

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 887 OF 2009

UNIVERSITY OF KERALA

Appellant (s)

VERSUS

COUNCIL, PRINCIPALS', COLLEGES, KERALA & ORS
(For impleadment and directions and office report)

Respondent(s)

WITH

SUO MOTU CONTEMPT PETITION © No. 231 of 2008 IN I.A. NO. 12 & 5 in CA
No. 887 of 2009

Date: 30/03/2009 These matters were called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appearing parties:

Mr. Gopal Subramaniam, ASG. (A.C.)
Mr. Abhishek Tewari, Adv.

for State of H.P. Mr. Altaf Ahmad, Sr. Adv.
Mr. Himinder Lal, Adv.
Ms. Seema Jain, Adv.

for State of A.P. Mr. R. Sunderavardhan, Sr. Adv.
Mrs. D. Bharathi Reddy, Adv.
Ms. Altaf Fatima, Adv.

Mr. D. Ramakrishna Reddy, Adv.
Ms. T. Anamika, Adv.

M/s. M.L. Lahoty, Paban K. Sharma and
Himanshu Shekhar, Adv.

Mr. Bhupender Yadav, Adv.
Mr. R.C. Kohli, Adv.

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for R..Kachroo Mr. Bimal Roy Jad, Adv.
Mr. Rajeev K. Bharti, Adv.

for MCI M/s. Maninder Singh, Pratibha Singh,
Gaurav Sharma, Sumeet Bhatia,
Surbhi Mehta, Adv.

Mr. Anil Kr. Jha, Adv.
Mr. M.K. Jha, Adv.

Mr. Manish Kumar, Adv.
Mr. Ansar Ahmad Chaudhary, Adv.

for Puducherry Mr. V.G. Pragasan, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Raqmasubramanian, Adv.

for J.N.U. Mr. S. Parikh, Adv.
Students Asson. Mr. Jitin Sahni, Adv.
Ms. Mamta Saxena, Adv.

Mr. A.N.Singh,Adv.

for UGC Mr. Amitesh Kumar,Adv.
Mr. Gopal Singh,Adv.

for JNU: Mr. H.K.Puri,Adv.
Mr. S.C.Dhanda,Adv.
Mr. S.K.Puri,Adv.
Mr. V.M.Chauhan,Adv.
Mrs. Priya Puri,Adv.

In Suo Motu .P. Dr. Rajeev Dhawan,Sr.Adv.
Ms. Udita Singh,Adv.
Mr. L.R.Singh,Adv.

Mr. R. Sathish,Adv.

Mr. E.M.S. Anam,Adv.

Mr. S.Kr. Dwivedi,Adv.

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Mr. K.R. Sasiprabhu ,Adv

Mr. Ajit Kumar Sinha ,Adv

Mr. M.K. Michael ,Adv

Mr. M.K.D. Namboodiri ,Adv.

Mr. Shivaji M. Jadhav ,Adv.

Mr. Khwairakpam Nobin Singh,Adv.
Mr. S.Biswajit Meitei,Adv.

for State of Sikkim

Mr. A.Mariarputham,Sr.Adv.
Mrs. Aruna Magthur,Adv.
Mr. Vimal Deubey,Adv.for
M/s. Arputham Aruna & Co.

for State of T.N. Mr. T.Harish Kumar,Adv.
Mr. V.Vasudevan,Adv.

for AICTE Mr. S.Chandra Shekhar,Adv.
Mr. Manoj Kumar,Adv.

for Chandigarh Mr. Atul Jha,Adv.
Mr. D.K.Sinha,Adv.

Mr. Radha Shyam Jena ,Adv

Mr. P.V. Dinesh ,Adv

Mr. T.V.George ,Adv

UPON hearing counsel the Court made the following
ORDER

We have perused the affidavit filed by the Director General
of Police, Andhra Pradesh, and the affidavit filed by Chief
Secretary, Himachal Pradesh.

List these matters on 2/4/2009. Before that date an affidavit by Chief Secretary of Andhra Pradesh shall be filed as to what action has been taken against the Principal or the Manager of the Educational Institution as the case may be in terms of Section 7 of the Andhra Pradesh Prohibition of Ragging Act 1997.

In the meantime the affidavits of the Chief Secretary of the State and the Principal Secretary, Agriculture, shall also be filed.

The Director General of Police shall ensure that the investigation is done with the urgency involved, and the monitoring of the investigation shall be done by an officer not below the rank of Deputy Director General of Police of the State.

We have perused the application filed by learned amicus curiae which is taken on Board. So far as the State of Himachal Pradesh is concerned, Mr. Altaf Ahmed, has submitted that the magistratial enquiry has been completed and the copy of the report has been filed. Mr. Maninder Singh, learned counsel appearing for the

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Medical Council of India submits that there are materials to show that the Security Guard had in fact requested for initiation of action which apparently was not done by the Warden and the Principal of the institution. Learned amicus curiae in the application for directions has highlighted certain incidents which took place in the past in the institution. From the affidavit of the Chief Secretary it appears that Principal Dr. Suresh Sankhyan has been removed from the post of Principal of the institution. It is accepted that he is continuing in the college. The report of Mr. Sandeep Kumar, Additional District Magistrate, Kangra at Dharamshala reveals the casual approach and leniency of the Principal and the Hostel Warden in dealing with a serious matter like the one at hand. It would not be in the interest of the institution and the students community at large that Dr. Sankhyan should continue to be a part of the teaching staff in the college.

The State of Himachal Pradesh would immediately place him under suspension. This direction is given on the basis of

the materials already on record and the

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report of the ADM. We have also perused the report of the enquiry committee appointed by the MCI which clearly indicates that the Committee found it intricated and surprising about the endorsement made by Mr. Suresh Sankhyan on the information sheet given by the Security Guard and the committee has come to a prima facie conclusion that misleading information has been deliberately given by Mr. Sankhyan. Therefore direction is being given, considering the seriousness of the matter without leaving it to the discretion of the State Government.

Learned amicus curiae has suggested that an enquiry be made by the CBI to look into the affairs of the institution. At the present juncture let Mr. Raghavan committee which was constituted pursuant to this Court's order shall look into the matter and give a report within two weeks from today. Needless to say that Central Government and the State Government shall provide all infrastructural facilities for the purpose of carrying out the enquiry as directed by this Court.

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List this matter on 20/4/2009.

By the next date, the latest status reports regarding investigation carried out by the States of Andhra Pradesh and Himachal Pradesh shall be brought on record.

Issue notice on the applications filed by learned amicus curiae to University Grants Commission and the Ministry of Human Resources Development.

[SUMAN WADHWA]
COURT MASTER

[SHASHI BALA VIJ]
COURT MASTER