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

+ W.P.(C) 2729/2025

SAHIBE ALAM

.....Petitioner

Through: Mr. Govind Manoharan and Mr. B.D.
Rao Kundan, Advocates

versus

JAMIA MILLIA ISLAMIA (THROUGH ITS REGISTRAR) & ANR.

.....Respondents

Through: Mr. Amit Sahni, Mr. K.K. Mishra,
Mr. Ankur, Ms. Sonah Tiwari and
Mr. Parth Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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04.03.2025

CM APPL. 12933/2025 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 2729/2025 & CM APPL. 12932/2025 (stay)

The present petition has been filed challenging the letter of suspension dated 12.02.2025 issued by the Office of Chief Proctor, Jamia Millia Islamia, New Delhi-110025, whereby the petitioners, who are students of the respondent/University, were suspended and were also immediately banned them from entering the campuses of the University. Further, the ID cards issued to them ceased to be effective for the said duration.

Mr. Colin Gonsalves, learned Senior Counsel, along with Mr. Abhik Chimni, Ms. Samiksha Godiyal, and Mr. Govind Manoharan, learned counsels for the petitioners submit that the University has resorted to an



action, which is highly disproportionate to the protest being undertaken by the petitioner/students. Learned Senior Counsel submits that the petitioners are the students with a clean track record, and they had assembled outside the canteen to commemorate the day on which, allegedly, the police had unlawfully entered the University campus and resorted to physically brutal acts. Learned Senior Counsel submits that the University, instead of guiding the students, sided with the police and got them arrested by the local police.

Learned Senior Counsel for the petitioners submits that the action of the University is totally against the Ordinances and Regulation (Academic). Learned Senior Counsel and other counsels for the petitioners made particular emphasis on Rule 5 of EC Resolution no. 3.46 dated 22.02.2023, Ordinance 14 (XIV) “STUDENTS DISCIPLINCE”, which provides as under:-

“5. Students found guilty of breach of discipline shall be liable to such punishment, as prescribed below:

- (1) Fine;*
- (2) Campus Ban*
- (3) Expulsion; and*
- (4) Rustication.*

However, no such punishment shall be imposed on a erring student unless he is given a fair chance to defend himself. This shall not preclude the Shaikhul-Jamia (Vice-Chancellor) from suspending an erring student during the pendency of disciplinary proceedings against him.”

It has been submitted that no chance was given to the petitioners to defend themselves, and it has further been submitted that even otherwise under Ordinance 22(XXII), Rule 12, such suspension or gating of students can continue up to a maximum period of two weeks.



Issue notice. Mr. Amit Sahni, learned counsel, accepts the notice on behalf of the respondent/University.

Learned counsel submits at the outset that the arrests were done outside the University, and no arrest was carried out on the University campus.

Learned counsel for the University submits that sufficient opportunity was duly given to the students. Learned counsel further submits that their protest was not related to academics, and no prior permission was sought from the University for their protest. It has further been submitted that the students were sleeping outside the canteen, which was not permissible and, therefore, they were removed. Learned counsel for the respondent-University has also submitted that no student was arrested inside the campus, and they were detained and released.

Without going into the veracity of submissions of either of the parties, the perusal of records itself makes the Court worried about the way in which the protest being undertaken by the students is handled by the University. The Court is not going into the reason of the protest at the moment, but the documents, as shown by the petitioners filed along with the record, *prima facie* shows that it was a peaceful protest. All the students are of tender age. The students, when they go to the University, certainly make an endeavour to raise their voices within the framework of the law. Rather, participation in such peaceful protests is part of the training to inculcate the basic principles and norms of civil society. The Court is fully confident that the administration of the University, which is the Vice-Chancellor, Dean, and Chief Proctor, shall immediately take remedial steps so as to calm down the situation.



Let a Committee of the officials under the supervision of the Vice-Chancellor be constituted. The representative from the students may also be taken by the Vice-Chancellor in such a committee. It is pertinent to mention here that this Court has not gone into the criminal cases registered against the students, and this order shall not have any effect on them.

Let the University file a report. In the meantime, the operation of the order dated 12.02.2025 is suspended till the next date of hearing.

List on 02.05.2025.

DINESH KUMAR SHARMA, J

MARCH 4, 2025

N/HT