

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6476/2007

(From the judgement and order dated 22/03/2007 in WA No. 702/2007
of The HIGH COURT OF KERALA AT ERNAKULAM)

MAHATMA GANDHI UNIVERSITY & ORS.

Petitioner(s)

VERSUS

ASHLY VARGHESE & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and
prayer for interim relief and office report)

WITH

SLP(C) NO. 6480 of 2007

(With prayer for interim relief and office report)

SLP(C) NO. 6481 of 2007

(With appln. for extension of time and with prayer for interim
relief and office report)

Date: 23/07/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. C.S. Rajan, Sr. Adv.
Ms. Smitharam, Adv.
Mr. M.T. George, Adv.

For Respondent(s) Mr. Romy Chacko, Adv.

Mr. T.G. Narayanan Nair ,Adv

Mr. P.V. Dinesh ,Adv
Mr. P Rajesh, Adv.
Mr. Hariloans Manav, Adv.
Mr. Sotty Policarp, Adv.

Mr. V.K. Sidharthan, Adv.

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UPON hearing counsel the Court made the following
O R D E R

SLP(C) No. 6476/2007

In view of the fact that the two respondents,
namely, Ashly Varghese and Dhivin Philip Perumal have
been acquitted by the Trial Court, this petition filed
by the University is rendered infructuous and,
therefore, disposed of accordingly.

SLP(C) Nos. 6480 and 6481 of 2010

Leave granted.

The appeals are allowed and the impugned orders
are set aside with no order as to costs.

[Charanjeet Kaur]
Court Master

[N.B. Dhyani]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5894 OF 2010
(Arising out of SLP(C) No. 6480/2007)

Mahatma Gandhi Unviersity & Ors. .. Appellant(s)

Versus

Sherin S. & Ors. .. Respondent(s)

WITH

CIVIL APPEAL NO. 5895 OF 2010
(Arising out of SLP(C) No. 6481/2007)

O R D E R

Leave granted.

These appeals, by special leave, are directed against final order dated 22nd March, 2007, passed by the High Court of Kerala at Ernakulam in Writ Appeal Nos. 668 and 688 of 2007. By the impugned common judgment, the appellate Bench of the High court has upheld the order passed by the learned Single Judge of that Court, directing the appellant University to permit the respondents-students to attend the concerned institution pending finalization of disciplinary as well as criminal proceedings instituted against them in respect of the incident, which took place on 21st October, 2005.

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Both the appeals are being disposed of by this order as they arise from a common judgment.

It appears that on account of involvement of the respondents in the said incident in the precincts of the

educational institution, they were charge-sheeted for having committed offences punishable under the Indian Penal Code, as well as under the Kerala Prohibition of Ragging Act, 1998. Simultaneously, on initiation of disciplinary proceedings against them, they were suspended by the University by order dated 23rd November, 2005. The respondents questioned the propriety of University's action in placing them under suspension by preferring writ petitions in the High court. Being influenced by the fact that the disciplinary proceedings as well as trial in the criminal case would take considerable time, the learned Single Judge directed the University to permit the respondents-students to attend the institution where they were studying at the time of occurrence or in any other institution administering the same academic course, as may be decided by the Vice-Chancellor of the University.

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Appellants' writ appeal against the said direction having been dismissed, they are before us in these appeals.

At the outset, it may be noted that in appeal arising out of SLP(C) No. 6480/2007, out of the three charge-sheeted students, namely, Sherin S., Robin Paul and Shafeek Usuf, Robin Paul has since been acquitted by the Trial Court. Therefore, in the appeal qua him no orders are called for.

We have heard learned counsel for the remaining parties.

Learned counsel appearing for the University has vehemently submitted that the respondents-students having been charged with very serious offences, the High Court, in issuing the said direction clearly exceeded its

jurisdiction. It is urged that the High Court's interference in such academic matters would result in serious indiscipline in the University and, therefore, the impugned direction deserves to be set aside.

Mr. Chacko, learned counsel appearing for the students, on the other hand, submits that since the Syndicate had decided to place the students under ..4/-

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suspension only for a period of six months, effective from 23rd November, 2006, the said period being over, the present appeals are rendered infructuous.

Having considered the matter in the light of the allegations against the respondents and the nature of offences for which they have now been convicted, we are of the opinion that both the judgments of the learned Single Judge as well as of the appellate Bench cannot be sustained. This Court has repeatedly disapproved passing of interim orders by the High Court in educational matters. It needs to be emphasized that such interim orders not only result in creating confusion, they are also destructive of academic discipline. The menace of ragging in educational institutions adversely impacts the standards of education and has to be curbed with an iron hand.

As already stated, in the present case, the respondents were not only charged under the Ragging Act but also under Section 376 IPC Etc. and it was for the University authorities to decide whether or not any disciplinary action against the students was called for. We are convinced that the High Court's sympathy with the students, on the stated ground, was clearly misplaced and the impugned directions were wholly uncalled for.

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Consequently, the appeals are allowed and the impugned orders are set aside with no order as to costs.

.....J.
[D.K. JAIN]

.....J.
[H.L. DATTU]

NEW DELHI,
JULY 23, 2010