

Court No. - 34

Case :- WRIT - C No. - 3297 of 2020

Petitioner :- Adil Khan

Respondent :- Vice Chancellor Aligarh Muslim University
Aligarh And 4 Others

Counsel for Petitioner :- Prabhakar Dwivedi, Jitendra
Kumar, Mohd Zubair, Nasira Adil, Prashant Rai

Counsel for Respondent :- Shashank Shekhar Singh

Hon'ble Neeraj Tiwari, J.

Heard Sri Rakesh Pandey, learned Senior Counsel assisted by Sri Prashant Rai, learned counsel for petitioner and Sri Shashank Shekhar Singh, learned counsel for respondents.

Earlier case was heard on 23.05.2022 and Court has passed the following order:-

"In compliance of my last order dated 06.05.2022, petitioner has filed supplementary affidavit in the matter in which vide paragraph 9 it has been averred thus:

" That the petitioner reiterates his unconditional and unqualified undertaking, not only to abide by the Rules and to maintain peace and harmony and absolute discipline in the campus of the University and in & outside, but also undertakes to be a model student and would not give any cause for any complaint or adverse action against the petitioner on account of his conduct."

In my view in any educational institution, paramount importance is not of only discipline and peace to be maintained on campus of the university but carrier of the students should also be taken care of and be safeguarded.

College and Universities are higher centres of education also taken as nursery of future politicians through students' union. The endeavour of the administration in such institution should be correct students when they are wrong and ensure that no student loses mainstream for few aberrations while pursuing courses. The approach of administration of such institutions should be career centric from students' point of view.

In the present case, since undertaking has been advanced before this Court, the Court wants that future of this student who had no previous criminal history except cases in relation to which he has come to be expelled from the University, should be taken care of and besides what has been averred in paragraph 9 of the application certain more condition can be placed by this Court in the larger interest of students of the University and discipline on the campus.

The University in reply to the affidavit of undertaking, though styled as supplementary affidavit, has reiterated its previous stand in view of action taken by the Vice Chancellor upon recommendation of the disciplinary committee and it has been reiterated that 'past conduct' of the student, namely the petitioner has been such that no lenient view can be taken in

the matter by the University.

This Court finds that the the words and expression 'past conduct' could be only be in reference to two criminal cases, which are interrelated and in which petitioner has been implicated. However before this court passes any further order, let University disclose on affidavit as to what is the past conduct besides two cases in which petitioner is involved, so as to deny the chance to the petitioner to improve himself and pursue academic course.

Put up this matter on 06th July, 2022."

Pursuant to the order dated 23.05.2022, respondent-University has filed affidavit, in which it is fairly stated that except two cases which are in question, there is no past criminal history of the petitioner.

Brief facts of the case is that petitioner is a student of BA LLB five years course and he has appeared in 7th Semester Examination, but result of the said Semester has not been declared. In the mean time, petitioner was rusticated by the University vide order dated 04.09.2019, out of which, three years have been passed. Further, petitioner has also given affidavit for maintaining discipline and good conduct, which was recorded by this Court vide its order dated 23.05.2022.

Apart that, it is undisputed that in Indian Legal System, a convicted person is also have right to pursue his study and appear in examination from the Jail to enter into main stream of social life. Punishment given to any person should have been reformative and not prejudicial. Denying the petitioner to complete his BA LLB course may ruin his career. Certainly, petitioner is a young student and he must have been given a chance to correct himself and choose right path of life, if deviated and denial would frustrate the aim of reformative punishment.

In the present case, admittedly, petitioner is not a convicted person and has right to complete his studies, therefore, respondent-University is directed to inform the Court on the next date fixed about the modalities as to how petitioner would complete his BA LLB course to save his educational career without disturbing the discipline of University.

List this case on 17.08.2022.

Order Date :- 2.8.2022

Sartaj