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

+ W.P.(C) 4400/2025

ABHYUDAYA SHARMA

.....Petitioner

Through: Mr. Naaren Nath Sarvaria and Mr.
Yashovir Singh, Advs.

versus

HINDU COLLEGE AND ANR

.....Respondents

Through: Mr. Rajiv Sharma, Adv. for R-1.
Mr. Ankur Chhibber and Mr.
Anshuman Mehrotra, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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08.05.2025

CM APPL. 20293/2025 & CM APPL. 25736/2025

1. CM No.20293/2025 has been filed on behalf of the petitioner seeking direction to the respondents to permit the petitioner to attend regular college, fill examination form and appear in his final semester examinations scheduled to be held in May, 2025, whereas CM No.25736/2025 has been filed seeking a direction to the respondents to permit the petitioner to submit his assignments and participate in internal assessment.
2. The challenge in the present petition is to the letter of punishment dated 06.02.2025 issued by the respondent no.1 college whereby punishment of rustication was imposed on the petitioner besides imposition of fine of Rs.1,00,000/-.
3. On the last date of hearing, Dr. Lalit Bhasin, the learned counsel



appearing on behalf of the respondent no.1 college had stated that he has instructions to state that in the interest of petitioner's career, the Principal has decided to re-consider its decision of rustication, as well as, imposition of fine and other punishments imposed *vide* impugned order dated 06.02.2025.

4. Mr. Rajiv Sharma, the learned counsel appearing on behalf of the respondent no.1 college has handed over at Bar a speaking order dated 05.05.2025 passed by the Principal of respondent no.1 college, which is taken on record.

5. He submits that by way of said order, the Principal has taken a sympathetic view and punishment of rustication is modified and is reduced up to 30.04.2025 and the student is permitted to take the examination in May/June, 2025, subject to the conditions stated in the said order. A perusal of the order further reveals that the fine imposed on the petitioner has also been reduced by 25%. The operative part of the speaking order reads thus:

“6. The main request is that if he does not take the Examination in 2025, he will waste a year and that is harsh on him. Taking a sympathetic view and also considering the fact that such serious act of indiscipline involving criminal activity and moral turpitude should not be allowed to go scot-free, I hereby revise order dated 6 February 2025 as follows:

- A. The rustication order up to 30/4/2026 is modified and rustication is reduced upto 30/4/225 and the student be permitted to take the examination in May/ June 2025 subject to the conditions stated in this order. The College will forward his Examination form and other relevant information to the University.*
- B. He has voluntarily admitted to his act of theft and dividing up the proceeds of the crime with other two students. To mitigate the financial burden, the fine is reduced by 25%.*



The student is now required to pay Rs.75000/-.

The amount so deposited, to be used for purchase of books in the Library for the Book Bank for needy students.

- C. The Examination form and other information will be forwarded to the University by the College only after the student has deposited the fine. If the student fails to deposit the amount of fine by 13 May 2025, his form will not be forwarded to the University.*
- D. The student will enter the College only for the purpose of completing the formalities related to the examination and only on the days of his examination.*
- E. The Penalty for surrender of Library Cards and College ID Cards will remain in force.”*

6. Mr. Naaren Nath Sarvaria, the learned counsel appearing on behalf of the petitioner, however, contends that even the fine of Rs.75,000/- is on higher side. In any case, no such fine could have been imposed by the respondent no.1 college without complying with the principles of natural justice.

7. Elaborating on his submission, he submits that the evidence collected by the committee was never put to the present petitioner nor he was given any show cause notice calling upon him to offer his comments to such evidence.

8. Be that as it may, at this interim stage, since the respondent no.1 college has already modified the order of rustication and has reduced the same up to 30.04.2025 and further permitted the petitioner to take examination in the month of May/June, 2025, no further orders are called for.



9. Let respondent no.1 college allow the petitioner to take final examination commencing from 14.05.2025 and also permit him to submit his assignments and participate in the internal assessment evaluation.
10. The applications are disposed of, in the above terms.

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11. Re-notify on 08.08.2025.
12. Copy of the order be given *dasti* under signatures of Court Master.

MAY 8, 2025

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VIKAS MAHAJAN, J