
Jatinder Singh Bakshi Vs The Registrar Punjabi University Patiala and others

Civil Writ Petition No. 147 of (sic)

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 29, 1980

Citation: (1980) 07 P&H CK 0013

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 Stiff 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 final (a) Expulsion for 2 academic 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.