

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

Writ Petition (PIL) No. 23 of 2022

Shri Sachidanand Dabral.Petitioner
-Versus-
Union of India & Ors.Respondents

Present:

Mr. Shiv Bhatt, the learned counsel for the petitioner.
Mr. Virendra Kaparuwan, the learned Standing Counsel for respondent no. 1.
Mr. Parikshit Saini, the learned counsel for respondent no. 2.
Mr. Vikas Pandey, the learned counsel for respondent no. 4.
Mr. Pradeep Joshi, the learned Standing Counsel for the State of Uttarakhand-respondent nos. 5 to 7.

Date of hearing : 09.03.2022

Coram: Sri S.K. Mishra, ACJ.
Sri R.C. Khulbe, J.

By means of this public interest litigation, the petitioner prays as follows:-

- (i) *Issue a writ in the nature of mandamus or any other appropriate writ/order directing the respondent no. 1 to 5 to take necessary and permanent measures to prohibit ragging through out the Higher Educational Institutions (imparting education of graduation, post graduation and professional courses) so that the said barbaric, brutal Taliban type ragging could not occur in future in any of the higher education institutions: and/or*
- (ii) *Issue a writ in the nature of ad-interim mandamus or any other appropriate writ/order directing the Respondent NO. 6 to 7 to unearth the entire incident of barbaric, brutal Taliban type ragging as stated in the present petition and to take necessary legal action against the reprobate perpetrators; and/or*

- (iii) *Issue a writ in the nature of mandamus or any other appropriate writ/order directing the respondent no. 1 and 2 to takeover the management of respondent no. 4 during the investigation of the respondent no. 6 & 7; and/or*
- (iv) *Issue a writ in the nature of mandamus or any other appropriate writ/order directing the respondent no. 1, 2, 3 and 5 to strictly comply the provisions of 'UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009' and the directions dated 08.05.2009 of the Hon'ble Supreme Court in Civil Appeal 887 of 2009 besides the law laid down (2009) 15 SCC 301 titled as University of Kerala Vs. Council of Principals of Colleges in Kerala & Others; (2001) 6 SCC 577 titled as Vishwa Jagriti Mission Through President vs. Central Govt. through Cabinet Secretary & Others.*

2. We have viewed the video clip which supports the contentions of the petitioner that 1st year MBBS students were tonsured, their hands were tied at their back and they were paraded in the day time and a guard of the college was following them. If it is an act of ragging, the action shall be punishable under the Anti Ragging Act. The National Medical Council should also look into the matter.

3. All the parties have appeared. No need to issue formal notice.

4. In the interregnum, we form a committee consisting of the Commissioner, Kumaon Division and the DIG, Kumaon Division who shall immediately inspect the premises, examined the video footage available and also examined the students and take appropriate action. They are at liberty to lodge criminal cases against the guilty party.

5. Matter be listed on 23.03.2022 under fresh admission category.

6. Free certified copy of the order be handed over to the learned counsel for the State during the course of the day.

7. Learned counsel for the petitioner undertakes that he will produce copy of brief along with the annexures and copy of this order before the Commissioner, Kumaon Division and DIG, Kumaon Division within 24 hours.

(Ramesh Chandra Khulbe, J.)

(Sanjaya Kumar Mishra, ACJ.)

PV