

A. K. Jha and Another

Vs

Vice-Chancellor, Jawaharlal Nehru University, New Delhi and Another

Writ Petitions Nos. 5310-5311 of 1983

(A. Varadarajan JJ)

23.05.1983

ORDER

1. These Writ Petitions Nos. 5310 and 5311 are by two students Ajit Kumar Jha and Neeraj Sinha of the Jawaharlal Nehru University. Ajit Kumar Jha is stated to be a student of M.A. Fourth Semester and Neeraj Sinha is stated to be a terminal M.A. student studying for seminar papers. In the writ petitions the notification dated May 11, 1983 and circular dated May 12, 1983 asking the students to vacate the hostel rooms within 48 hours of May 14, 1983 are challenged. The notification and the circular were challenged in the High Court of Delhi and the High Court passed an interim order directing the students to submit their representations to the authorities for consideration to stay in the hostel and directed the University authorities to consider those applications. The two petitioners in these writ petitions also made representations. Ajit Kumar Jha has stated in his representation that his admission process for M.Phil. in the Oxford University is going on and he has given his hostel address for the purpose and has to undergo medical examination in the British High Commission and therefore his stay in the hostel room is necessary. Neeraj Sinha has stated in his application that he is a terminal M.A. student studying for seminar papers and is also engaged in preliminary studies for M.Phil. He has further stated that he has to appear for the UPSC examination in Delhi in June 1983 and has no local guardian at Delhi or means to hire any room at Delhi and he should, therefore, be permitted to continue to reside in his hostel room. On Ajit Kumar's application the University authority has stated in its order that the grounds are not compelling enough for the University to provide accommodation in the University during sine die closure. On Neeraj Sinha's application the University authority has stated in its order that the grounds are hardly convincing. For these reasons the applications of these two writ petitioners to continue to stay in the hostel room attached to the University have been rejected.

2. Writ petitions challenging the closure of the hostels consequent on the closure sine die of the University had been dismissed by the High Court of Delhi and special leave petitions filed against those orders have already been dismissed by me. The High Court had held that the powers of the Vice-Chancellor to administer the affairs of the University include the power to close the University sine die. In the order dismissing the special leave petitions mentioned above I agreed with the reasons given by the High Court regarding the power of the Vice-Chancellor to close the University sine die. The hostels of the University are adjuncts to the University and the right of the students of the University to stay in the rooms of the hostel is in the nature of a privilege, which in my opinion, could not be claimed as a matter of right after the closure of the University sine die. Therefore, it is not open to the petitioners as students of the University to claim the privilege of remaining in the rooms of the hostel even after the closure of the University sine die.

3. Coming now to the applications made to the Provost of the University for permitting the writ

petitioners to continue to stay in the rooms of the hostel, the learned counsel for the petitioners submitted that the reasons given for rejecting the applications are not convincing as it is stated that they were not explanatory for examination by this Court. Having regard to the closure of the University sine die Ajit Kumar Jha and Neeraj Sinha who were students of the M.A. Fourth Semester and terminal M.A. studying for seminar papers, cannot claim the privilege in that capacity in view of the closure of the University sine die. The fact that Ajit Kumar Jha has given his hostel address for his admission to the Oxford University and he has to undergo medical examination in the British High Commission is extraneous to his being a student of the M.A. Fourth Semester in the University. The fact that Neeraj Sinha has to appear for the UPSC examination at Delhi in June 1983 is similarly extraneous to his being a student of the University. Therefore, it is not possible to accept the contention of the learned counsel for the petitioners that the reasons given by the University authorities for rejecting the applications for permission to continue to reside in the rooms of the hostel were not sufficient. In the case of Ajit Kumar Jha the University authorities have stated that the reasons are not compelling enough and in the case of Neeraj Sinha the reason given by the University is that grounds are hardly convening for permitting to continue to reside in the rooms of the hostel. In the circumstances of the case, I am of the opinion that the reasons given by the authorities are sufficient to dispose of the applications for permission to continue to reside in the rooms of the hostel. Writ petitions are, therefore, dismissed in limine.

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