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

+ **W.P.(C) 17766/2025, CM APPL. 1351/2026**

SUDEEPTO DAS

.....Petitioner

Through: Mr. Siddharth Satija, Ms. Sowjhanya
Shankaran, Mr. Akash Sachan, Ms.
Anuka Bachawat, Ms. Charu Sinha,
Advs.

versus

SOUTH ASIAN UNIVERSITY

.....Respondent

Through: Mr. Avneesh Arputham, Adv. & Mr.
Ankit Sharma, Adv

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **17.02.2026**

W.P.(C) 17766/2025

1. Even though notice was issued on 24.11.2025, no reply has been filed by the respondent.
2. Mr. Arputham, learned counsel for the respondent, states that there was no direction or leave granted by the Court to file a counter-affidavit.
3. Accordingly, the respondent is granted 6 weeks to file a counter-affidavit.
4. List on 28.04.2026.

CM APPL. 73413/2025

5. This is an application filed under Section 151 of the CPC, 1908, on behalf of the petitioner seeking stay of the operation and implementation of the impugned order dated 15.07.2025.
6. The brief facts of the case are that in the present case, the petitioner is



alleged to have been involved in an incident of physical altercation with the complainant.

7. After an inquiry conducted by the competent authority *vide* impugned order dated 15.07.2025, the petitioner was expelled from the University and is also debarred from seeking admission to any programme offered by the respondent University in future. The operative portions of the impugned order read as under:



South Asian University⁵⁰

(A University established by SAARC Nations)
Rajpur Road, Maidan Garhi, New Delhi-110068, India
Tel.: +91-11-20862652 | +91-11-20862806
Website: www.sau.int

No. SAU/Proctor/2025/08

15th July 2025

OFFICE ORDER

ANNEXURE P-1

WHEREAS, by the order, dated 4.11.2022 you were suspended from the University for being persistently involved in acts of indiscipline inconsistently with the relevant provisions of SAU Rules/Regulations/Bye-laws.

WHEREAS, by your communication of regret, dated 22.11.2022 you had requested the University to take a sympathetic view of the said order dated 4.11.2022.

WHEREAS, by its orders, dated 23.11.2022 the University reduced your suspension to a penalty of Rs. 500/- with a strict warning that any recurrence of such an act will be viewed strictly.

WHEREAS, on 26.02.2025 you were found guilty of serious misconduct by the Proctorial Committee on the issue of serving non-vegetarian food on the occasion of 'Mahashivratri' in the students mess, SAU.

WHEREAS, the Intergovernmental Agreement for the Establishment of South Asian University, 2007, Rules, Regulations and Bye Laws remain in force, including Rules 10.3.1 and 29.3 and Regulation 5.1.7.

WHEREAS, the Headquarters Agreement between the Government of the Republic of India and the South Asian University, 2008, remains in force, including its Articles III.3 and VII.

You are therefore expelled from, and out of bounds of, the university with immediate effect. Further, you are debarred from joining any programme of the South Asian University in future.

You are directed to vacate the hostel within twenty-four hours of the receipt of this order.

This issues with approval of the competent authority.


Proctor

To,
Mr. Sudepto Das
Enrolment No: SAU/ECO(P)/2021/06
Doctoral Scholar, FE

CC to:

1. PSs to: President, Vice Presidents, Registrar
2. Dean, FE
3. Associate Dean of Students, Warden Boys Hostel - for necessary action
4. Acting Director Finance, Director (Admissions & Examinations), Director (ICT)
5. Security Officer- for necessary action
6. Guard File



A University established by the South Asian Association for Regional Cooperation (SAARC)
Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka



8. Learned counsel for the respondent, states that there is a maintainability issue with regards to whether the respondent University is amenable to writ jurisdiction under Article 226 of the Constitution of India and the same is pending adjudication before the Hon'ble Division Bench in LPA 187/2024 and the next date of hearing in that matter is 13.03.2026.

9. Learned counsel for the respondent, further states that the Proctorial Committee had undertaken a detailed investigation and found that the petitioner was indulged in physical altercation, which was also accepted by the petitioner.

10. The Proctorial Committee constituted as per Notification No SAU/Admin./2024/238 imposed the aforesaid punishment in pursuance of the rules and regulations in force. The relevant portion of the rules and regulations read as under:

“Punishment

The Committee shall recommend punishment to the SAU President. The punishment can be one or more of the following:

- *Rustication with out-of-bounds of the campus*
- *Withdrawal of admission in the future SAU academic programs*
- *Withdrawal of Degree*
- *Denial of admission for a definite period.*
- *Withdrawal of the SAU Visa*
- *Suspension including withdrawal of hostel facilities and financial assistance/ fellowship/scholarship of the SAU.*



- *Withdrawal of hostel facility.*
- *Withdrawal of financial assistance/fellowship/scholarship.*
- *Fine of up to INR 20,000*
- *Out-of-bounds of the campus*
- *Withholding the degree for a specific period.”*

11. In view of the above, there is no straight jacket formula for imposing the aforesaid punishments and the Proctorial Committee is vested with wide discretionary power to impose all/any of the aforesaid punishments for taking disciplinary action against the students. The said discretion exercised in the present case needs to be tested on the touchstone of reasonability and proportionality.

12. The Hon’ble Supreme Court in the case of ***Ranjit Thakur v. Union of India, (1987) 4 SCC 611***, while discussing the scope of judicial review has made the following categorical observations:

25. Judicial review generally speaking, is not directed against a decision, but is directed against the “decision-making process”. The question of the choice and quantum of punishment is within the jurisdiction and discretion of the court-martial. But the sentence has to suit the offence and the offender. It should not be vindictive or unduly harsh. It should not be so disproportionate to the offence as to shock the conscience and amount in itself to conclusive evidence of bias. The doctrine of proportionality, as part of the concept of judicial review, would ensure that even on an aspect which is, otherwise, within the exclusive province of



the court-martial, if the decision of the court even as to sentence is an outrageous defiance of logic, then the sentence would not be immune from correction. Irrationality and perversity are recognised grounds of judicial review. ...

13. In the judgment passed by the Hon'ble Division Bench of this Court in the case titled as ***Prabhat Kumar Singh v. Army College of Medical Science, 2018 SCC OnLine Del 9619***, the Court has made following observations concerning the scope of interference with the disciplinary actions:

47. At this stage, the Appellant has admittedly completed four years out of the prescribed four and a half years of study for the award of a MBBS degree. In view of the same, when we examine all the surrounding factors, including the Appellant's humble background; brilliant academic career; his young age; his right to education; his right to fulfil his aspirations and reach somewhere in life; and, the fact that for the last six years he has only suffered humiliation from every quarter, we have no hesitation in holding that the penalty of permanent expulsion imposed on him was unduly harsh and shockingly disproportionate.

...

50. Having found that the penalty imposed on the Appellant is unduly harsh and shockingly disproportionate, the question would now be whether we should remit the matter back to the Respondents for modification of penalty or this



Court should itself modify the penalty. In our considered view, at this stage when the Appellant has already lost six academic years, interest of justice demands that, instead of remanding the matter back to either the Respondent No. 1/College or the Vice-Chancellor of the Respondent No. 5/University, we should modify the penalty of permanent expulsion to that of rustication for the period already undergone. A similar course of action was taken by this Court in the case of Air Force Bal Bharti School v. Delhi School Tribunal [LPA No. 48/2005], wherein it was held as under:—

“7. This Court is now called upon to exercise second review, as it were, of the disciplinary order made by the school....The counsel's emphasis that without a finding that the penalty in a given case is “shockingly” disproportionate, the Court cannot substitute it, exercising the jurisdiction of the decision-maker, does not persuade this Court. It is the disproportionality of the punishment, by whatever name called, i.e., “shocking”, “serious” or “gross” having regard to the totality of the proven facts, which is to be seen in every case. A case might reveal facts where the penalty is shockingly disproportionate, and the Court may substitute it without saying



that the penalty is shockingly disproportionate. Conversely, in another instance, the penalty might not be disproportionate at all, despite which the Court might say it is. Ultimately, it is a matter of substance, and not semantic form, that the Court has to look into...

(emphasis supplied)

14. The administrative authorities cannot be vested with unbridled discretion in imposing the said penalties. Discretion should always be exercised in a prudent and reasonable manner, the same cannot be disproportionate to the object it seeks to achieve. In ***Prabhat Kumar Singh (Supra)***, the Hon'ble Division Bench set aside the impugned order passed by the learned Single Judge on the ground that the imposed punishment is disproportionate. In this case the petitioner was found guilty by the college authorities of forging signatures, stamps and seal of the training officer on an EWS Scholarship form. The disciplinary committee on recommendations imposed a punishment of expulsion from college and hostel with immediate effect. The Hon'ble Division Bench while holding that the aforesaid punishment is very harsh and shockingly disproportionate, modified the punishment in the interest of the Student thereby granting him a chance of self-reform.

15. Further, in ***Ravi Kumar v. State (Govt. of NCT of Delhi) and Anr., 2018 SCC Online Del 6761***, a coordinate bench of this Court while dealing with a case wherein a student of the Delhi Technological University was rusticated from the University because he was driving the bike above the



speed limit resulting in an accident on campus. The Court in this case proceeded to state that objective of disciplinary actions is to reform the child and not to impose punishments. The Court categorically relied on several judgments to hold that the institute is expected to treat their students fairly and impose a punishment which is proportionate to the act of misconduct. Any punishment should only be imposed after considering all the relevant factors.

16. In view of the above, the alleged act of misconduct involving a physical altercation in the present case emanates from a dispute concerning the consumption of non-vegetarian food during Mahashivratri festival in the university mess. To my mind, *prima facie* the punishment of expulsion imposed on the petitioner by the Proctorial Committee is not only disproportionate to the gravity of the alleged infraction but is unreasonable. The academic institutions have been vested with the autonomy to impose disciplinary actions on students in order to reform and correct them, and certainly not for punishing them. The punishment imposed in the present case is not in consonance with the objectives of imposing disciplinary actions. The discretion exercised by the committee in imposing the aforesaid punishment appears to be irrational and is not exercised after taking into consideration all the relevant factors. In this view of the matter, the balance of convenience lies in favour of the petitioner and interim Orders if not passed would cause grave prejudice to the rights of the petitioner.

17. The petitioner is a 5th year PhD student and is in the last year of his thesis. The academic session has already commenced on 12.01.2026 and if the petitioner is not permitted to attend the classes, it could possibly result in wasting his entire 4 years of hardwork.



18. Additionally, the Supervisor of the petitioner retires in July 2026 and in case a new supervisor is appointed, the petitioner would not be able to achieve the desired results in his thesis.

19. For the said reasons, to my mind, the petitioner as of today cannot await the outcome in the LPA 187/2024.

20. However, the petitioner is directed to file an affidavit that the petitioner will not claim any equity arising from the order passed today and this order shall be subject to any decision passed by the Hon'ble Division Bench in the LPA 187/2024. The same shall be done within 3 weeks from today.

21. Subject to the aforesaid directions, the petitioner shall be entitled to attend his classes in PhD Programme in Faculty of Economics in the respondent University and the allowed stipend shall be paid to him from the date of joining.

22. List for hearing on 28.04.2026.

JASMEET SINGH, J

FEBRUARY 17, 2026/DM