



2026:PHHC:032936



CWP-6362-2026

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-6362-2026

Date of Decision : February 27, 2026

MUNISH

-PETITIONER

V/S

STATE OF HARYANA AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

Mr. S.K. Garg Narwana, Sr. Advocate, with
Mr. Harmanjot Singh Gill, Advocate, and
Mr. Mukul Ahuja, Advocate
for the respondents No.2 to 4.

KULDEEP TIWARI, J. (ORAL)

1. The instant writ petition impugns the order dated 02.02.2026 passed by the respondent No.2- Vice Chancellor, Pt. B.D. Sharma University of Health Sciences, whereby, acting upon the recommendations of the Board of Discipline, the petitioner, who was pursuing his M.B.B.S. course (Batch 2020), has been expelled with immediate effect and all his M.B.B.S. examination results in the paper(s)/subject(s) concerned (that are tainted by malpractice) have also been cancelled. Further, the petitioner seeks to set aside the order dated 03.02.2026, whereby he has been directed to leave the college premises and to vacate the hostel.

2. Assailing the impugned order, learned counsel for the petitioner contends that the same is vitiated by a patent violation of the principles of



natural justice and is, on this ground alone, liable to be set aside. It is submitted that prior to the passing of the impugned order, the Vice Chancellor neither afforded the petitioner an opportunity of personal hearing nor supplied him with a copy of the recommendations of the Board of Discipline, thereby depriving him of an effective opportunity to submit a comprehensive response.

3. On merits as well, learned counsel for the petitioner contends that there exists no cogent, reliable, or legally sustainable evidence establishing the petitioner's involvement in the alleged misconduct. It is further urged that the penalty of expulsion, being the severest punishment, is grossly disproportionate to the allegations and the material on record.

4. *Per contra*, learned senior counsel appearing for the respondents No.2 to 4, having received an advance copy of the writ petition, vehemently opposes the submissions advanced on behalf of the petitioner and defends the impugned order. It is contended that a large-scale examination scam had surfaced and was inquired into in a transparent and unbiased manner. A Fact-Finding Inquiry Committee was initially constituted, and on the basis of its detailed report, a Board of Discipline was subsequently constituted in terms of Clause 7(1)(a) of the Ordinance on Maintenance of Discipline among Students (hereinafter referred to as "the Ordinance"). The Board of Discipline afforded the petitioner and other concerned students an opportunity to file written responses as well as to avail personal hearings, and only thereafter, the recommendation was made, which constituted the bedrock for imposition of the penalty of expulsion under Clause 4 of the Ordinance.

5. Learned senior counsel further submits that the instant writ petition has been filed with the oblique motive of obstructing the ongoing



criminal prosecution arising out of FIR No.25 dated 15.02.2025, registered under Sections 409, 420, 467, 468, 471 and 120-B of the IPC and Sections 7A and 13 of the Prevention of Corruption Act, against one Roshan Lal, clerical staff, and 24 students (including the petitioner).

6. Before advertng to the rival submissions and examining the legality of the impugned order, it is deemed imperative to recapitulate the relevant factual matrix giving rise to the present proceedings.

7. The University received a complaint alleging large-scale irregularities in the conduct and evaluation of M.B.B.S. examinations. Consequently, a Preliminary Inquiry Committee was constituted, which submitted its detailed report on 13.02.2025, highlighting grave irregularities in the answer sheets of 30 students, including the petitioner. The key findings penned down therein were: (i) mismatch between serial numbers of answer books used by candidates and official records; (ii) strong indications of substitution or interchange of answer sheets; and (iii) tracing of a list of 46 missing blank answer sheets, raising concern that the same were illicitly used in the scam.

8. On the basis of the report (*supra*) and in exercise of powers under Clause 7(1)(a) of the Ordinance, the Vice Chancellor constituted a Board of Discipline to initiate disciplinary proceedings. The Board of Discipline conducted a detailed inquiry and summoned all 30 students. While 26 students asserted that the handwriting on their answer sheets was their own, 04 students acknowledged that some answer sheets did not contain their handwriting. To ascertain the authenticity of the disputed scripts, the assistance of a Government-approved Handwriting Expert was taken, who in his report dated



28.07.2025, opined that the handwriting on the disputed answer sheets attributed to the petitioner did not match his admitted specimen handwriting. Accordingly, a show cause notice dated 03.10.2025 was issued to the petitioner under Clause 3(1)(s) read with Clause 4(f) of the Ordinance, calling upon him to explain why the penalty of expulsion be not imposed. The petitioner submitted a written reply and was afforded a personal hearing before the Board of Discipline. The relevant material was also made available to him. Upon consideration of the reply and the gravity of the allegations, the Board of Discipline recommended imposition of the maximum penalty and referred the matter to the Vice Chancellor. The Vice Chancellor, upon examining the entire record, accepted the recommendation and passed the impugned order.

9. At this stage, it is also deemed apt to make a survey of some relevant Clauses of the Ordinance. Clause 2 vests in the Vice Chancellor the powers relating to maintenance and enforcement of discipline among and disciplinary action students. Clause 3 enumerates acts of indiscipline and misconduct, and sub-clause 1(s) thereof specifically spells out that indulging in or encouraging any form of disruptive activity connected with tests, examinations or any other activity of the University or the College or the Institution, amounts to acts of indiscipline and misconduct on the part of a student. Clause 4 prescribes the penalties that may be imposed for breach of discipline. Clause 7 provides for the constitution of Board of Discipline by the Vice Chancellor and composition thereof, while Clause 8 delineates the functions of the Board of Discipline. The relevant portion of the Regulations (supra) is extracted hereunder:-

“2. Powers to vest in the Vice- Chancellor/ Director/ Principal of affiliated colleges and institutions.



(1) All powers relating to maintenance and enforcement of discipline among and disciplinary action against the students of the University shall vest in the Vice- Chancellor.

(2) The Vice-Chancellor may delegate all or any such of his powers, as he deems proper, to such other officers and authorities of the university as he may specify in this behalf.

(3) The Principals/ Directors of affiliated colleges and institutions shall have the authority to exercise all such disciplinary powers over the students in their respective colleges and institutions.

3. Acts of indiscipline and misconduct

1. Without prejudice to the generality of the power to maintain and enforce discipline under this ordinance, the following shall amount to acts of indiscipline or misconduct on the part of a student of the University and affiliated colleges and institutions:-

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(s) indulging in or encouraging any form of disruptive activity connected with tests, examinations or any other activity of the University or the college or the institution, as the case may be.

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4. Penalties for breach of discipline

Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action in the interest of maintaining discipline as deemed appropriate by him,

(1) The Vice-Chancellor and the Directors/ Principals of affiliated Colleges may order upon any student found to be guilty of any of the offences specified in Clause-3 any of the following penalties:-

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f) expulsion from the University, college or institution, as the case may be, in which case he shall not be readmitted to the University, college or institution from where he is expelled but it shall not preclude his admission to any other affiliated college or institution with the previous approval of the Vice-Chancellor; or

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7. Constitution of the Boards of Discipline

1. The Boards of Discipline at the level of the University and affiliated colleges and institutions shall be constituted by the Vice-Chancellor as follows:-

(a) University:

(i) Director, PGIMS, Rohtak, chairman

(ii) Principal, PGIDS, Rohtak, member

(iii) Two Senior Professors of the University to be nominated by the Vice- Chancellor, members

(iv) One Senior Professor (Woman) of the University to be nominated by the Vice-Chancellor, member

(v) Dean/ Deans of the concerned Faculty/ Faculties to which the act of indiscipline or misconduct by a student or students pertains to.



(b) Affiliated colleges or institutions:

(i) The Director of the institution or the Principal of the college concerned, -chairman

(ii) Two senior teachers of the institution or the college to be nominated by the Trust or the Society or Head of the Institution running the college/ institution, -member

(iii) One senior lady teacher of the college or the institution to be nominated by the Trust or the Society or Head of the Institution running the college/ institution, -member.

(2) The nominated members shall hold office for a period of two years and a vacancy occurring in the Board of Discipline shall be filled for the remaining period of the term of the member whose departure has caused the vacancy.

(3) Three members of the Board of Discipline including the Chairman, shall form the quorum.

(4) In the absence of the Chairman, the senior most member of the Board of Discipline shall act as a Chairman.

8. Functions of the Board of Discipline

(1) The Board of Discipline shall perform the following functions:-

(i) To consider matters concerning maintenance of discipline among the students in the University teaching department or the college or the institution, as the case may be,

(ii) To enquire into the acts of indiscipline or misconduct committed by a student or students whenever such cases are referred to the Board of Discipline by the Vice-Chancellor, Dean of the concerned Faculty or the Principal of a college or Director of an institution and to submit their findings, conclusions and recommendations for the quantum of punishment under the provision of this ordinance to the Vice-Chancellor or the person authorised by the Vice-Chancellor in this behalf/Director of the institution/ Principal of the college, as the case may be.

(iii) To supervise and monitor the disciplinary climate prevailing in the University or the college or the institution, as the case may be.

(iv) To take preventive and precautionary steps such as issue of notices, warnings, instructions etc. as the case may be, for the purpose of forestalling acts of individual or collective indiscipline, misconduct and ragging, etc.

(v) To maintain liaison with the police authorities and the concerned departments of the Government, neighbouring institutions and the concerned authorities of the University regarding maintenance of law and order in the University or the college or the institution, as the case may be.

(vi) To perform such other functions as may be assigned to it by the Vice-Chancellor / Director of the institution/ Principal of the college from time to time.



(2) The decision in each case shall be conveyed by the chairman of the Board of Discipline concerned communicating the penalty or penalties, if any, imposed on a student or students.

(3) A student or students who are aggrieved with the penalty imposed upon them, may appeal to the Vice-Chancellor whose decision in this regard shall be final and binding on the parties.”

10. Upon a studied survey of the record, this Court is of the view that although the proceedings before the Board of Discipline were conducted in accordance with the procedure prescribed under the Ordinance, the impugned order passed by the Vice Chancellor stands vitiated for non-compliance with the principles of natural justice. The Vice Chancellor, without affording the petitioner any opportunity of hearing and without furnishing a copy of the recommendations of the Board of Discipline, proceeded to pass the impugned order solely on the basis of the record and the recommendations placed before him.

11. In the considered opinion of this Court, the petitioner ought to have been supplied with a copy of the recommendations of the Board of Discipline and afforded an opportunity to submit his objections thereto, followed by a personal hearing, prior to the passing of any adverse order. The failure to do so renders the impugned order legally unsustainable.

12. Though the allegations against the petitioner are undoubtedly grave, the same cannot obviate the requirement of adherence to the principles of natural justice, compliance wherewith is a *sine qua non* before passing any adverse order. Accordingly, the **impugned orders are set aside**, and the **writ petition is disposed of** with the following directions:

(a) The petitioner shall appear before the Vice Chancellor on 05.03.2026 at 11:00 a.m., whereupon the latter shall furnish a



complete copy of the recommendations of the Board of Discipline to him, against proper acknowledgment. It is clarified that all relevant documents have already been supplied by the Board of Discipline to the petitioner, as recorded in the impugned order and not disputed before this Court.

(b) The petitioner shall, within seven days from the date of receipt of the recommendations, file his objections thereto, including his plea regarding proportionality of punishment. Thereafter, the Vice Chancellor shall afford the petitioner an opportunity of personal hearing and pass a fresh order in accordance with law.

13. It is made clear that any observations made herein are confined solely to the issue of compliance with the principles of natural justice and shall not be construed as an expression of opinion on the merits of the case.

**February 27, 2026
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**(KULDEEP TIWARI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No