

(1980) 07 P&H CK 0013

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 147 of (sic)

Jatinder Singh Bakshi

APPELLANT

Vs

The Registrar Punjabi University
Patiala and others

RESPONDENT

Date of Decision: July 29, 1980

Hon'ble Judges: S.P. Goyal, J

Bench: Single Bench

Advocate: M.R. Agnihotri, for the Appellant; S.L. Ahjuwalia, for the Respondent

Final Decision: Allowed

Judgement

S.P. Goyal, J.

Petitioner, Jatinder Singh Bakshi, was a final year student of M.B.B.S Course at Government Medical College, Patiala. On a complaint made by Dr. Vasdev Singh Kahlon against him for causing injuries by a sharp edged weapon, the College Staff Council comprising of Principal and five senior most teachers enquired into the matter and expelled him for two academic years vide. Annexure R. 4. The said order has been challenged on a number of grounds but it is not necessary to notice all of them because it has to be quashed being a non-speaking order. For facility of reference the whole of the said order is reproduced below: -

The Disciplinary Committee under the Chairmanship of Dr (Mrs. Leila Ram Kumar, Principal, Government Medical College, Patiala recorded the statements of various persons in connection with the incident of 8.10.1979 the presence of Sh Jatinder Singh Bakshi. He was given full opportunity to defend himself.

Shri Jatinder Bakshi admitted that the injured Dr Vasdev Singh Kahlon Dr. Vasdev Singh Kahlon was treated by Dr R.K. Jindal who stated that Dr. Vasdev Singh Kahlon sustained a 5 cm long linear incised wound.

Keeping in view the gross misconduct and the previous record of Shri Jatinder Singh Bakshi, student of final year, the committee recommends the following disciplinary

action:

1 Jatinder Singh Bakshi	(a) Expulsion for 2 academic
final	years
MBBS Student Roll No	from the college w.e.f.
	2-10-(sic)
76159	(the date of his suspension)
	(b) He is expelled from the
	hostel.

2. It is evident from the bare persual of the order that the Disciplinary Committer has held the Petitioner guilty of gross indiscipline and misconduct on the basis of the statement of the Petitioner and the other evidence produced at the enquiry was neither discussed nor relied upon by the counsel for its findings. The statement of the Petitioner has been produced as Annexure R 2. Its persual would show that the Petitioner though had admitted the causing of the injuries but has stated to have done so in the right of self defence. Consequently without recording a finding that the plea of self defence was not sustainable, the counsel was not justified in recording the finding of guilt against the Petitioner simply on the basis of his statement.

3. The learned Counsel for the Respondent, however, urged that the evidence on the enquiry file was duly taken into consideration by the Disciplinary Committee and its finding is fully justified from that evidence I am afraid such an approach is not permissible under the law. The proceedings of the Disciplinary Committee are of a quasi(sic) nature and expulsion of a student entails grave consequences, The order passed by the Disciplinary Committee therefore, has to be a speaking order showing the application of the mind to the facts and circumstances brought on the record during the enquiry As the impugned order does not show that the Disciplinary Committee had applied its mind to the evidence on the record, I have no option but to quash the same.

4. This petition is consequently allowed and the impugned order it hereby quashed. The college authorities would, however, be at liberty to reconsider the matter and pass appropriate order. No. Costs.