



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2654 OF 2025.

I P

-VERSUS-

The State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S. Kulkarni, Advocate for the Petitioner.
Ms S.S. Jachak, A.G.P. for the Respondent No.1.
Shri K.P. Mahalle, Advocate for Respondent No.2.

CORAM : ROHIT W. JOSHI, J.

DATE : MAY 14, 2025.

I had expressed reservation for taking up the matter since the matter pertains to Symbiosis Law School and disclosed the reasons for the same. However, the learned Counsel appearing for the petitioner and respondents have tendered a joint pursis stating that they have no objection for taking up the matter by this Court in view of the urgency involved. The matter is being taken up in view of the above pursis.

2. The order/decision dated 13.05.2025 by the

Campus Disciplinary Committee is not impugned in the petition. Leave is granted to the petitioner to amend the petition. Necessary amendment be carried out forthwith.

3. The petitioner is a final year student of respondent no.2 Institution. Vide order dated 10.05.2025, she was placed under immediate suspension from all academic and non-academic activities of the institution till further orders. This order is passed by the Director of respondent no.2. Thereafter, the matter was placed before the Campus Disciplinary Committee (CDC). The CDC has passed an order/decision on 13.05.2025 continuing the suspension of academic and non-academic activities of the petitioner till further orders. Likewise, she is also debarred from appearing in internal, semesters and backlog examinations during the suspension period. However, it is also stated that in the event, the petitioner is exonerated on holding enquiry, a special examination will be conducted for her, so as to ensure that she does not suffer any loss or prejudice due to ongoing enquiry and suspension. As stated

above, the examination is scheduled to begin from 15.05.2025.

4. The petitioner is a final year student of B.A., LL.B curriculum being conducted in the respondent no.2 institution. On 08.05.2025, an offence vide First Information Report No.0347/2025 is registered against one Rajas Madepaddi @ Siddik with Lakadganj Police Station, Nagpur. The accused was arrested from a hotel at Nagpur on 08.05.2025. It is undisputed that the petitioner was present in the hotel along with the accused at the time of his arrest.

5. Respondent no.2 has filed a Purnis placing certain documents on record. Attention of this Court is drawn to various posts by the petitioner on her official instagram handle. Most of the posts appear to be political in nature, however, one post appears to be contrary to the official version of the Government of India in relation to "Operation Sindoor" carried out recently. Since the enquiry is initiated, it will not be appropriate to comment on the

nature of the posts. In such circumstances, the Director of the institution the order dated 10.05.2025 placing the petitioner under suspension from immediate effect, thereby debarring her participation in all academic and non-academic activities of the institution.

6. As stated above, the CDC has also taken a decision in its meeting held on 13.05.2025 debarring the petitioner from appearing in the examinations during the period of her suspension. The period of suspension is not specified, and it is to operate till further orders. It is stated at bar that the disciplinary enquiry by the CDC can be completed within a period of 15 days i.e. on or before 25.05.2025.

7. The learned Counsel for respondent no.2 has made a statement at bar that the petitioner has backlog of 13 subjects of previous semesters i.e. 2 from 5th semester, 3 from 6th semester, 7 from 7th semester and 1 subject from 9 semester. Apart from this, she has failed to clear two clinical subjects i.e. practicals, for which written examinations are

not conducted. These clinical subjects pertain to 9th semester. The respondent no.2 has pointed out from examination time table that the last date of examination in so far as the petitioner is concerned is 05.06.2025, on which date examination of Intellectual Property Law for 7th semester is scheduled. This subject is in backlog.

8. The matter is at a very primitive stage. All the facts are yet to come on record. The institution has taken a decision to suspend the petitioner and to debar her from appearing in the examinations during the period of suspension. The suspension will operate till the culmination of the disciplinary enquiry. A statement is made at bar that the enquiry will be concluded on or before 25.05.2025. As stated above the last written examination of the petitioner is scheduled to be held on 05.06.2025. The order/decision dated 13.05.2025 itself records that in the event the petitioner is exonerated, special examination will be conducted for her to as to ensure that she does not suffer any academic loss. It is also stated across the bar that

outer limit for declaration of result is 45 days from the culmination of the examination, however, results are generally declared within a period of 30-35 days. Last date of examination of the petitioner for 7th semester backlog subject is 05.06.2025, the result for which are likely to be declared tentatively in the first week of July, 2025.

9. Shri Kulkarni, learned Counsel for the petitioner submits that the decision is taken in breach of principles of natural justice. He contends that suspension from the academic activities and debarring a student from appearing in the examinations, is a punishment. Referring to Symbiosis International (Deemed University) Code of Conduct, Procedure to deal with Misconducts/Indiscipline by Students, 2023 he contends that the order of suspension and debarring students which is in the nature of punishment, could not have been taken without conducting an enquiry in accordance with the principles of natural justice. Suspension and debarring a student from appearing in the examination are punishments under the Code of

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Conduct. However, suspension pending enquiry is not punishment, but, an administrative action. It is well settled that pending enquiry the order of suspension can be passed and power to issue such administrative order for suspension is inherent in a Disciplinary Authority.

10. In case at hand, I am of the prima facie view that the action of respondent no.2 is not punitive, but, administrative in nature in view of the rider which is provided in the order/decision dated 13.05.2025, that additional special examination will be conducted for the petitioner if she is exonerated in the disciplinary proceeding.

11. A statement is made across the bar that this examination will be conducted before declaration of the results for the 7th semester, in the event the petitioner is exonerated and permitted to appear in the examination. Statement is also made that her results for all the examinations, including the backlog, will be declared along with the results of other students appearing for 7th semester examination. This in my considered opinion will be

sufficient to balance the equities.

12. In view of the statement made at bar, the respondent no.2 is directed to conduct and complete the enquiry on or before 25.05.2025 and communicate the decision to the petitioner on that day itself. The petitioner is also directed to cooperate in the enquiry proceeding.

13. List the matter for further consideration on 27.05.2025.

14. Copy of this order be furnished to the learned Counsel appearing for the parties to act upon.

JUDGE