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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE RAVI MALIMATH,
CHIEF JUSTICE
&
HON'BLE SHRI JUSTICE VISHAL MISHRA
ON THE 21st OF FEBRUARY, 2024
WRIT PETITION No. 3654 of 2024**

BETWEEN:-

PRINCE RAJ,

.....PETITIONER

(BY SHRI SANJAY KUMAR VERMA - ADVOCATE)

AND

1. STATE OF MADHYA PRADESH, THROUGH THE PRINCIPAL SECRETARY, MINISTRY OF EDUCATION, VALLABH BHAWAN, ARERA HILLS, BHOPAL (MADHYA PRADESH) 462004
2. THE CHAIRMAN, SENATE PANDIT DWARKA PRASAD MISHRA, INDIAN INSTITUTE OF INFORMATION TECHNOLOGY DESIGN AND MANUFACTURING, JABALPUR (MADHYA PRADESH) 482005
3. THE DIRECTOR, PANDIT DWARKA PRASAD MISHRA INDIAN INSTITUTE OF INFORMATION TECHNOLOGY DESIGN AND MANUFACTURING, JABALPUR (MADHYA PRADESH) 482005
4. THE REGISTRAR, PANDIT DWARKA PRASAD MISHRA INDIAN INSTITUTE OF INFORMATION TECHNOLOGY DESIGN AND MANUFACTURING, AIRPORT ROAD, KHAMARIA, JABALPUR (MADHYA PRADESH) 482005
5. THE ASSISTANT REGISTRAR (SA), PANDIT DWARKA PRASAD MISHRA INDIAN INSTITUTE OF INFORMATION TECHNOLOGY DESIGN AND

.....RESPONDENTS

***(SHRI ROHIT JAIN - GOVERNMENT ADVOCATE FOR RESPONDENT
NO.1/STATE)***

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*This petition coming on for admission this day, Hon'ble Shri Justice
Vishal Mishra passed the following:*

ORDER

The present petition has been filed seeking the following reliefs:-

- (i) Quash and set aside the Office Order bearing No.IIITDMJ/AR (SA)/2023/12/3046 dated 20.12.2023 passed by the Respondent Institute vide which the petitioner was suspended for one academic semester starting from January, 2024 already marked as (Annexure P/5).*
- (ii) Further direct the Respondent No.2-5 to kindly end the suspension of the petitioner and let him accommodate in the hostel and appear for classes in the present semester starting January, 2024.*
- (iii) The present petition may kindly be allowed with costs.*
- (iv) Any other relief which the Hon'ble High Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.*

2. The case of the petitioner is that he is an extraordinary student and has got A Class grades in CBSE. He appeared in JEE (Main) examination where he obtained a rank on the basis of which he was offered a seat of Mechanical Engineering (four years Bachelor of Technology) by Pandit Dwarka Prasad Mishra Indian Institute of Information Technology, Design and Manufacture, Jabalpur. On 01.12.2023 an incident of quarrel took place in the institution with a female student namely Ishika Gupta. She without any reason started abusing the petitioner. She abused his parents and also threatened the petitioner of dire consequences. She also slapped the petitioner and when the petitioner tried to defend himself, she raised hue and cry. The incident was seen by several other students. After the incident, the petitioner was taken to the DSA. A false

complaint was made against the petitioner before the DSA. The petitioner also made an attempt to register a complaint against the girl student for abusing him and raising her hand on him, but his complaint was never entertained. An attempt was made by the DSA, Assistant Dean Professor Mr. Mukesh Kumar Rai, who created undue pressure upon the petitioner to admit his mistake. An email dated 02.12.2023 was sent by the Assistant Registrar to the father of the petitioner stating that the petitioner has been involved in disciplinary matter and directed his father to meet the FIC (Student Affairs) in DSA Office, Admin Block. Two-three meetings took place and attempts were made to resolve the issue. The petitioner and his father has also submitted an apology to the Director and other committee members and the petitioner was also ready to submit an apology to Ishika Gupta even though he was not at fault, but of no consequence. The petitioner was permitted to write his examination. All of a sudden an office order dated 20.12.2023 was issued placing the petitioner under suspension from academic programme. He was also expelled from hostel for one semester starting from January, 2024. The same was sent through email dated 19.12.2023. Being aggrieved by the same, the present petition has been filed.

3. It is submitted that several students have given their verdict in favour of the petitioner and have clearly stated that in the unfortunate incident it was a girl student who was aggressor and was unnecessarily abusing the petitioner and even slapped him. As the petitioner made an attempt to defend himself a false complaint was made against him. The petitioner being a brilliant student, his entire career will be at stake if such a suspension order is allowed to continue. The petitioner was having no other remedy. Therefore, he filed this petition.

4. The impugned order clearly reflects that the incident took place on

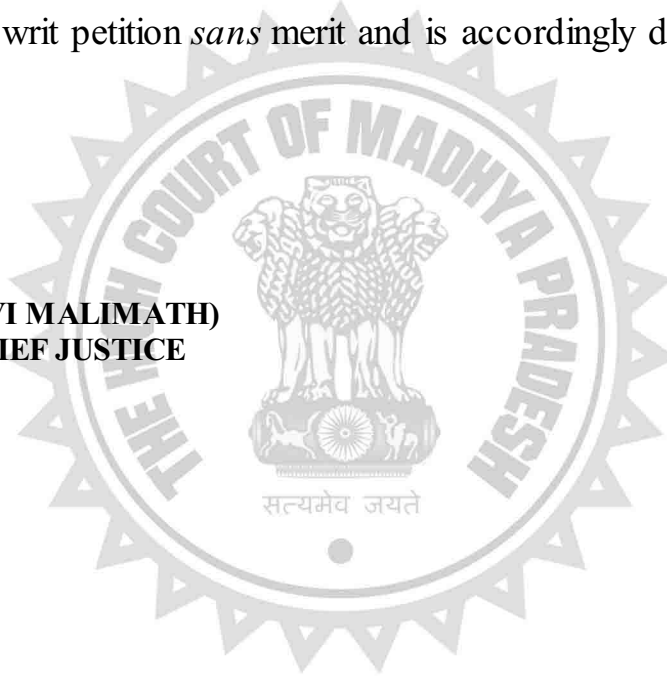
01.12.2023 wherein the involvement of the petitioner was clearly reflected. A complaint by the girl student was made against the petitioner. The Student Advisory Committee of Senate (SACS) has recommended for disciplinary measure against the petitioner. The involvement in disorderly violent conduct/action which raised fear or apprehension among other students, harassment of a student on the basis of gender and effect of teasing or generating a sense of shame or embarrassment so as to adversely affect psychological condition of one fellow female student was leveled against the petitioner. The authorities took note of all the aforesaid aspects of the matter and passed the impugned order suspending the petitioner from attending the one semester starting from January, 2024. He was also thrown out from the hostel. The fact remains that the impugned order is based upon the recommendation of the Advisory Committee of Senate. They have assessed the involvement of the petitioner in the incident. An investigation was carried out by the authorities and based upon the same the involvement of the petitioner was found in the matter. The matter has traveled up to the Chairman, Senate, who has passed the impugned order. It is not a matter of imposition of punishment against the petitioner. Rather, it is a matter of discipline to be followed in the institute. The petitioner being a student has to abide by all the terms and conditions and is expected to maintain a discipline in the institute. Involvement of such student, who may be an academically good student but cannot be permitted to act in such a violent and indiscipline manner and that too with the female student, thereby polluting the atmosphere of the institution and also creating a psychological fear in the other female students that is what has been observed by the advisory committee. In view of the observations made by the

Advisory Committee, no interference can be called for in a petition under Article 226 of the Constitution of India. Mere submission of some affidavits by the students cannot be a ground to disagree with the findings given by the advisory committee based upon the investigation. Under these circumstances, this Court is not inclined to interfere in a well reasoned order passed by the advisory committee. The paramount consideration by a student for an institute is to maintain discipline on priority basis. If the discipline is not maintained and the student is found involved in such indisciplined activities then the necessary consequences are required to follow. Therefore, no interference is called for.

5. The writ petition *sans* merit and is accordingly dismissed. No order as to costs.

(RAVI MALIMATH)
CHIEF JUSTICE

THK



(VISHAL MISHRA)
JUDGE