

Ramesh Chandra Chaube vs Principal Bipin Behari Intermediate ... on 10 September, 1952

Equivalent citations: AIR1953ALL90, AIR 1953 ALLAHABAD 90

JUDGMENT

Bind Basni Prasad, J.

1. This is an application under Article 226 of the Constitution. The applicant Ramesh Chandra Chaube was admitted as a student of the 1st year Intermediate Class in the Bipin Behari Intermediate College, Jhansi, in July 1951. It is alleged that a week after his admission the Principal struck off his name from the class register and told him verbally that he could not be permitted to study in the college as he was a Communist. Later on the students of the college threatened to go on strike and at that time the applicant gave an undertaking in writing to the Principal that he would not take part in any subversive activity whether inside or outside the college. Upon this the petitioner was re-admitted into the class and he recontinued his studies in the 1st year Class. He could not take the six-monthly examination on account of his illness; but in the annual examination, it is said, he got pass marks in all the subjects. He was required to appear in a supplementary examination to be held on 10-7-1952. On 2-7-1952, the petitioner's father was informed by the Principal that he could not be re-admitted in the college during the session 1952-53. No reasons for the order were stated in the letter of the Principal. It is contended that all efforts to find out from the Principal the reasons for the action he had taken were in vain. The Inspector of Schools was then approached. He looked into the matter and sent the following answer to the petitioner's father:

"I have made inquiries in that connection and have no reason to interfere with the Principal's decision. He has a right to ask you to withdraw your ward from his institution without communicating reasons which prompted him to come to that decision."

The petitioner states that his conduct during the last session in the college was good and in support of this he produces a good conduct certificate, dated 6-6-1962, given to him by the Principal. It appears that in June last the petitioner wanted to take a part-time job and, therefore, requested the Principal to grant him a character certificate. Thereupon this certificate was given to him.

2. The contention is that it is against all principles of natural justice that the Principal should have refused to allow the petitioner to continue his studies in the 2nd year Intermediate Class without assigning any reason for the action which he has taken against him. This application under Article 226 of the Constitution has, therefore, been made with a prayer that a writ in the nature of mandamus or any other suitable direction, order or writ be issued to the Principal of the College to re-admit the petitioner.

3. No fundamental right has been infringed in the present case. The question is whether, it was necessary for the Principal to have held an inquiry and to have communicated to the petitioner the reasons for the action which he has taken against him. Reading between the lines it seems to us that the Principal came to the conclusion that in the interests of discipline among the students of the college it was not desirable that he should continue in it. The Principal was approached by one of the members of the Managing Committee and he informed him that he would explain to him the reasons. The Inspector of Schools was approached and he too was satisfied that there was no good reason to interfere with the Principal's decision. There is a tendency of indiscipline in the student community and it would be subversive of discipline if this Court were to interfere with the action taken by the heads of institutions in the interests of discipline. At all events, we do not feel satisfied that we should exercise our discretion under Article 226 of the Constitution.

4. Learned counsel has contended that this action on the part of the Principal is an infringement of the right to the freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution. We are unable to agree with this. All what the action of the Principal amounts to is that the petitioner cannot prosecute his studies in the Bipin Behari Intermediate College, Jhansi. No obstacles have been put in his way to the exercise of the right to the freedom of speech and expression. He has not been expelled or rusticated and he is at liberty to take a transfer certificate from that institution and to join any other institution in which he can find admission. Article 29 provides for the protection of cultural and educational rights. Clause (2) of that article provides:

"No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them."

The petitioner has not been denied admission on any of the aforesaid grounds. There is no guarantee in the Constitution that if a student is studying in any institution then he has a right to continue his education in that particular institution, even though he may not be acceptable to the authorities of the institution. Clause (o) of Rule 96 of the Education Code of the Uttar Pradesh provides:

"The name of a scholar who does not rejoin a school or college within 3 days of the commencement of a school term shall be struck off the rolls unless leave has been previously applied for and granted by the head of the institution, in which case he will be considered to be on the roll for the term whether or not he returns on the expiry of the leave.

Note.--This rule does not prevent the head of the institution from refusing for adequate reasons, to admit for the new sessions scholars who were on the rolls in the previous session."

There is nothing in the above rule to indicate that the Principal of the institution should communicate to the student the reasons for refusing admission to him. Indeed, sometimes it may be desirable in the interests of discipline itself not to communicate such reasons. The Principal has to

refuse admission for adequate reasons. The fact that neither the Managing Committee of the college nor the District Inspector of Schools have taken any action to reverse the order of the Principal proves that the reasons for which he took the action against the petitioner were adequate.

5. For the above reasons the application is dismissed.

6. Learned counsel requests us to certify that the case involves a substantial question of law as to the interpretation of the Constitution within the meaning of Article 132 of the Constitution. We are of opinion that no such question is involved in the present case. We refuse to grant the certificate asked for.