

A.F.R.

Court No. - 2

Case :- SPECIAL APPEAL No. - 420 of 2022

Appellant :- Prin./Chief Medical Superintendent Saraswati Medicl College Unnao And Ors.

Respondent :- Mohammad Shakir Hussain And 4 Others

Counsel for Appellant :- Apoorva Tewari, Aditya Tewari

Counsel for Respondent :- Kapil Gupta, C.S.C., Gyanendra Kumar Srivastava, Kshitij Mishra, Savitra Vardhan Singh

Hon'ble Devendra Kumar Upadhyaya, J.

Hon'ble Saurabh Srivastava, J.

(1) Heard Sri Apoorva Tiwari and Sri Aditya Tiwari, learned counsel appearing for the appellant, Sri Akash Dixit, learned counsel representing the respondent no.1-petitioner, learned State counsel representing the State-respondent No. 2, Sri Kshitij Mishra, learned counsel representing the respondent no. 3, Sri Savitra Vardhan Singh, learned counsel representing the respondent no. 4 and Sri Gyanendra Srivastava, learned counsel representing the respondent no. 5.

(2) This special appeal has been preferred challenging the judgment and order dated 13.09.2022 passed by the learned Single Judge, whereby Writ-C No. 5622 of 2022 filed by the respondent no. 1-petitioner therein has been allowed and the order dated 25.7.2022 passed by the appellant-Institution whereby respondent no. 1-petitioner was rusticated temporarily for a period of three months as intern in the Institution has been set aside. Learned Single Judge has also directed that the certificate which may be awarded to the respondent no. 1-petitioner on completion of internship shall not record that he was found guilty of ragging in the Institution.

(3) Submission of the learned counsel for the appellants is that the finding recorded by the learned Single Judge that there was no material on record, which could form the basis of guilt of ragging against the respondent no. 1-petitioner, is not correct in as much as on record there was enough material to form the opinion that he was guilty of ragging.

(4) It has further been argued by learned counsel for the appellants that while conducting the inquiry which culminated in passing of the order impugned in the writ petition before the learned Single Judge, the provisions contained in the statutory regulations known as National Medical Commission (Prevention and Prohibition of Ragging in Medical Colleges and Institutions) Regulations 2021 (hereinafter referred as 'Regulations 2021') were meticulously followed and as such the finding recorded by the learned Single Judge Bench that the respondent no. 1-petitioner was not given any opportunity to confront with the inquiry report, is misplaced for the reason that under the procedure prescribed in the said Regulations no such prescription is available. It is also argued that the finding recorded by the learned Single Judge that no show-cause notice inviting explanation/reply to the inquiry report was given, also does not have any bearing in the matters of inquiries to be conducted in terms of the Regulations 2021 for the reason that the Regulations do not contemplate any such procedure.

(5) Lastly, Sri Apoorva Tiwari, learned counsel representing the appellant-Institution has submitted that in any eventuality in case any flaw in the procedure followed for conducting the inquiry was found by the learned Single Judge, right of the Institution to complete the inquiry as per the legal procedure could not have been curtailed and in the instant case the conduct of the respondent no. 1-petitioner warranted that some exemplary action against the respondent no. 1-petitioner ought to have been taken in order to fulfil the aims and objectives for which Regulations 2021 have been framed.

(6) On the other hand, Sri Akash Dixit, learned counsel representing the respondent no. 1-petitioner submitted that in view of the admission made by the appellant-Institution that the respondent no. 1-petitioner was not confronted with the inquiry report on the basis of which impugned action has precipitated, the judgment and order passed by the learned Single Judge, which is under appeal herein, does not warrant any interference by this court in this special appeal. He has also stated that as a matter of fact enough material was brought to the notice of the learned Single Judge depicting the

clear bias of the parties/Management of the appellant-Institution against the respondent no. 1-petitioner and it is only on account of this bias and *mala fide* that the impugned action against him whereby he was rusticated temporarily for a period of three months had actuated. In this view of the matter, the submission is that the special appeal is liable to be dismissed at its threshold.

(7) We have considered the rival submissions made by the learned counsel representing the respective parties and have also perused the material available on record before us on this special appeal.

(8) The respondent no. 1-petitioner after completing his 5-years study in MBBS Course got himself enrolled as an Intern, which is compulsory for award of MBBS degree. On 19.7.2022 the College administration received a complaint by two students of 2020 batch, who were pursuing their MBBS Course in the appellant-Institution, against the respondent no. 1-petitioner with the allegation that the respondent no. 1-petitioner has not only misbehaved with them, but as a matter of fact on account of the threat extended by him to the complainants they were not feeling secure to complete their studies. The complainants, thus, requested that appropriate action be taken against the respondent no. 1-petitioner. On the said complaint the Chief Medical Superintendent-cum-Officiating Principal of the appellant-Institution issued a notice, whereby a specific committee comprising of one Chairman, One Secretary, four Members and two Special Invitees was constituted in terms of the provisions contained in Regulation 23(1) of the 2021 Regulations. Constitution of the said specific committee was based on an urgent investigation report, which was approved by the Chairman, Anti Ragging Committee of the Institution. Consequently, by means of a notice dated 20.7.2021, intimation was given to the complainants, respondent no. 1-petitioner as also three other students, who are said to be witnesses and were pursuing their IIIrd Year MBBS Course, to participate in the proceedings of the Committee, which was held on 21.7.2020.

(9) On 21.7.2022 in the proceedings before the specific committee, statements of the complainants, those of the witnesses and also that of the respondent no. 1-petitioner were recorded. The CCTV footage of 19.7.2022 at 12.30 p.m. was also summoned by the specific committee. The Specific Committee on a consideration of the material which could be gathered by it submitted its report on 21.7.2022 and based on the said report decision by the Anti-Ragging Committee was taken in its meeting held on 22.7.2022, whereby it was resolved that the respondent no. 1-petitioner be rusticated temporarily for a period of three months from his internship in the appellant-Institution. On the basis of this decision and recommendation of the Anti-Ragging Committee dated 22.7.2022 that the order dated 25.5.2022 was passed by Head of the Institution which became the subject matter of challenge before the learned Single Judge.

(10) Before advertng to the respective submissions made by the learned counsel appearing for the parties we may notice certain provisions of the Regulations 2021. Regulations 2021 have been framed by the National Medical Commission in exercise of its power vested in it under section 57 of the National Medical Commission Act 2019. "Ragging" is defined in Regulation 2(l) of the Regulations to mean "Any act of misconduct of students towards one another". Definition of 'Ragging' can also be found in Regulation (4). Regulation 3 mentions certain acts that may constitute "Ragging". Regulation 3 in Chapter 2 of the said Regulations states that Ragging shall mean any disorderly conduct, whether verbal or in writing, which has the effect of "teasing" "treating" or "handling" a student with rudeness, indulging in any rowdy or in disciplined activities, which may cause annoyance, hardship or psychological harms. Regulations 3 and 4 of Regulations 2021 are quoted hereunder:

"3. Definition of Ragging-*Ragging shall mean any disorderly conduct, whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness any other student, indulging in rowdy or undisciplined activities which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student or asking the students to do any act or perform something which such student will not in the ordinary course and which has the effect of causing or generating a*

sense of shame or embarrassment so as to adversely affect the physique or psyche of a fresher or a junior student.

4. Actions that may constitute ragging-*The following actions shall be included but not limited to those that may constitute ragging, namely*

(a) any conduct by any student or students whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness a fresher or any other student;

(b) indulging in rowdy or undisciplined activities by any student or students which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any fresher or any other student;

(c) asking any student to do any act which such the student will not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student;

(d) any act by a senior student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher,

(e) exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of students;

(f) any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students;

(g) any act of physical abuse including all variants of it, such as, sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures, causing bodily harm or any other danger to health or person:

(h) any act or abuse by spoken words, emails, post, snail-mails, blogs, public insults which would also include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to fresher or any other student;

(i) any act of physical or mental abuse (including bullying and exclusion) targeted at another student (fresher or otherwise) on the ground of colour, race, religion, caste, ethnicity, gender (including transgender), sexual orientation, appearance, nationality, regional origins, linguistic identity, place of birth, place of residence or economic background;

(j) any act that undermines human dignity and respect through humiliation or otherwise;

(k) any act that affects the mental health and self-confidence of a fresher or any other student with or without an intent to derive a sadistic pleasure or off power, authority or superiority by a student over any fresher or any other student;

(l) any other act not explicitly mentioned above but otherwise construed as an act of ragging in the letter and spirit of the definition for ragging as provided under regulations 3 and 4."

(11) From the aforequoted provisions of Regulations 3 and 4 as also the definition in Clause 2(l) of Regulations 2021 what can be noticed is that various kinds of acts having some adverse psychological or physical impact on a student constitute 'Ragging'. Ragging, thus, is not confined to physical assault alone. Regulation 7(3)(v) casts a duty on the Medical Colleges or

other Institutions to device certain methods and measures which are necessary for checking menace of Ragging. One of the measures provided in the said Regulation under Clause (g) is that Medical Colleges and other Institutions should evolve a robust measure, so that message and intent of the Institution may be loud and clear enough to ensure report of every incident of Ragging and also to ensure that every case of Ragging is dealt with according to the provisions of the Regulations 2021 and any other applicable laws for the time being in force.

(12) Regulation 8 of Regulation 2021 clearly mandates that migration certificate or transfer certificate or conduct certificate, which may be issued to the student after completion of his studies by the Institution, shall have an entry in addition to other entries as to whether the student concerned has been punished for the offence of committing or abetting Ragging or not and further as to whether the student has displayed persistent violent or aggressive conduct ?

(13) The Regulations provide for other measures to be taken by the Institutions, such as constitution of Anti Ragging Squad and establishing Anti Ragging Control Room or Helpline/Monitoring Committee or Monitoring Cell etc.

(14) Regulation 21(4) of the Regulations 2021 clearly mandates that without any exception, name of the complainant in all instances shall be kept confidential, unless of course it is otherwise permissible. The procedure for conducting the institutional inquiry or investigation and report etc. is provided in Regulation 23. Regulation 24 permits the administration of Medical College or any other Institution to take any administrative action on the recommendation of the Anti Ragging Committee. Regulations 23 and 24 of the Regulations 2021 are extracted hereinbelow:

"23. Institutional inquiry or investigation and report.- (1) *The Head of the Institution shall constitute specific committee to inquire into or investigate the incident of ragging without waiting for the report of any other authority, even if this is being investigated by the police or local authorities.*

(2) *The inquiry or investigation shall be conducted thoroughly including on-the-spot or site of the incident in a fair and transparent manner, without any bias or prejudice, upholding the principles of natural justice and giving adequate opportunity to the student or students accused of ragging and other witnesses to place before it the facts, documents and views concerning the incident of ragging, and considering such other relevant information as may be required.*

(3) *The entire process shall be completed and a report duly submitted within seven days of the information or reporting of the incident of ragging.*

(4) *The report shall be placed before the Head of the Institution or the Anti-Ragging Committee.*

(5) *The Anti-Ragging Committee shall examine the report, decide on and recommend further administrative action to the Head of the Institution.*

24. Institutional administrative and penal actions.- (1) *Every medical college or institution shall, after receiving the recommendations of the Anti-Ragging Committee under regulation 23, take necessary administrative action as it may deem fit,*

(2) *The Anti-Ragging Committee, on accepting the report of the institutional inquiry or investigation by the appropriate committee, shall recommend one or more of the actions provided under sub-regulations (5) and (6) depending on the nature, gravity and seriousness of the guilt established of the act of ragging as given under the provisions of Chapter II with the understanding that the action shall be exemplary and justifiably harsh to act as a deterrent against recurrence of such incidents:*

(3) *Where the individual person committing or abetting an act of ragging is not identified on the basis of the findings of the institutional inquiry or investigations, and the subsequent recommendations thereof, the medical college or institution thereof shall resort to collective punishment of more than one or a group of persons, as deemed fit, as a deterrent to ensure community pressure on the potential ragers.*

(4) *The broad ingredients that may call for punitive actions on receipt and approval of the recommendations include but is not limited to*

(i) *abetment to ragging;*

(ii) *criminal conspiracy to ragging;*

(iii) *unlawful assembly and rioting while ragging: public nuisance created during ragging;*

(iv) *public nuisance created during ragging;*

(v) *violation of decency and morals through ragging;*

(vi) *physical or psychological humiliation;*

(vii) *causing injury to body, causing hurt or grievous hurt;*

(viii) *wrongful restraint;*

(ix) *wrongful confinement;*

(x) *use of criminal force;*

(xi) *assault as well as sexual offences or even unnatural offences;*

(xii) *extortion in any forms;*

(xiii) *criminal intimidation;*

(xiv) *criminal trespass;*

(xv) offences against property;

(xvi) any other act construed as provided under regulations 3 and 4.

(5) The nature of punitive actions that may be decided shall include the following, but shall not be limited to one or more of these actions that may be imposed, as deemed fit, namely :-

(i) suspension from attending classes and academic privileges;

(ii) withholding or withdrawing scholarship or fellowship and other benefits;

(iii) debarring from appearing in any test or examination or other evaluation process;

(iv) withholding results;

(v) debarring from attending conferences, and other academic programmes;

(vi) debarring from representing the institution in any regional, national or international meet, tournament, youth festival, etc.;

(vii) suspension or expulsion from the hostel;

(viii) imposition of a fine ranging from twenty-five thousand rupees to one lakh rupees

(ix) cancellation of admission;

(x) rustication from the medical college or institution for a period ranging from one to four semesters;

(xi) expulsion from the medical colleges or institutions and consequent debarring from admission to any other institution for a specified period.

(6) Without prejudice to the provisions of regulation 8, it shall be mandatory upon the medical college or institution to enter in the Migration Certificate or Transfer Certificate issued to the student as to whether the student has been punished for the offence of committing or abetting ragging, or not, as also whether the student has displayed persistent violent or aggressive behaviour or any inclination to harm others.

(7) Any other measure as directed by Courts of law shall be followed by the medical college or institution.

(8) The Head of the Institution shall follow-up the information regarding the incident of ragging provided under sub-regulation (4) of regulation 22, to the University to which the medical college or institution is affiliated with a report regarding the findings of the institutional level inquiry or investigation and the actions taken thereof.

(9) The Head of the Institution shall provide a report regarding the incident of ragging and the actions taken thereof to the Commission having informed earlier according to the provisions of sub-regulation (4) of regulation 22."

(15) As per the aforesaid statutory prescriptions available in Regulation 23, Head of the Institution is to constitute a specific committee to inquire into or investigate the incident of ragging. Sub-Regulation (2) of Regulation 23 categorically provides that the inquiry or investigation has to be conducted thoroughly in a fair and transparent manner, without any bias or prejudice,

upholding the principles of Natural Justice and giving adequate opportunity to the student or students accused of ragging. It also provides that the inquiry/investigation shall be conducted by providing opportunity to the witnesses to place the facts, documents and their views concerning the incident of ragging and by considering any such material which may be relevant. The inquiry/investigation to be conducted by the specific committee is to be placed before the Head of the Institution or the Anti Ragging Committee. The Anti-Ragging Committee thereafter is to examine the report, decide and recommend further administrative action to the Head of the Institution. Under Regulation 24, as observed above, Head of the Institution is to take final decision.

(16) The Regulations 2021 are statutory in nature having been framed under section 57 of the National Medical Commission Act 2019 and hence are binding and no deviation from the same is permissible under law.

(17) While we applaud the purpose and object of framing such regulations, we may also notice that Regulations, on one hand, provide for adequate measures to check the menace of ragging, which is rampant in the Medical Colleges/other institutions and, on the other hand, it also provides for taking due care in conducting the inquiry against the students in respect of whom complaint or charges of ragging is received.

(18) Regulation 23(2) clearly provides that the inquiry/investigation by the specific committee shall be conducted not only in fair and transparent manner, but also without any bias or prejudice. It further provides that the specific committee while conducting the inquiry/investigation shall uphold the principals of Natural Justice giving adequate opportunity to the student or students against whom charges/complaint of ragging are leveled/made. It, thus, clearly encompasses in its fold adequate protection to a student facing the charge of ragging. Occurrence of the words "Upholding the principles of Natural Justice and giving adequate opportunity to the students or students, accused of ragging" in Regulation 23(2) makes it more than clear that condemning a student of any alleged act of ragging is not permissible

without affording him opportunity of hearing, placing the facts, making his statement as also confronting with any material, which is proposed to be relied upon by the Institution for taking action against such student.

(19) Whether or not the material available on record forms/constitutes a conduct on the part of the respondent no. 1-petitioner, amounting to ragging, is an issue which this court while deciding the instant special appeal does not intend to dwell upon for the reason that it is apparent that the respondent no. 1-petitioner was not only not confronted with all the material on the basis of which the impugned action has precipitated against him, but also that, in our considered opinion, he has been deprived of adequate opportunity in terms of the provisions contained in Regulation 23(2) of the regulations 2021 for putting forth his case.

(20) There is no denial of the fact that neither the report submitted by the specific committee nor the report submitted by the Anti-Ragging Committee on the basis of which final decision was taken by the Principal of the Institution on 25.7.2022 was provided to the respondent no. 1-petitioner. We also notice that even copies of the statements made by the complainants as also by the witnesses were not provided to the respondent no. 1-petitioner.

(21) Regulation 23(2), as quoted above, clearly prescribes that inquiry/investigation is to be held giving adequate opportunity to the student/students, accused of ragging. It also clearly provides that inquiry/investigation is to be held in a manner which shall uphold the principles of Natural Justice. Holding institutional inquiry/investigation by the specific committee in terms of Regulation 23 may not be treated equivalent to a criminal trial, however, since the Regulations 2021, contain an unambiguous and unequivocal mandate that such inquiry/investigation shall be held upholding the principles of Natural Justice and giving adequate opportunity to the student accused of ragging, in our considered opinion, certain facets of principles of Natural Justice while conducting such an institutional inquiry need to be followed in every such inquiry/investigation.

(22) We are also conscious of the fact that ragging in the Medical Colleges and other colleges of professional studies is a menace, which is rampant and if it is not checked appropriately, it causes great mental, physical and psychological harassment of the students entering into such institutions with a hope of completing their studies relating to professional courses. We are also conscious of the fact that in case any new entrant as a student in such courses of studies is subjected to ragging or any other misconduct, that too by a student who is quite senior to him, the same may have an impact on him which may be difficult to erase from his psyche throughout his life.

(23) It is common knowledge that incidents of ragging and other misconducts by seniors in institutions of vocational studies sometimes have such a deep and long-lasting adverse impact on the junior students that it becomes difficult for such students to come out of the trauma and agony which may sometimes hamper his studies and in turn spoil his future as well. In this view of the matter, we have no doubt in our mind that the menace of ragging is to be dealt with the sternest of measures by the authorities of the institution as also by various regulatory authorities like the Universities and the National Medical Commission. It is for fulfillment of such objective that Regulations 2021 have been framed.

(24) Having observed as above, we may fail in our duty if we do not discuss the legal protection available to a student, accused of ragging, when he is subjected to an inquiry/investigation under Regulation 23(2). The consequence of action against such a student which may ensue ultimately under Regulation 24, may be far-reaching even to the extent that in a given case it may ruin his career. Having regard to the seriousness of the consequences in respect of future career of a student pursuing a vocational course, we also are of the opinion that Regulation 23 of 2021 Regulations ought to be followed meticulously and in its letter and spirit. It is only when the Institution/Medical Colleges strictly follow and act upon the Regulation 23 in its entirety and in its true respect that a balance between the rights of the students accused of ragging and a student who is victim of ragging can be maintained. We are also conscious of the fact that Regulations 2021 have

been framed and published only recently as on 18.11.2021 and are, thus, in their nascent stage. Implementation of Regulations 2021 will thus require some amount of understanding as to how the Regulations are to apply not only as a measure to check the menace of ragging, but also as a measure to conduct the inquiry/investigation as contemplated in Regulation 23 in a fair and appropriate manner.

(25) Since in this case we are primarily concerned with the nature and kind of inquiry/investigation to be conducted as envisaged in Regulation 23 of 2021 Regulations, we find it appropriate to lay down certain principles as a caution while conducting the inquiry in such matters, which are described below.

(26) We may make it clear that the principles as a precautionary measure as are being laid down by us in this judgment are only to aid the provisions of 2021 Regulations and they are not in any manner to supersede or even to supplant the same. The authorities of a Medical College or any other Institution are to be primarily, thus, governed by the statutory regulations namely Regulations 2021. They may, however, seek some guidance from our observations, which are as follows:

(a.) On receiving report of any misconduct or ragging, the statutory mechanism, as provided in 2021 Regulations, shall be activated immediately, without any delay of any kind. Once the specific committee is constituted by the Head of the Institution to enquire/investigate and report into the complaint received by the authorities of the institution, the specific committee, the Anti-Ragging Committee as also the Head of the Institution shall maintain complete confidentiality about the name of the complainant, however, if it becomes necessary to disclose the name during the course of inquiry, such disclosure shall be confined only to the Members of the specific committee, Members of the Anti-Ragging Committee, Principal of the Institution and if deemed fit, to the student who is charged with ragging as well.

(b) On constitution of the specific committee, the committee shall give notice to the complainant, witnesses and the student accused of ragging, for being present in the inquiry to be conducted by it. If statement of the complainant or the witnesses are recorded, the student accused of ragging, shall be provided with a copy thereof, inviting his reply to such statements, however, having regard to the nature of inquiry it will not be permissible to the student accused of ragging, to cross-examine the complainant/witnesses.

(c) On recording the statement of the complainant/witnesses opportunity of making statement in defence shall be provided to the student against whom the charge of ragging has been made. The statement of complainant, that of witnesses, statement in reply to such statements to be made by the student accused of ragging, as also the defence statement of the student accused of ragging, shall be recorded and reduced in writing as far as possible on the same day and if for some reason it is not possible to record the statement on the same day, on the next working day.

(d) The specific committee shall thereafter prepare its report and submit it to the Anti-Ragging Committee in terms of the provisions contained in Regulation 23(3) and 23(4) of 2021 Regulations, which shall submit its report/recommendation to Head of the Institution as envisaged under Regulation 23(5).

(e) As observed above in (d), on receipt of report from the specific committee, the Anti-Ragging Committee shall examine the report and make recommendation for further administrative action to the Head of the Institution.

(f) The Head of the Institution before taking final decision/action in terms of Regulation 24 shall provide a copy of the report/recommendation which may be made by the Anti-Ragging Committee, to the student facing the charge of ragging. The Head of the Institution will, thus, invite comments/explanation/reply from the

student who is accused of ragging on the report/recommendation which may be made by the Anti-Ragging Committee and shall take decision on consideration of the report/recommendation of the Anti-Ragging Committee as also the reply/explanation which may be submitted by the student accused of ragging to the report/recommendation of the Anti-Ragging Committee and other relevant material which may be available on record.

(g) On receipt of report/recommendation made by the Anti-Ragging Committee, the Head of the Institution shall give not more than two days time to the student accused of ragging for furnishing his explanation/reply/comments to the report of the Anti-Ragging Committee and thereupon take a final decision, as aforesaid.

(27) We have evolved these guidelines, as already observed above, not in any manner, in derogation of the 2021 regulations, rather only to facilitate appropriate implementation of the Regulations including Regulations 23 and 24 and accordingly our observations are to be understood in this perspective and context alone.

(28) So far as the facts of the present case are concerned, it is noticeable that the respondent no. 1-petitioner was neither provided the copies of the statements of the complainant/witnesses nor was he ever confronted with the copy of the report said to have been submitted by the Anti-Ragging Committee to the Head of the Institution and accordingly we are of the opinion that the inquiry as contemplated in Regulation 23 of 2021 Regulations 2021 against the respondent no. 1-petitioner be conducted afresh by furnishing him copy of the complaint, statement of the complainants and witnesses made before the Specific Committee on 21.7.2022 and inviting his reply to the same and permitting him to make statement in his defence. Thereafter the appellant-Institution shall complete the inquiry in terms of Regulation 2021 as also keeping in view the observations made hereinabove.

We order accordingly.

(29) The entire exercise under this order shall be completed within **15-days** from today. The respondent no.1-petitioner is directed to cooperate fully with the authorities of the institution and in case at any point of time he is found not cooperating with the authorities of the appellant-Institution, the Institution shall proceed ahead in terms of the provisions of the regulations, as clarified above.

(30) The order under appeal dated 13.9.2022 passed by the learned Single Judge in Writ-C No. 5622 of 2022 is hereby set aside. The decision of the Principal of the Institution, dated 25.7.2022 shall abide by the decision which may be taken finally in terms of this order.

(31) The special appeal is, thus, **disposed of** in the aforesaid terms.

(32) There will be no order as to costs.

(Saurabh Srivastava, J.) (Devendra Kumar Upadhyaya, J.)

Order Date :- 10.10.2022

A.Nigam