serious hygiene and food-safety concerns, including a corroded oven, unclean equipment and use of expired raw materials. Following an inspection on 19.08.2026, the petitioner was identified as the complainant.
6. On 10.09.2026, the respondent Nos. 2 and 3, without issuing any show-cause notice or affording any opportunity of hearing, passed the Impugned Order rusticating the petitioner with immediate effect. Despite representations dated 12.09.2026 and 15.09.2026 seeking recall of the order, no response was received. Hence the present petition.



7. Mr. Rupal, learned counsel for the respondent Nos. 2 and 3 states that he does not wish to file a counter-affidavit and also agrees that the procedure has not been followed. At this stage he states that the respondent Nos. 2 and 3 will follow the due process and will have a *de novo* inquiry.
8. I have heard the learned counsels for the parties.
9. The impugned order dated 10.09.2026 reads as under:-



OPEN LEARNING DEVELOPMENT CENTRE (OLDC)

Campus of Open Learning
School of Open Learning
University of Delhi, Delhi-110007



Endt.No./OLDC/COL/34

Dated: 10.09.26

Ms. Priyanka Rawat,
D/o- Prakash Chand Rawat
Address: A109/110 street no 5, Sidhatri Enclave,
Bhagwati Garden, Jain rd, Dwarka Mor, New Delhi - Pin: 110059

Subject: Rustication from the Certificate Course in Bakery and Confectionery (Batch-VII)

Dear Ms. Priyanka Rawat

It has been brought to the notice of the Competent Authority that you, **Ms. Priyanka Rawat (Roll No. 26CCBC007)**, enrolled in the **Certificate Course in Bakery and Confectionery (Batch-VII)** at CISBC, **OLDC**, has been consistently displaying ill-disciplined and inappropriate behaviour during classroom sessions.

Despite clear instructions prohibiting the use of mobile phones in the classroom, the learner has repeatedly been found using her mobile phone during training hours. In addition, she has on several occasions behaved in a loud, rude, and disrespectful manner towards the trainer and female staff.

In Consideration of the above, the competent authority has decided that you are hereby rusticated from Certificate Course in Bakery and Confectionery (Batch-VII) at CISBC, OLDC with immediate effect.

The issues with the approval of the Competent Authority.

Deepshankh Awasthi
Academic Coordinator

10. From a perusal of the impugned order dated 10.09.2026, it is evident, that the extreme consequence of rustication from the course was imposed on the petitioner without having first been issued a show cause notice setting out the allegations against her or being afforded



an opportunity to respond thereto.

11. The impugned order proceeds to record findings regarding the petitioner's alleged loud, rude and disrespectful behaviour, amongst other allegations, without the petitioner having been put to notice of such allegations or being called upon to explain her conduct before the decision to rusticate her was taken.
12. The impugned order, therefore, prima facie discloses a complete disregard of the foundational principles of natural justice. The manner in which the respondent Nos. 2 and 3 have proceeded is, to say the least, dictatorial.
13. The requirement of a prior hearing is not a mere procedural formality, particularly where the consequence of the decision is the imposition of a serious disciplinary penalty upon a student. The rule of *audi alteram partem* requires that a person against whom an adverse action is proposed must, at the minimum, be informed of the substance of the allegations and afforded a meaningful opportunity to place her version before the authority prior to the decision being taken. This requirement is of profound importance where the proposed action has the effect of depriving a student of the opportunity to continue her course of study.
14. The principles of natural justice constitute the basic framework within which every authority exercising power affecting the rights and interests of an individual is required to act. These principles are not empty formalities which may be disregarded at the discretion of the authority. The person accused must know the nature of the accusation, must have an opportunity to answer the same and the authority must



thereafter arrive at its decision fairly and in good faith.

15. In *Bhim Raj v. South Asian University*, W.P.(C) 1283/2023, decided on 30.01.2024, this Court was dealing with disciplinary action taken against students without issuance of a show cause notice. It was held as under:

“12. It is not in dispute that, prior to issuance of the aforesaid orders, no show cause notice or any other communication was issued to either of the petitioners apropos the acts of indiscipline alleged to have been committed by them on 23 November 2022.

...

18. Having heard Mr. Chimni, learned Counsel for the petitioners, and Mr. Mahapatra, learned Counsel for the respondent-SAU, it is clear that the procedure followed by the SAU in the present case is even more at deviation with the principles of natural justice and the Rules, Regulations, Bye-laws and other procedures which were required to be followed by SAU, than in Apoorva Y.K.

...

21...The rules, regulations and bye-laws applicable to the SAU do not envisage grant of a post-decisional hearing, after an order to expel the student from the portal of the SAU is taken in advance. Even otherwise, it is fundamental to the principles of natural justice that, before the decision to punish the student was taken, the student ought to have been given an opportunity to represent against the proposed



decision. Taking a decision to expel a student first and, thereafter, inviting the student to represent against the decision and hearing the student is no less than presenting the student with a fait accompli. The decision has already been taken, and there the petitioners can legitimately complain that the hearing was merely a chimerical exercise, the outcome of which was pre-determined.”

16. From a bare reading of the above, it is clear that the Court held that *audi alteram partem* is one of the most fundamental principles of natural justice and that an opportunity of hearing has, ordinarily, to precede the decision adverse to the affected party.
17. It is a settled law that where an institution or a quasi-judicial authority proposes to impose the penalty of rustication, compliance with the principles of natural justice requires that the student be informed of the substance of the allegations and be afforded a meaningful opportunity to answer them before the penalty is imposed. The hearing must precede the decision and cannot ordinarily be substituted by an opportunity offered after the adverse order has already been passed.
18. In the present case, the impugned order records conclusions as to the nature of the petitioner's conduct and proceeds directly to the consequence of rustication.
19. The Court is conscious that an educational institution is entitled, and indeed obliged, to maintain discipline within its campus and to take appropriate action where misconduct is established.
20. However, institutional autonomy does not confer an unfettered or



arbitrary power upon the institution. The power to discipline must necessarily be exercised within the confines of law and fair procedure. The respondent institution cannot, by invoking its disciplinary authority, dispense with the fundamental requirement of giving the affected student an opportunity to be heard.

21. It is difficult to comprehend how an academic institution such as respondent Nos. 2 and 3, which is expected to inculcate discipline, fairness and respect for the rule of law amongst its students, could itself proceed to impose the harshest disciplinary consequence without following the elementary principles of natural justice. The very manner in which the power has been exercised, without notice and without hearing, bears the trappings of a dictatorial exercise of authority and cannot be permitted in a society governed by the rule of law.
22. For the said reasons, till the next date of hearing, the impugned order dated 10.09.2026 shall remain stayed and the petitioner shall be permitted to continue with her course.
23. I am also of the view that a Counter Affidavit is required to ascertain the understanding and the basis for the respondent No. 2 and 3 for taking the impugned action.
24. Let the counter affidavit be filed within 4 weeks.
25. List on 13.01.2027.
26. *Dasti.*

JASMEET SINGH, J

SEPTEMBER 30, 2026 / (MS)