

Court No. - 35

Case :- WRIT - C No. - 10010 of 2023

Petitioner :- Harsh Vardhan Singh

Respondent :- Dr. Apj Abdul Kalam Technical University And 6 Others

Counsel for Petitioner :- Kanjaanan Pyare Singh, Pawan Kumar Singh, Vijay Kumar Ojha

Counsel for Respondent :- Sharve Singh, Abhinav Gaur, Hritudhwaj Pratap Sahi, Vibhu Rai

Hon'ble Ajay Bhanot, J.

Learned counsel for the petitioner is permitted to implead "Additional Chief Secretary, Technical Education, U.P. Lucknow" as co-respondent No.10 in the array of the parties to the writ petition during the course of the day.

Affidavit filed by Shri Abhinav Gaur, learned counsel on behalf of the respondents No.4 to 7 is taken in the record.

Counter affidavit filed by Shri Hritudhwaj Pratap Sahi, learned counsel on behalf of the respondents No.1 to 3 is also taken in the record.

Shri Rizwan Akhtar, learned counsel appears for the respondent No.9-UGC.

The affidavit filed on behalf of the respondent No.1 to 3 discloses that the university has initiated steps to create a structured reform programme to deal with the instances of deviant students behaviour in light of

judgements of this Court in **Anant Narayan Mishra v. The Union of India and 4 others**, reported at **2020 (3) ADJ 466**, **Piyush Yadav v. Union of India and 6 others**, reported at **2020 (5) ADJ 566**, **Satyam Rai v. Banaras Hindu University and 5 others**, reported at **2020 (4) ADJ 203** and **Mohammad Ghayas v. State of U.P. and 3 others**, reported at **(2020) ILR 2 All 1806**.

However, the following issues need to be adverted to for ensuring that the pledge of the universities becomes a reality for the students.

- A. The content of structured reform programme.
- B. The officials and the staff responsible for execution of the same have to be nominated or appointed.
- C. The applicability of the programme in the affiliated colleges.
- D. The system for monitoring such programme for its efficacy, effective implementation and upgradation has to be in place.
- E. A specific time frame needs to be prescribed for creation and execution of the programme.

The respondent-University may also take a note of the UGC notification on the subject dated 12.04.2023. An

affidavit addressing the above issues shall be filed by the respondent-University on the next date of listing.

The Court would like to emphasize that the key to maintaining the students discipline is ensuring a balance between penal measures and a reformative actions.

Shri I.P. Srivastava, learned Additional Chief Standing Counsel shall file an affidavit on behalf of the respondent No.10-Additional Chief Secretary, Technical Education, U.P. Lucknow regarding the stand of the State Government of implementing the judgements of this Court rendered in **Anant Narayan Mishra (supra), Piyush Yadav (supra), Satyam Rai (supra)** and **Mohammad Ghayas (supra)** and the guidelines/notification of the University Grants Commission (U.G.C.) dated 12.04.2023.

Shri Abhinav Gaur, learned counsel and Shri Ami Tandon, learned counsel on behalf of the respondents No.4 to 7 pray for and are granted time to file a better affidavit.

Put up this matter on 17.05.2023 in the list of fresh cases in the top ten cases.

Order Date :- 2.5.2023
Ashish Tripathi