



उच्च शिक्षा निदेशालय, उत्तराखण्ड नवाङखेड़ा, गौलापार हल्द्वानी (नैनीताल)

☎ 05946-240666] 240777 E-Mail:- highereducation.director@gmail.com, lawvidhi21@gmail.com

पत्रांक:- डिग्री विधि अनुभाग / 2120 / 2023-24

दिनांक: 07 जुलाई, 2023

सेवा में,

समस्त प्राचार्य,
शासकीय/अशासकीय सहायता प्राप्त महाविद्यालय,
उत्तराखण्ड।

महत्वपूर्ण / कोर्ट केस
समयबद्ध / अतिआवश्यक

विषय:- जनहित याचिका संख्या 23 (पी0आई0एल0) / 2022 सच्चिदानन्द डबराल बनाम भारत संघ व अन्य के सम्बन्ध में माननीय उच्च न्यायालय नैनीताल उत्तराखण्ड राज्य में पारित आदेश दिनांक 21.03.2023 के अनुपालन के सम्बन्ध में।
महोदय,


उपर्युक्त विषयक जिलाधिकारी, नैनीताल, के पत्र संख्या 624/सत्रह-ए0आर0ए0/2023-24 दिनांक 04.07.2023 के क्रम में अवगत कराया गया है कि माननीय उच्च न्यायालय, उत्तराखण्ड नैनीताल में योजित जनहित याचिका (पी0आई0एल0) संख्या 23/2022 सच्चिदानन्द डबराल बनाम भारत संघ व अन्य के सम्बन्ध में दिनांक 21.03.2023 को पारित आदेश के क्रम में बिन्दु संख्या - 8 में निम्न आदेश निर्गत किये गये हैं।

"We direct all the respondent authorities, i.e., respondent Nos. 1, 2, 3, 5 and 7 to file their respective affidavits. Respondent No. 5 shall disclose in its affidavit the particulars of each and every institution in the State imparting education at graduate, post graduate, and professional level, and shall collect information from all such institutions with regard to the constitution of the Anti-Ragging Committee at the institutional levels. The State Government shall also collect information from the head of the institutions-whether, they are strictly complying with aforesaid Regulations, or not. The information so collected shall be placed before this Court by the State Government in a tabulated form, indicating the status of compliance / non-compliance by the institutions. The State Government should also disclose, whether, or not, the District Level Committees have been constituted. If not constituted, the same should be constituted within the next two weeks. The respondent Nos. 1, 2 and 3 are directed to collect information from institutions over which they exercise supervision, to collect information with regard to the constitution of the Monitoring Cell, and all such information should also be provided by the said respondents in tabulated form before this Court."

अतः मा0 उच्च न्यायालय नैनीताल का आदेश आपको इस आशय के साथ प्रेषित किया जा रहा है कि उक्त निर्णय में मा0 उच्च न्यायालय नैनीताल द्वारा दिये गये निर्देशों के क्रम में आपके महाविद्यालय में एण्टी रैगिंग कमेटी के गठन किया गया है अथवा नहीं, तथा एण्टी रैगिंग रोकने के लिये आपके महाविद्यालय द्वारा किये गये समस्त कार्यों का विवरण बिन्दुवार तत्काल निदेशालय की ई-मेल highereducation.director@gmail.com में 02(दो) दिन के भीतर उपलब्ध कराना सुनिश्चित करें। ताकि समयान्तर्गत सूचना जिलाधिकारी, नैनीताल/मा0 उच्च न्यायालय नैनीताल को प्रेषित की जा सके।

आपको को यह भी आदेशित किया जाता है कि मा0 न्यायालय के उक्त निर्णय का पालन तत्काल सुनिश्चित करें।
संलग्नक:- उपरोक्त।

भवदीय,


(डॉ0 सी0डी0सूँठा)

प्रभारी निदेशक
उच्च शिक्षा, निदेशालय
उत्तराखण्ड, हल्द्वानी, नैनीताल।

पत्रांक:- डिग्री विधि अनुभाग / / 2023-24, तद्दिनांकित।

प्रतिलिपि:-

01. जिलाधिकारी, नैनीताल, को सूचनार्थ।
02. सहायक निदेशक (विधि अनुभाग क्षेत्रीय), कार्यालय देहरादून को सूचनार्थ।

डॉ0 सी0डी0सूँठा)
प्रभारी निदेशक
उच्च शिक्षा, निदेशालय
उत्तराखण्ड, हल्द्वानी, नैनीताल।

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI
AND
THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

WRIT PETITION (PIL) NO. 23 OF 2022

21ST MARCH, 2023

Between:

Sachidanand Dabral Petitioner

and

Union of India & others Respondents

Counsel for the petitioner : Mr. Shiv Bhatt, learned counsel
Counsel for the respondents : Mr. V.K. Kaparuwan, learned
Standing Counsel for the Union of
India / respondent No. 1
: Ms. Sukhwani Singh, learned
counsel, holding brief of Mr.
Parikshit Saini, learned counsel for
respondent No. 2
: Ms. Anjali Bhargava, learned
counsel for respondent no. 4
: Mr. Pradeep Joshi, learned
Additional Chief Standing Counsel
for the State of Uttarakhand /
respondent Nos. 5 to 7

The Court made the following:

ORDER: (per Hon'ble The Chief Justice Sri Vipin Sanghi)

This petition has been preferred by the petitioner in public interest to seek direction to the respondent Nos. 1 to 5, i.e., the Union of India; the

National Medical Commission; University Grants Commission; Sushila Tiwari Government Medical College, and; the State of Uttarakhand, 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 barbaric type rapping does not occur in future in any higher educational institution of the State.

2. The trigger for filing the present public interest litigation is the act of ragging of several 1st year MBBS students, studying at the respondent No. 4, Sushila Tiwari Government Medical College, Haldwani, which came to light, upon its reporting in the 'Times of India' on 06.03.2022.

3. The petitioner also seeks a direction to respondent Nos. 1, 2, 3 and 5 to strictly comply with the provisions of the UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009, and the directions issued by the Supreme Court in **Civil Appeal No. 887 of 2009** on 08.05.2009, and the judgment of the Supreme Court in *University of Kerala Vs Council of Principals of Colleges in Kerala and others, (2009) 15 SCC 301*, and *Vishwa Jagriti Mission, through*

its President Vs Central Government through Cabinet Secretary and others, (2001) 6 SCC 577.

4. A perusal of the aforesaid Regulations shows that the responsibility for preventing and curbing the activity of ragging, defined in Regulation 3, has been cast on the Head of the Institution, which term is also defined in Regulation 4(1)(g), to mean – the Vice-Chancellor, in case of a university or a deemed to be university, the Principal or the Director, or such other designation as the executive head of the institution or the college may have. These Regulations lay down the steps that the Head of the Institution is required to take in Regulation 7. In each institution, an Anti-Ragging Committee is required to be nominated and headed by the Head of the Institution, which consists of representatives of civil and police administration, local media, Non Government Organizations involved in youth activities, representatives of faculty members, representatives of parents, representatives of students belonging to the freshers' category, as well as senior students, non-teaching staff; and such committees should have a diverse mix of membership in terms of levels as well as gender.

5. Every University is also required to constitute a Monitoring Cell on ragging, which shall coordinate with the affiliated colleges and Institutions under the domain of the University to achieve the objectives of these Regulations. That apart, a District Level Anti-Ragging Committee is required to be constituted by the State Government to be headed by the District Magistrate for the control and elimination of ragging in institutions, within the jurisdiction of the District.

6. Only respondent No. 4 has filed its counter-affidavit in the present petition. From the same, it appears that, in relation to the incident, taken note of hereinabove, one FIR has been registered against unknown persons, on the basis of the complaint made by Assistant Warden, Male Hostel-I, which is neither here, nor there.

7. Learned counsel submits that in the following year, the very same students, who were subjected to ragging, as reported in the 'Times of India' have themselves resorted to ragging. Thus, it is seen that the activity of ragging is perpetuated by each successive batch, as if to take revenge for the torment that they have been subjected to, by their seniors.

8. We direct all the respondent authorities, i.e., respondent Nos. 1, 2, 3, 5 and 7 to file their respective affidavits. Respondent No. 5 shall disclose in its affidavit the particulars of each and every institution in the State imparting education at graduate, post graduate, and professional level, and shall collect information from all such institutions with regard to the constitution of the Anti-Ragging Committee at the institutional levels. The State Government shall also collect information from the head of the institutions-whether, they are strictly complying with aforesaid Regulations, or not. The information so collected shall be placed before this Court by the State Government in a tabulated form, indicating the status of compliance / non-compliance by the institutions. The State Government should also disclose, whether, or not, the District Level Committees have been constituted. If not constituted, the same should be constituted within the next two weeks. The respondent Nos. 1, 2 and 3 are directed to collect information from institutions over which they exercise supervision, to collect information with regard to the constitution of the Monitoring Cell, and all such information should also be provided by the said respondents in tabulated form before this Court.

9. We put the heads of all graduate level, post graduate level, and professional institutions in the State to notice, that non-compliance of the aforesaid Regulations shall be viewed seriously, and the head of the institution concerned, wherever acts of ragging are found to be occurring shall be held responsible. This order shall be communicated to all heads of institutions by the respondent State within two weeks.

10. The affidavits be filed within the next six weeks.

11. List the matter on 06.06.2023.

VIPIN SANGHI, C.J.

ALOK KUMAR VERMA, J.

Dt: 21st MARCH, 2023
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