

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19657 of 2024

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Bhawesh Kumar Bhaskar, S/o Indradev Paswan, resident of Ward No. 12,
Village - Datuar, Datwar, P.S. - Khajauli, District - Madhubani, Bihar -
847228.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
3. The Vice Chancellor, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
4. The Registrar, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
5. The Examination Controller, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
6. The Principal, Darbhanga Medical College, Darbhanga.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 267 of 2025

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Afzal Azad, S/o Raushan Raeen, resident of village- Surgahiya, Ward No. 14,
Sutihara Ram, P.O. - Sutihara, P.S.- Parihar, District- Sitamarhi, Bihar -
843331.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
3. The Vice Chancellor, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
4. The Registrar, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
5. The Examination Controller, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
6. The Principal, Sri Krishna Medical College and Hospital, Muzaffarpur, Bihar.

... .. Respondent/s



with
Civil Writ Jurisdiction Case No. 335 of 2025

Ashish Ranjan, S/o Chandrika Prasad, Resident at House No. 131, Ward No. 17, Ramachandrapur, P.O.- Biharsharif, P.S.- Laheri, District- Nalanda, Bihar- 803101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
3. The Vice Chancellor, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
4. The Registrar, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
5. The Examination Controller, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
6. The Principal, Government Medical College, Bettiah, West Champaran.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 538 of 2025

Abhishek Kumar, S/o Kamal Paswan, resident of Village-Balbhadrapur (Navtoliya) Ward No. 45, P.O.-Laheriasarai, P.S.-Bahadurpur, District- Darbhanga, Bihar-846001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. Aryabhatta Knowledge University, Gyan Parishar, Mithapur, Patna.
3. The Vice Chancellor, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
4. The Registrar, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
5. The Examination Controller, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
6. The Principal, Government Medical College, Bettiah, West Champaran.

... .. Respondent/s



with

Civil Writ Jurisdiction Case No. 1012 of 2025

Vishal Kumar, S/o Vidyasagar Upadhyay, Resident of at- Nayapara, P.O.-
Khuskibagh, P.S.- Sadar, District- Purnea East, Purnea Bihar- 854305.

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
- 2. Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
- 3. The Vice Chancellor, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
- 4. The Registrar, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
- 5. The Examination Controller, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
- 6. The Principal, Government Medical College, Bettiah, West Champaran.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 19657 of 2024)

For the Petitioner/s : Mr. Y. V. Giri, Sr. Adv.
Ms.Shrishti Singh
For the State : Mr.Government Pleader 7
For the University : Mr. Amarendra Kumar

(In Civil Writ Jurisdiction Case No. 267 of 2025)

For the Petitioner/s : Mr. Y. V. Giri, Sr. Adv.
Ms.Shrishti Singh
For the State : Ms. Archana Meenakshee, GP 6
Mr. Rohit Singh
For the University : Mr. Rakesh Kumar Singh

(In Civil Writ Jurisdiction Case No. 335 of 2025)

For the Petitioner/s : Mr.Pranav Kumar
For the State : Mr. Binay Kumar
For Res. Nos. 2-5 : Smt. Binita Singh

(In Civil Writ Jurisdiction Case No. 538 of 2025)

For the Petitioner/s : Mr. Y. V. Giri, Sr. Adv.
Ms.Shrishti Singh
For the State : Mr.Government Pleader (07)
For the University : Mr. Awadhesh Kumar
Mr. Rakesh Kumar Singh

(In Civil Writ Jurisdiction Case No. 1012 of 2025)

For the Petitioner/s : Mr. Y. V. Giri, Sr. Adv.
Ms.Shrishti Singh
Mr.Pranav Kumar
For the State : Mr. Ashutosh Kumar Upadhyay, AC to SC 9
For the University : Mr. Bindhyachal Rai



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER

C.A.V.

Date : 19-09-2025

Since all these five writ petitions involve common questions of law and fact, with the consent of the parties, they have been heard together and are being decided by this common judgment/order.

2. The petitioners, in all these writ applications, have a common prayer for quashing the orders passed by the Vice Chancellor of the Aryabhatta Knowledge University, Patna (herein after referred to as 'the University'), and communicated by the Controller of Examination of the University, whereby the Vice Chancellor of the University has decided to cancel the admission of the petitioners in M.B.B.S. course and further directed their permanent expulsion from the University.

3. The brief facts involved in **CWJC No. 19657 of 2024 (Bhawesh Kumar Bhaskar v. The State of Bihar and Others)**, is that the petitioner is a student of 3rd Professional M.B.B.S. Part-II course, at Darbhanga Medical College, Darbhanga. The allegation against the petitioner is that one Aunish Kumar, a student of IGIMS, Patna, appeared in the 3rd Professional MBBS



Part–II, 2023 Examination on behalf of the petitioner in the Pediatrics paper. The petitioner thereby committed impersonation.

4. On 04.10.2024, a show cause notice was issued by the Controller of Examination alleging that another student had appeared in the 3rd Professional MBBS Part–II Examination in place of the petitioner. The petitioner submitted his reply denying the allegation, asserting that he had not appeared in the examination, in question, due to illness.

5. Subsequently, by letter no. 4766, dated 19.10.2024, issued under the signature of the Controller of Examination of the University, the petitioner was directed to appear on 23.10.2024 before the 57th meeting of the Unfair Means Committee. The petitioner appeared on the said date and furnished his written reply, reiterating his earlier stand that, he could not appear in the examination due to illness and stating that the allegation levelled against him was baseless.

6. Upon consideration of the report submitted by the Central Superintendent of the University as well as reply of the petitioner, the Committee held that the conduct of the petitioner amounted to impersonation, which fell under Clause 5.2 (c) of the Rules for Unfair Means, i.e., in respect of the student for whom the impersonator was appearing.



7. Accordingly, the Committee recommended for cancellation of the admission of the petitioner in the M.B.B.S. course and his expulsion from the University.

8. Pursuant to the said decision, the impugned order, dated 12.11.2024, was issued under the signature of the Controller of Examination of the University, whereby the decision to cancel the admission of the petitioner in the M.B.B.S. course and his expulsion from the University was conveyed to the Principal, Darbhanga Medical College, Darbhanga.

9. The brief facts, giving rise to **CWJC No. 267 of 2025 (Afzal Azad v. The State of Bihar and Others)** is that the petitioner has prayed for the quashing of the order, dated 13.11.2024, issued under the signature of the Principal, Sri Krishna. Medical College, Muzaffarpur, whereby, the Principal, acting in furtherance of the order of the Vice Chancellor, cancelled the admission of the petitioner in the M.B.B.S. course to the College and also directed for his expulsion from the College.

10. The petitioner is a student of 3rd Professional MBBS Part-I at Sri Krishna Medical College, Muzaffarpur. The allegation against the petitioner is that the petitioner appeared in the 3rd Professional MBBS Part-II, 2023 Examination on behalf of one Brajesh Kumar in the E.N.T. paper, and committed impersonation.



11. Vide letter no. 2503, dated 05.10.2024, issued under the signature of the Controller of Examination of the University, the petitioner was directed to appear before a High-Level Committee in connection with an inquiry in the alleged impersonation committed by him in the 3rd Professional MBBS Part-I and Part-II Examinations, 2023. The petitioner appeared before the said High-Level Committee on 07.10.2024 and was further directed to appear before the 57th Unfair Means Committee on 23.10.2024.

12. The petitioner appeared before the Committee on 23.10.2024 and submitted his show cause reply. Upon consideration of the report submitted by the Central Superintendent of the University as well as the reply of the petitioner, the Committee came to the conclusion that the petitioner has committed impersonation, which fell under Clause 5.2 (a) of the Rules for Unfair Means, i.e., if the impersonator is identified as a student of the University.

13. Accordingly, the Committee recommended for cancellation of the admission of the petitioner in the M.B.B.S. course and his expulsion from the University. Pursuant to this recommendation of the Committee, the impugned orders, dated 12.11.2024 and 13.11.2024, were passed cancelling the admission



of the petitioner in the M.B.B.S. course and his expulsion from the University.

14. The brief facts of **CWJC No. 335 of 2025 (Ashish Ranjan v. The State of Bihar and Others)** is that the petitioner is a student of 3rd Professional MBBS Part I, at Government Medical College, Bettiah, West Champaran. The allegation against the petitioner is that one Vishal Kumar, a student of the same College, appeared in the 3rd Professional MBBS Part-I, 2023 Examination in the E.N.T. paper, on behalf of the petitioner, thereby committing impersonation.

15. On 04.10.2024, a show cause notice was issued by the Controller of Examination of the University, alleging that another student had appeared in the said examination in place of the petitioner.

16. Subsequently, by letter no. 4847, dated 22.10.2024, issued under the signature of the Controller of Examination of the University, the petitioner was directed to appear before the 57th Unfair Means Committee on 23.10.2024.

17. The petitioner appeared before the Committee on 23.10.2024 and submitted his show cause reply. After considering the report submitted by the Central Superintendent of the University as well as the reply of the petitioner, the Committee



came to the finding that the petitioner has committed impersonation, which fell under Clause 5.2 (c) of the Rules for Unfair Means, i.e., in respect of the student for whom the impersonator was appearing.

18. Accordingly, the Committee recommended for cancellation of the admission of the petitioner in the M.B.B.S. course and his expulsion from the University.

19. Pursuant to this recommendation of the Committee, the impugned orders, dated 12.11.2024 and 20.11.2024, were passed cancelling the admission of the petitioner in the M.B.B.S. course and his expulsion from the University.

20. The brief facts of **CWJC No. 538 of 2025 (Abhishek Kumar v. The State of Bihar and Others)** is that the petitioner is a student of 3rd Professional MBBS Part-II at Government Medical College, Bettiah, West Champaran. The allegation against the petitioner is that he, being a student of the said College, appeared in the 3rd Professional MBBS Part-I, 2023 Examination in place of Arvind Kumar Mehta, thereby he has committed impersonation.

21. The petitioner was directed to appear before a High-Level Committee in connection with an inquiry in the alleged impersonation committed by him in the 3rd Professional MBBS



Part–I and Part–II Examinations, 2023. The petitioner appeared before the said Committee on 07.10.2024. Thereafter, on 04.10.2024, a show cause notice was issued, directing the petitioner to appear before the 57th Unfair Means Committee on 23.10.2024.

22. The petitioner appeared before the Committee on 23.10.2024 and submitted his show cause reply. Upon consideration of the report submitted by the Central Superintendent of the University and the reply of the petitioner, the Committee came to the conclusion that the petitioner has committed impersonation and this conduct of the petitioner fell under Clause 5.2 (a) of the Rules for Unfair Means, i.e., if the impersonator is identified as a student of the University.

23. Accordingly, the Committee recommended for cancellation of the admission of the petitioner in the M.B.B.S. course and his expulsion from the University.

24. Pursuant to this recommendation of the Committee, the impugned orders, dated 12.11.2024 and 20.11.2024, were passed cancelling the admission of the petitioner in the M.B.B.S. course and his expulsion from the University.

25. The brief facts of **CWJC No. 1012 of 2025 (Vishal Kumar v. The State of Bihar and Others)** is that the petitioner



has passed out the M.B.B.S. course from Government Medical College, Bettiah, West Champaran in the year 2024, and was doing internship after registering with the Bihar Council of Medical Registration.

26. The allegation against the petitioner is that he, being a student of Government Medical College, Bettiah, West Champaran, appeared in the 3rd Professional MBBS Part-I, 2023 Examination on behalf of Ashish Ranjan in the E.N.T. paper, thereby committing impersonation.

27. On 04.10.2024, a show cause notice was issued by the Controller of Examination of the University regarding his alleged impersonation and was called upon to submit his reply. Subsequently, by letter no. 4846, dated 22.10.2024, issued under the signature of the Controller of Examination of the University, the petitioner was directed to appear before the 57th Unfair Means Committee on 23.10.2024.

28. The petitioner appeared before the Committee on 23.10.2024 and submitted his show cause reply. Upon consideration of the report submitted by the Central Superintendent of the University and the reply of the petitioner, the Committee recorded that the case involved impersonation by the petitioner. The Committee came to the conclusion that the



petitioner has committed impersonation and this conduct of the petitioner fall under Clause 5.2 (a) of the Rules for Unfair Means, i.e., if the impersonator is identified as a student of the University.

29. Accordingly, the Committee recommended for cancellation of the admission of the petitioner in the M.B.B.S. course and his expulsion from the University.

30. Pursuant to this recommendation of the Committee, the impugned orders, dated 12.11.2024 and 20.11.2024, were passed cancelling the admission of the petitioner in the M.B.B.S. course and his expulsion from the University.

31. It is also relevant to mention here that in relation to the aforesaid allegation, Jakkanpur Police Station Case No. 554 of 2024, dated 27.09.2024, was registered against all the petitioners under Section 319 (2) of the Bharatiya Nyaya Sanhita, 2023 and in the said case, all the petitioners are on bail.

32. Learned counsel for the petitioners has informed this Court the current status of the petitioners. The petitioners, namely, Bhawesh Kumar Bhaskar and Abhishek Kumar, have completed the 3rd Professional Part-II i.e. Final Year MBBS Examination; however, their results have been withheld, as a result of which they are unable to join the internship programme.



33. The petitioners, Afzal Azad and Ashish Ranjan, are presently studying in the 3rd Professional Part–I i.e. 3rd Year of M.B.B.S. course. Although the 3rd Professional Part–II course has commenced, they have not been allowed to attend their classes.

34. The petitioner Vishal Kumar was an intern, registered with the Bihar Council of Medical Registration at Government Medical College & Hospital, Bettiah, West Champaran, vide provisional registration certificate, dated 15.07.2024. He had already completed his MBBS course from the said College in 2024. During the pendency of the present writ application, he completed his internship on 15.07.2025, and has been issued an Internship Certificate, bearing Memo No. 1554 dated 21.07.2025.

35. Learned Senior Counsel for the petitioners submits that the imposition of punishment of cancellation of admission and consequent expulsion from the university on the ground of impersonation is wholly disproportionate and unreasonable. It has been argued that such an extreme penalty would cause irreversible and irreparable damage to the career as well as the overall well being of the petitioners. By imposing such punishment, the respondents have failed to take into account the cascading effect of



the decision on the life, dignity, and future prospects of the petitioners.

36. Referring to the provisions of the Aryabhata Knowledge University Act, 2008 (herein after referred to as ‘the Act’), it has been submitted that Section 27 of the Act deals with the power to make statutes. Section 27 (16) of the Act provides that statutes may be framed regarding the maintenance of discipline amongst employees and students of the University, colleges and institutions.

37. Similarly, Section 29 of the Act deals with the power to make ordinances, and in particular Section 29 (1) (n) of the Act stipulates that ordinances may provide for the categories of misconduct for which action may be taken under the Act, the statutes or the ordinances.

38. Further, Section 30 of the Act deals with the power to make regulations, whereby the authorities of the University may make regulations consistent with the Act, the statutes and the ordinances. It is, thus, submitted that any provision in relation to the maintenance of discipline or prescribing categories of misconduct can be framed validly through a statute or an ordinance in accordance with the Act.



39. In the present case, the ‘Rules for Unfair Means’ do not indicate under which provision of the Act, it has been framed nor do it discloses its statutory backing.

40. Section 46 of the Act mandates that every statute, ordinance or regulation made under the Act shall be published in the Official Gazette. However, in the case of the ‘Rules for Unfair Means’, there is no indication that they have been so published.

41. To the contrary, invoking the power under Section 27 of the Act, a statute has already been framed. Section 27 of the Statute specifically deals with the maintenance of discipline amongst the students and employees of the University and the procedure thereunder. This statute has also been duly published in the Official Gazette.

42. Learned Counsel for the petitioners, referring to Section 27 of the Statute, further argued that Section 27 of the Statute deals with the maintenance of discipline amongst the students and employees of the University and Clause (a) of Section 27 provides that the Vice Chancellor of the University shall have the authority and power to take action for maintaining discipline and to impose disciplinary measures in relation to the students and employees of the University, in accordance with the provisions contained in the Statute.



43. Further, Clause (d) of Section 27 prescribes that the Vice Chancellor may, in exercise of such powers, by order, direct that any student be expelled or rusticated for a specified period or be not admitted to any course of study in a college, institution, department, or school of the University for the stated period, or be punished with a fine of a specified amount, or be debarred from taking one or more examinations conducted by the University, or that the results of the students in the examination in which he has appeared be withheld or cancelled.

44. Relying upon Clause (d), learned Senior Counsel submits that the Vice Chancellor has discretion to impose a range of punishments in disciplinary matters, including expulsion, rustication, fine, debarment from examinations and cancellation or withholding of results. However, in the present case, the Vice Chancellor chose to impose the extreme penalty of cancellation of admission, coupled with permanent expulsion, which is grossly disproportionate and unreasonable in the facts and circumstances of the case.

45. It has been argued that Clause (f) of Section 27 of the Statutes permits the University to frame rules of discipline, like in the present case, 'Rules for Unfair Means', is without prejudice to the powers of the Vice Chancellor under Clause (d). Therefore,



the Rules for Unfair Means should be read harmoniously with Section 27 (d), and not as removing or curtailing the discretion expressly vested with the Vice Chancellor. Even when acting under the Rules for Unfair Means, the Vice Chancellor is required to consider the facts of each case and choose a punishment proportional to the gravity of the alleged misconduct.

46. It is further argued that Clause (f) of Section 27 is supplemental to Clause (d). The Rules for Unfair Means, under which the impugned punishments have been imposed, contravene Section 27(d) and curtails the discretion otherwise vested with the Vice Chancellor under the Act inasmuch as those Rules do not provide any scope for the exercise of such discretion.

47. In the present matter, however, the Vice Chancellor has imposed the most extreme penalty, i.e. cancellation of admission and permanent expulsion from the University without recording any reasons as to why lesser punishments, expressly contemplated under Section 27(d), were not considered appropriate and renders the decision disproportionate and unreasonable, especially given the severe and irreversible impact on the petitioners' careers and future prospects.

48. Moreover, learned Senior Counsel argued that there is no statutory backing for the Rules for Unfair Means as it does



not indicate the provision of the Act under which it has been framed nor does it bear the signature of the competent rule-making authority. Furthermore, such rules cannot override or be in supersession of the statute itself, particularly when they take away the discretion vested with the Vice Chancellor under Section 27(d) of the statute.

49. Accordingly, it is submitted that the punishment imposed upon the petitioners, besides lacking a valid legal foundation, is unduly harsh and liable to be set aside.

50. Relying upon the rules of other universities, learned Senior Counsel submits that the imposition of punishment of cancellation of admission is disproportionately harsh in the present case, which is evident from the comparatively lesser punishments prescribed by other institutions.

51. Reference, in this regard, is made to Clause E, Punishment II of the University of Delhi Rules on Procedure and Punishment of Unfair means/Disorderly Conduct in Examination, which provides that in such cases, the punishment shall be cancellation of all the papers taken by the candidate in the current semester/professional examination and further debarment from appearing in any examination of the University till the end of the next five subsequent semester/professional examinations. It further



permits the candidate to reappear in the same semester/ professional examination conducted by the University during the subsequent third academic session at the earliest.

52. Attention has also been invited to Rule 12 of Use of Unfair Means in Examinations and Penalties of AIIMS, Rajkot, which prescribes punishment in the form of awarding zero marks in the concerned examination and debarment of the student from appearing in the respective professional examination for a maximum period of three years, or as otherwise determined by the Committee.

53. Further, reference is made to the relevant rules of the West Bengal University of Health Sciences, wherein the prescribed punishment in cases of impersonation is cancellation of the examination of the candidate.

54. It is submitted that when compared to these standards adopted by other reputed medical and academic institutions, the punishment of cancellation of admission, coupled with expulsion from the University, as imposed upon the petitioners in the present case, is manifestly excessive and disproportionate.

55. Placing reliance on Para 5 of the Guidelines for Promotion of Physical Fitness, Sports, Students' Health, Welfare,



Psychological and Emotional Well Being at Higher Educational Institutions of India of the UGC, learned Senior Counsel submits that the University ought to have adopted a reformist approach in the present case. It has been argued that the Guidelines specifically discourage purely punitive measures, like suspension or expulsion without objective analysis of the alleged misconduct, and instead, emphasize affirmative action through structured reform and self-development programmes, psychological counselling, and wellness initiatives such as yoga and meditation.

56. Accordingly, the submission is that the University should have provided the petitioners an opportunity to reform; rather than imposing the extreme penalty of cancellation of admission and expulsion, which is disproportionate and has long term adverse consequences on their career and well-being.

57. With respect to the petitioner Vishal Kumar (CWJC no. 1012 of 2025), learned Senior Counsel submits that the conduct rule being relied upon by the respondents is the Rules for Unfair Means. Under Rule 5.1 (a) of the Rules, in a case of impersonation, if the impersonator is identified to be a student of the University, the prescribed punishment is that his/her admission be cancelled and he/she will be expelled from the University.



He/She will also be handed over to the police/Magistrate for action under law.

58. It is submitted that reliance on this provision by the respondents is wholly misplaced inasmuch as the petitioner is not a student but an intern at the College, having already completed his MBBS course in the year 2024. Since he has already graduated, there is no occasion to cancel his admission. Therefore, the decision to cancel the admission of the petitioner, who was no longer a student of the University, is without jurisdiction. At best, only Rule 5.1(b) of the Rules could have been invoked, which stipulates that if the impersonator is identified to be other than a student of the University, he/she will be handed over to the police/Magistrate for action under law. Hence, the punishment of cancellation of admission imposed upon the petitioner is, in no case, permissible.

59. It is further submitted that a perusal of Clauses 5.1 (a) and (c) of the Rules would indicate that both provisions are applicable only in respect of students. The respondents have erroneously proceeded on the premise that the petitioner continues to be a student of the University as the MBBS course is said to be completed only after the one-year compulsory internship is completed. The real issue, however, is whether Vishal Kumar



remains a student of the University, so as to attract disciplinary jurisdiction under the Rules for Unfair Means.

60. In this context, reliance is placed on the National Medical Commission (Compulsory Rotating Medical Internship) Regulations, 2021, wherein Rule 2 (e) defines an “Intern” as a medical graduate undergoing compulsory rotating internship training under these regulations. Therefore, even though the MBBS degree may not yet have been formally conferred, an intern cannot be equated with a student of the University for the purposes of disciplinary action under the Rules. Accordingly, the impugned order cancelling the admission of the petitioner and consequent expulsion is beyond jurisdiction and is unsustainable.

61. Lastly, learned Senior Counsel submits that the action of the respondent University in cancelling the admission of the petitioners and ordering their consequent expulsion from the University is violative of Articles 14 and 21 of the Constitution of India.

62. Learned Counsel placed heavy reliance upon the decision of the Division Bench of the Bombay High Court, in the case of **X v. Maharashtra National Law University, through its Vice Chancellor and Others**, reported in **2024 SCCOnline Bom 3258**, particularly paragraph 17, wherein the Court, while



examining the aspect of proportionality vis-à-vis punishment, reiterated that in judicial review under Article 226, the Writ Court is principally concerned with the decision-making process rather than the decision itself. If the process is fair and the decision is otherwise in accordance with law, interference would not be warranted. However, the Court also emphasized that the choice and quantum of punishment, though within the discretion of the competent authority, can be interfered with if it is found to be so disproportionate to the act in question as to shock one's judicial conscience, applying the principle laid down by the Hon'ble Supreme Court in the case of **Ranjit Thakur v. Union of India**, reported in **1987 INSC 285**.

63. Further reliance is placed on paragraph 20 of **Maharashtra National Law University** (supra), wherein the Division Bench referred to the Allahabad High Court's decision, in the case of **Anant Narayan Mishra v. Union of India**, reported in **2019 AHC 201145**, observing that termination of dialogue with a delinquent student without offering any opportunity to reform makes him an outcast, resulting in a total loss of human self-worth, and that suspension or debarment amounts to the University abandoning its ward.



64. Referring to paragraph 21 of **Maharashtra National Law University** (supra), wherein the Division Bench discussed the decision of the Karnataka High Court, in the case of **T.T. Chakravarthy Yuvaraj v. Principal, B.M.S. College of Engineering and Others**, reported in **1996 SCC ONLINE Kar 616**, wherein the challenge to an order of expulsion was considered and it was held that to permanently end the career of the students would not be an appropriate punishment and instead, expulsion for a period of three years was deemed sufficient.

65. Finally, reliance is placed on paragraph 32 of **Maharashtra National Law University** (supra), wherein, applying the principle of proportionality, it was directed that the order of expulsion in that case should operate only till the end of the academic year 2024–2025.

66. It has been submitted that the ratio of the decision, in **Maharashtra National Law University** (supra), squarely applies to the present case and the punishment of permanent cancellation of admission and expulsion from the University is grossly disproportionate, especially when a lesser punishment could serve the ends of justice while preserving the possibility of reformation.

67. Learned Senior Counsel for the petitioners further submits that the respondents have failed to appreciate that the



present case is fit to be allowed in equity in terms of the law laid down by the Hon'ble Supreme Court in **Ramesh Chandra Sankla and Others v. Vikram Cement and Others**, reported in (2008) 14 SCC 58, wherein it was affirmed that the jurisdiction of the High Courts under Articles 226 and 227 of the Constitution is discretionary and equitable. In the facts of the present case, upholding the punishment of cancellation of admission would sound the death knell for the petitioners, leaving them with no opportunity for redemption or rehabilitation.

68. On the other hand, learned Counsel for the University submits that the present writ applications have been contested primarily on five grounds, as urged by the petitioners, namely-

(i) the impugned action cancelling the admission of the petitioners and ordering their subsequent expulsion from the University is violative of Articles 14 and 21 of the Constitution of India;

(ii) the punishment imposed is incorrect and without sufficient evidence;

(iii) the penalty of cancellation of admission is disproportionate and unreasonable;



(iv) the punishment is against human life and dignity and not based on equity; and

(v) although in the original writ petitions or in the interlocutory applications there is no specific pleading challenging the validity of the *Rules for Unfair Means* of the University, during the course of arguments verbal submissions have been advanced seeking to question the vires of the said Rules.

69. Replying to the first and fourth grounds, learned Counsel for the University submits that all the petitioners have accepted their guilt of having indulged in the act of impersonation during the examination. The question, which now arises, is whether a person who has committed an offence can claim infringement of fundamental rights under Articles 14 and 21 of the Constitution.

70. In the present case, every offender has been treated equally and the punishment prescribed under the Rules for Unfair Means of the University has been imposed without any discrimination. Therefore, there is no question of violation of Article 14 of the Constitution.

71. As regards Article 21 of the Constitution, it has been submitted that the said Article guarantees the right to life and personal liberty, but that right is not absolute. Article 21 of the



Constitution itself stipulates that no person shall be deprived of his life or personal liberty except according to procedure established by law.

72. In the present case, the punishment for impersonation has been imposed strictly in accordance with the procedure established by law after affording proper opportunity of hearing to all the petitioners. Countering the petitioners' argument that the High Court, in exercise of its jurisdiction, would act not only as a court of law but also as a court of equity, learned Counsel submits that one who seeks equity must do equity. Equity promotes honesty and fair play and the petitioners, by indulging in impersonation, have acted in the manner, which is entirely contrary to these principles. Their conduct is not at all equitable and, therefore, no equitable relief ought to be granted to them.

73. Replying to the second and fifth grounds contested by learned Senior Counsel for the petitioners, learned Counsel for the University, referring to various provisions of the Aryabhata Knowledge University Act, 2008, and the Statute framed thereunder, submits that the Rules for Unfair Means have been duly formulated with the approval of the Vice Chancellor. The said Rules derive their authority from the provisions of the Act and the Statute, particularly Section 27 (f) of the Statute.



74. It has further been submitted that the University has conducted the proceedings against the petitioners strictly in accordance with these Rules, and all procedural requirements, including compliance with the principles of natural justice, have been met. The petitioners were issued show cause notices and given opportunity to submit their written replies. Thereafter, they were directed to appear before the 57th meeting of the Unfair Means Committee, and proper opportunity of hearing was afforded to them. It is further contended that all the petitioners admitted their involvement in the alleged impersonation during the examination and they have been penalized strictly in accordance with the Rules for Unfair Means, particularly Clause 5.1 thereof.

75. With regard to the challenge made during the course of arguments to the validity of the Rules for Unfair Means, it is submitted that such challenge is not maintainable inasmuch as neither the original writ petitions nor any supplementary affidavit contains any such plea. A constitutional challenge to the vires of the Rules cannot be entertained in the absence of proper pleadings.

76. Referring to the Rules for Unfair Means, learned Counsel submits that the said Rules are in consonance with the object and purpose of the Act and have a reasonable and rational nexus with the aims they seek to achieve.



77. It has been argued that the Rules have been framed to uphold the integrity of the examination process and to deter serious misconduct, such as impersonation. The punishment imposed upon the petitioners has been expressly provided in these Rules. The impugned action has not been taken by the Vice Chancellor on his whims or fancies, but strictly in accordance with the provisions of the Rules after following the due process.

78. Relying on Section 27 (g) of the Statute, learned Counsel points out that at the time of admission, every student is required to sign a declaration submitting himself to the disciplinary jurisdiction of the Vice Chancellor and other authorities of the University. The petitioners, having voluntarily accepted this jurisdiction at the time of their admission, are bound by the disciplinary framework, including the penalties prescribed for misconduct under the Rules for Unfair Means.

79. With regard to the petitioner, Vishal Kumar, learned Counsel for the University submits that the contention of the petitioner that he has already passed the MBBS examination from the College and is now an intern, registered with the Bihar Council of Medical Registration, and, therefore, he cannot be treated as a student of the University and does not fall within the purview of the Rules, is wholly misconceived. The petitioner continues to be



a student of the University as his internship is still ongoing. As per the guidelines of the Medical Council of India, only after successful completion of the mandatory internship is the degree of MBBS formally conferred upon a student. It is only upon the grant of such degree that a candidate ceases to be a student of the University and till then, the student remains under the disciplinary jurisdiction of the University and is governed by the provisions of the Aryabhatta Knowledge University Act, the Statute, and the Rules for Unfair Means. He further submits that on 27.09.2024, while the ENT paper for the 3rd Professional MBBS Part-I Examination was in progress, and during verification of the admit cards of the examinees, it was found by the Invigilator that the petitioner, being a student of the University who had passed the MBBS course but was still an intern, had adopted the method of impersonation by appearing and writing the examination in place of petitioner Ashish Ranjan, a student of Government Medical College, Bettiah under the University.

80. The Invigilator prepared and submitted his report, dated 27.09.2024, to the University, informing that the petitioner had been caught appearing and writing in place of the said examinee. This report bears the signature of the petitioner. The Centre Superintendent of the examination thereafter verified the



incident and prepared his own report confirming the impersonation.

81. Learned counsel for the University submits that the petitioners have thus rightly been imposed with the punishment prescribed under the Rules for Unfair Means and there is no question of the penalty being disproportionate. It is emphasized that the petitioners committed the offence of impersonation in a medical course examination such as MBBS, which is directly connected to public health and safety. Such misconduct is an offence against society at large and especially in light of the petitioners' admission of guilt, they deserve no sympathy from this Court.

82. Learned counsel for the respondent University, has placed reliance on the following judgments of the Hon'ble Supreme Court :-

1. Board of High School and Intermediate Education, U. P. v. Bagleshwar Prasad and Others (AIR 1996 SC 875);

2. Maharashtra State Board of Secondary and Higher Secondary Education and Others v. Paritosh Bhupeshkumar Sheth and Others, reported in (1984) 4 SCC 27;



3. Maharashtra State Board of Secondary and Higher Secondary Education and Others v. K.S. Gandhi and Others, reported in (1991) 2 SCC 716;

4. Controller of Examination and Others v. G.S. Sundar and Others, reported in 1993 Supp (3) SCC 82;

5. Chairman, J & K State Board of Education v. Feyaz Ahmed Malik and Others, reported in (2000) 3 SCC 59;

6. Regional Officer, CBSE v. Sheena Peethambaran and Others, reported in (2003) 7 SCC 719;

7. Ram Preeti Yadav v. U.P. Board of High School and Intermediate Education and Others, reported in (2003) 8 SCC 311; and

8. Director (Studies) and Others v. Vaibhav Singh Chauhan, reported in 2009 (1) PLJR 108 SC.

83. I have heard learned Counsel for the parties concerned and have gone through the entire materials available on record.

84. The petitioners before this Court are young students, pursuing the professional medical course, having secured admission on merit and successfully completed a substantial part of the course. The allegations of impersonation has been levelled against them while taking examination, whereupon proceedings



were initiated under the Rules of Unfair Means. The petitioners have been awarded the penalty of cancellation of admission and permanent expulsion from the University.

85. According to the petitioners, the punishment is unduly harsh and disproportionate to the nature of the misconduct. The punishment order fails to take into account that they are the first-time offenders without any adverse record in their academic career. It has been further argued that the University authorities have not exercised the discretion available under the parent Statute and ignored the mandate of the UGC Guidelines, dated 12.04.2023, which emphasize corrective and reformatory measures.

86. On the other hand, learned Counsel for the respondents has defended the action of the University, contending that the penalty was imposed strictly in terms of the rules framed under Section 27 (f) of the Statute. It has been submitted that maintenance of academic discipline is of paramount importance in institutions of higher learning, and the misconduct of the petitioners, in the context in which it occurred, was of such a nature that it warranted strict action so as to preserve the sanctity of examination and institute and deter similar incidents in future. It is argued that the University acted within its jurisdiction following



the prescribed procedure, and this Court, in exercise of writ jurisdiction, ought not to substitute its views on the appropriate penalty unless it is shown to be shockingly or disproportionate.

87. It is in this backdrop of rival submissions and keeping in view both, the factual matrix and the legal framework, this Court proceeds to examine the questions arising for determination.

88. This Court is conscious of the fact that in the present case, it is neither called upon to examine nor is it expressing any opinion on the vires of the Rules for Unfair Means. The Court is confining itself strictly to the issue at hand, namely, whether, in the facts of the present case, the Vice Chancellor of the University, while acting under Section 27 of the Statute read with the Rules, has exercised the discretion vested with him and whether the penalty imposed is proportionate to the proven misconduct, i.e. impersonation. The adjudication herein is thus limited to the scope of judicial review over the impugned orders in light of the statutory framework and the settled principles of proportionality.

89. The Court is also cognizant of the settled position that when it comes to the maintenance of academic standards, judicial interference in the internal administration of educational institutions should be exercised with great circumspection. The



decisions of academic bodies are largely in the nature of policy decisions and are based upon their day-to-day experience in maintaining discipline and academic integrity. So long as such decisions are not arbitrary, unreasonable or violative of the principles of natural justice, the Court ought not to interfere therein. Every institution has the right to set its own benchmark for achieving discipline in academic matters and is empowered to take appropriate disciplinary action against delinquent students.

90. It is trite law that a rule cannot override the Act or the Statute nor can it restrict the ambit of the parent legislation. In the context of the present case, this principle means that the Rules for Unfair Means, being subordinate legislation framed in exercise of the enabling power conferred by the Statute, cannot operate to curtail or take away the discretion expressly vested with the Vice Chancellor of the University under Section 27(d) of the Statute to impose one or more punishment enumerated therein. The subordinate legislation is intended to be in aid of, and not in derogation of, the parent Statute. It is well settled that such rules must be read harmoniously with the provisions of the parent Statute and cannot be so interpreted as to render the substantive statutory provision otiose or nugatory. Therefore, even though the Rules framed under Section 27(f) prescribe a specific punishment



of cancellation of admission and consequent expulsion for the offence of impersonation, such prescription cannot be construed as fettering the statutory discretion of the Vice Chancellor of the University to consider and impose any of the punishment provided under Section 27(d) of the Statute, as the facts and circumstances of the case may warrant.

91. In the present case, the statutory framework under Section 27(d) of the Statute vests the Vice Chancellor of the University with a range of discretionary options in awarding punishment. Section 27(f), while empowering the framing of elaborate rules of discipline, expressly states that such rules are to operate 'without prejudice to the powers of the Vice Chancellor'. This legislative phrase indicates that such rules supplement, rather than supplant, the discretion conferred by Section 27(d). The Vice Chancellor, therefore, remains under duty to apply his independent mind to the facts of each case and select a punishment commensurate with the gravity of the misconduct, guided by but not bound in absolute terms with the subordinate legislation.

92. This Court finds guidance from the decision of the Supreme Court, in the case of **Dharani Sugars and Chemicals Ltd. v. Union of India**, reported in **(2019) 5 SCC 480**, wherein the Supreme Court, while interpreting similar 'without prejudice'



clause, held that such expressions indicate that the powers conferred are additional to, and not in derogation of, other powers contained in the same enactment. Furthermore, As held by the Supreme Court, in the case of **BSNL v. TRAI**, reported in **(2014) 3 SCC 222**, and reaffirmed in *Union of India v. Pfizer Ltd.*, reported in **(2018) 2 SCC 39**, the words 'without prejudice' make it clear that the enumerated powers are only illustrative of the general power and do not restrict or curtail it.

93. Applying this principle in the case at hand, Section 27 (f) of the Statute, under which the Rules for Unfair Means are framed, expressly states that it is without prejudice to the powers of the Vice Chancellor. This means that the discretion of the Vice Chancellor, under Section 27(d), to impose a range of punishments for misconduct, remains intact and cannot be curtailed by the subordinate legislation framed under Section 27(f). The Rules for Unfair Means must, therefore, be read as supplementary to the statutory discretion of the Vice Chancellor. Any interpretation to the contrary would amount to allowing subordinate legislation to override the parent statute, which is impermissible in law.

94. From the plain reading of the impugned orders, it is manifest that the Vice Chancellor mechanically accepted the recommendation of the Unfair Means Committee without



recording any reason to demonstrate an independent exercise of discretion. The penalty imposed in the present case, i.e., cancellation of admission and permanent expulsion is the maximum available punishment under the rules and no consideration is evident as to whether a lesser, but still deterrent, penalty would meet the ends of justice, especially in the case of students and first-time offenders. This absence of application of mind is in itself a ground for judicial interference, independent of the question of proportionality.

95. Now, come to the question of doctrine of proportionality and the necessity of a reformist approach.

96. Having examined the statutory framework of the University, this Court has found that the relevant statute vests discretion with the Vice Chancellor to decide the appropriate course of action in disciplinary matters. Such discretion, however, must be exercised in consonance with constitutional mandates and cannot be fettered or nullified by subordinate rules or executive instructions, which cannot override the statute itself.

97. In the present case, the Vice Chancellor failed to exercise such discretion judiciously and mechanically applied the punitive provisions without considering the reformist possibilities.



98. At this stage, it becomes necessary to address the doctrine of proportionality, which has now become an integral part of our constitutional jurisprudence.

99. The doctrine of proportionality has been discussed by the Honb'le Supreme Court, in the case of **Ranjit Thakur v. Union of India**, reported in (1987) 4 SCC 611, wherein the Supreme Court, in paragraph 26, has held that the question of choice and quantum of punishment, though within the jurisdiction and discretion of the punishing authority, but the sentence has to suit the offence and the offender; it should not be vindictive or unduly harsh nor it should be so disproportionate to the offence so as to shock the conscience and amount in itself to conclusive evidence of bias; the punishment if in outrageous defiance of logic, then would not be immune from correction.

100. The Supreme Court, in paragraph 26 of **Ranjit Thakur** (supra), has also discussed the decision, in the case of **Bhagat Ram v. State of Himachal Pradesh** reported in (1983) 2 SCC 442, wherein it was held that it is equally true that the penalty imposed must be commensurate with the gravity of the misconduct and that any penalty disproportionate to the gravity of the misconduct would be violative of Article 14 of the Constitution.



101. The Karnataka High Court, in paragraph 17 of **T. T. Chakravarthy Yuvaraj** (supra), has observed that in inflicting appropriate punishment, certain aspects have to be borne in mind. When the relationship of the Head of the Institution and the student is that of a parent and child, the punishment imposed should not result in any retribution or give vent to a feeling of wrath. The main purpose of punishment is to correct the fault of the student concerned by making him more alert in future and to hold out a warning to other students to be careful, so that they may not expose themselves to similar punishment and the approach is that of a parent towards an erring or misguided child. In order not to attract the criticism that the action is a result of arbitrariness, it has to be ensured that the penalty imposed is commensurate with the magnitude of the fault. Certainly one cannot rationally or justly impose the same penalty for giving a slap to the one imposed for homicide. Unless the disciplinary authority reaches the conclusion that having regard to the nature of the misconduct it would be totally unsafe to retain them in the college, the maximum penalty of expulsion from the college should not be imposed. If a lesser penalty can be imposed without jeopardizing the interest of the college, the disciplinary authority cannot impose a maximum penalty of expulsion from the college. The concerned Head of the



Institution must necessarily have an introspection and a rational faculty as to why lesser penalty cannot be imposed. In doing so, it should also be borne in mind that when the maximum penalty is imposed total ruination stares one in the eye rendering such student a vagabond as being unwanted both by the parents and the educational institution. Frustration that would result would seriously jeopardize young life. Every harsh order results in bitterness and arises a feeling of antagonism and many a time turn a student into an anti-social element and in that way it results in more harm than good to the Society.

102. Furthermore, the Delhi High Court, in the case of *Akshay Chaudhary v. University of Delhi*, reported in **2010 SCC OnLine Del 3061**, while dealing with the case of permanent expulsion held as follows:

“**22.**Therefore permanently putting an end to the career of the petitioners would not be an appropriate punishment. The Karnataka High Court quotes Shakespeare in “Merchant of Venice”: “Justice should be tempered with mercy” and Jesus Christ: “They know not what they do. Forgive them”.

23. In the words of George Bernard Shaw, “If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and men, are not improved by injuries.” Modern penologists hold the view that punishment should not



necessarily be 'retributory' and 'deterrent' but should be 'rehabilitative'. Hegel, a German Philosopher in his theory on Punishment asserts that "object of punishment is to make the criminal repent his crime, and by doing so to realize his moral character, which has been temporarily obscured by his wrong action, but which is his deepest and truest nature." Justice Krishna Iyer in *Mohammad Giasuddin v. State of Andhra Pradesh*, (1977) 3 SCC 287 emphasized, "The sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by reculturation."

24. The Supreme Court in *Divisional Controller, N.E.K.R.T.C. v. H. Amaresh*, (2006) 6 SCC 187 : AIR 2006 SC 2730 and *UPSRTC v. Vinod Kumar*, (2008) 1 SCC 115 has held that the punishment should always be proportionate to the gravity of the misconduct and the High Court under Article 226 gets jurisdiction to interfere with the punishment only when it finds that the punishment imposed is shockingly disproportionate to the charges prove."

103. The Allahabad High Court, in the case of **Mohammad Zoraiz v. Aligarh Muslim University**, reported in **2023 SCC OnLine All 4215**, undertook an elaborate examination of the principles governing academic discipline, the limits of punitive action, and the necessity of adopting a reformist approach, while also comprehensively considering the UGC Guidelines, dated 12.04.2023. The Court acknowledged that disciplinary action



becomes necessary in many cases of student misconduct. However, equal emphasis was given to the reformist approach to deal with aberrational behaviour by students. The Court further observed, on perusal of the statutes of the universities, namely BHU, IIT-BHU and AMU, that it is evident that they do not contain provisions for reform and rehabilitation of delinquent students. The action against such students is governed solely by the penal provisions of the statutes, which adopt a punitive scheme to the exclusion of other methods. The statutory frameworks of the universities examined in this case reveal that all adopt a purely penal approach to deviant behaviour, allowing for punishments such as suspension, expulsion, or debarment, but containing no structured programmes for reform, self-development, or rehabilitation. This statutory monopoly of a punitive approach constrains the decision-maker, leading to disproportionate punishments not because the authority lacks capacity for a measured response, but because the ordinances themselves preclude proportional alternatives. While the presence of punitive provisions is necessary, the complete omission of reformatory measures results in an imbalance that adversely impacts the rights of the students.

104. In the above background of the principles of proportionality, the reformist approach, as well as the UGC



Guidelines, dated 10.04.2023, this Court has perused the Rules for Unfair Means framed by the University under Section 27(f) of the Statute. A plain reading of the said Rules reveals that while several categories of unfair practices, such as possession of unauthorized papers (Categories 1 and 2) or substitution of answer scripts (Category 4), attract punishments limited to cancellation of the current examination and/or debarment for a fix period. To the contrary, the offence of impersonation (Category 5.1) carries only a single and extreme punishment, i.e. cancellation of admission, permanent expulsion from the University and handing over the delinquent to the police or magistrate for criminal action.

105. It further bears emphasis that for all other prescribed offences under the Rules, the punishments are fix in nature and none contemplate permanent expulsion. The absence of a graduated response in the case of impersonation stands out in stark contrast.

106. This Court is well aware of the limits of judicial review in matters pertaining to academic discipline; however, in the present case, what weighs heavily on the conscience of the Court is that the doctrine of proportionality demands a calibrated and balanced response to the nature of the misconduct. The punishment of permanent expulsion imposed on the petitioners,



coupled with the cancellation of their admission, is an action of extreme severity. Such a measure carries irreversible and enduring penal consequences, forecloses all avenues of reform and extinguishes the academic future of young students at a single stroke.

107. Moreover, the penalty imposed bears no rational or reasonable nexus with the legitimate purpose it seeks to achieve inasmuch as the objective of maintaining discipline in the University cannot be pursued to the total exclusion of the equally important goal of affording students an opportunity to reform and rehabilitate.

108. In fact, as the UGC Guidelines of 12.04.2023 underscore that discipline in higher education institutions must be pursued through a composite approach which supplements deterrence with constructive reform and self-development programmes. By imposing the most extreme punishment without examining mitigating factors or the possibility of rehabilitation, the University has not achieved a balance between the imperatives of institutional discipline and the constitutional value of individual reform.

109. The analogy is apt that just as the Supreme Court, in the case of **Kulja Industries Ltd. v. Chief General Manager,**



W.T. Project, BSNL (AIR 2014 SC 9), has held that blacklisting an entity indefinitely is disproportionate and tantamount to inflicting “economic death,” the permanent expulsion of a student likewise amounts to “academic and professional death”. Such a penalty, is unduly harsh and shockingly disproportionate to the alleged misconduct. The absence of proportionality, the failure to exercise discretion, and the adoption of a purely punitive approach to the exclusion of reformist considerations are the reasons because of which this court deems it appropriate to exercise its power of judicial review in matters of academic discipline which in normal circumstances this court should not have interfered with.. The Court, therefore, is of the view that the punishment imposed cannot be sustained in its present form.

110. I have also carefully considered the judgments relied upon by the Learned Counsel for the University, but none of the cases cited on behalf of the University pertains to the imposition of the extreme penalty of permanent expulsion of a student. In the humble view of this Court, such a punishment of permanent expulsion is nothing short of a “death knell” to the academic career of a young student, amounting to placing a full stop on his future prospects and aspirations. Unlike the factual matrix of the cases cited by the Learned Counsel for the



University, the present matter deals with the most severe penalty, i.e., permanent expulsion.

111. Having concluded that the punishment imposed upon the petitioner is unduly harsh and disproportionate to the nature of the alleged misconduct, this Court also finds that the Vice Chancellor, despite being vested with the statutory discretion to impose range of punishments, has failed to exercise such discretion in a judicious and balanced manner which would be evident from the impugned orders. The approach adopted has been purely punitive, to the exclusion of any reformatory consideration, thereby overlooking the petitioner's potential to reform.

112. In such a situation, the next question is whether the matter should be remitted to the University authorities for reconsideration, or whether this Court, keeping in view the peculiar facts of the case and the career of the students, in exercise of its powers under Article 226 of the Constitution of India, ought itself to modify the penalty so as to ensure that justice is done, consistent with the doctrine of proportionality and the constitutional mandate to adopt a reformist approach.

113. This Court has already come to the conclusion that the punishment imposed cannot be sustained in its present form. Since the penalty imposed upon the petitioners is unduly harsh and



shockingly disproportionate, the question would, now, be whether this Court should remit the matter back to the respondent University for modification of penalty in terms of Section 27 (d) of the Statute or this Court should itself modify the penalty imposed upon the petitioners.

114. In my considered view, the petitioners are pursuing professional medical course and interest of justice demands that instead of remanding the matter back to the University for reconsideration of the quantum of penalty, as per Section 27 (d), this Court is inclined to modify the penalty for the reasons discussed herein above.

115. This Court finds it appropriate to modify the punishment imposed upon the petitioners in the following manner :-

116. The petitioners, Bhawesh Kumar Bhaskar and Abhishek Kumar, who, as informed by learned Senior Counsel for the petitioners, was the student of 3rd Professional Part-II Examination, i.e. Final Year of MBBS Examination, and were found guilty of indulging in the misconduct of impersonation during the last year of their respective course itself. Consequently, their results of the said final year examination shall remain withheld and shall not be published/declared.



117. Further, in modification of the penalty of cancellation of admission and permanent expulsion from the University, it is directed that the aforesaid two petitioners shall remain expelled from the University for a period of three years reckoned from the date of the order of the Vice Chancellor.

118. With respect to the petitioners, Afzal Azad and Ashish Ranjan, as informed by learned Senior Counsel for the petitioners, they are presently pursuing the 3rd Professional Part-I Examination (3rd Year). Insofar as these two petitioners are concerned, it is directed that the result of the examination in which they were found guilty of misconduct shall remain withheld and the same shall not be published/declared.

119. In modification of the punishment as originally imposed upon them, it is further directed that these petitioners shall remain expelled from the College/University for a period of three years reckoned from the date of the order of the Vice Chancellor.

120. Insofar as the petitioner, Vishal Kumar, is concerned, as informed by learned Senior Counsel for the petitioners, he has already completed his MBBS course in the year 2024 and during the pendency of the present writ petitions, he has



also undergone and completed his one-year compulsory rotatory internship on 15.07.2025.

121. Taking into account the peculiar facts of the case of the petitioner, Vishal Kumar, and the stage of his academic career, this Court finds it appropriate that MBBS degree of the petitioner shall not be conferred for a further period of two years, reckoning from the date of the order passed by the Vice Chancellor. In addition, the petitioner, Vishal Kumar, shall be liable to pay a fine of Rs. 5,00,000/- (five lakhs) to the University, which shall be deposited by him before the expiry of two years.

122. Before parting with, this Court deems it necessary to directly remind the petitioners that the punishment modified by this Court should not be mistaken as indulgence or leniency. The petitioners must recognize that being student of medicine carries with it even higher responsibility; for, the profession is intrinsically linked with compassion, integrity, and service to humanity. It is, therefore, expected that the petitioners will treat this opportunity as a turning point, reform their ways, and dedicate themselves to becoming not only competent medical professionals but also conscientious citizens. The onus, now, lies heavily upon the petitioners to demonstrate, through conduct and diligence, that the trust reposed by this Court upon them is not misplaced and in



future, they shall uphold the dignity of their institution, serve society at large and embody the ethical values that the medical profession demands.

123. With the aforesaid observation, direction and modification, these writ applications are disposed, with costs.

124. The petitioners shall pay the cost of litigation of Rs. 25,000/- each to the University within a period of three months from today.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	AFR
CAV DATE	28-07-2025
Uploading Date	19-09-2025
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