IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2449 of 2026

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Satyam, Son of Sheo Kumar Shrivastava, Resident of Mohalla - New Jakkanpur, N. C. Ghosh Lane, Police Station Jakkanpur, District - Patna, (Bihar).

... ... Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Chairman, Council For The Indian School Certificate Examination, New Delhi (ICSE).
3. The Chief Executive cum Secretary, Council For The Indian School Certificate Examination, New Delhi (ICSE).
4. The Deputy Secretary, Council For The Indian School Certificate Examination, New Delhi (ICSE).
5. The Registrar, Council For The Indian School Certificate Examination, New Delhi (ICSE).
6. The District Magistrate, Patna.
7. The Additional District Magistrate, Patna.
8. The Principal, Don Bosco Academy, Post - Digha Ghat Patna-800011.
9. The Class Teacher, Class 9th Section I, Don Bosco Academy, Post - Digha Ghat Patna - 800011.

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Adv. Mr. Ankit Kumar Singh, Adv. Ms. Bulbul, Adv. Mr. Shreyansh Harshit, Adv.
For the State	:	Mr. Ajay Behari Sinha, GA-8 Mr. Neeraj Raj, AC to GA-8
For the School	:	Mr. Kunal Tiwary, Adv. Ms. Mimansha Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 11-08-2026

Heard Mr. Bindhyachal Singh, learned Senior Advocate appearing on behalf of the petitioner, assisted by Mr. Ankit Kumar Singh, learned Advocate, and Mr. Kunal Tiwari,

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learned Advocate for the Don Bosco Academy. The State is represented by Mr. Neeraj Raj, learned Advocate.

2. The issue for adjudication lies in a narrow compass. The minor son of the petitioner, who is studying in Class IX, Section I of Don Bosco Academy, Patna (hereinafter referred to as “the School”), and is registered with the ICSE Board for Class IX under Roll No. 200367, was placed under suspension and was not permitted to attend classes. The matter was brought before this Court with the submission that the Final Term Examination for the academic session 2025–2026 was scheduled to commence from 16.02.2026 and if the petitioner’s son was not permitted to appear in the said examination, he would suffer serious prejudice, apart from the possibility of losing an entire academic session. It was further brought to the notice of this Court that the petitioner’s son had been informed that he had been expelled from the School; however, no formal order of expulsion had been issued, nor had any reason for such expulsion been disclosed.

3. Considering the aforesaid submission, this Court, vide order dated 12.02.2026, directed the School to permit the petitioner’s son to participate in the Final Term Examination for the academic session 2025–2026 and further directed the School

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to file an affidavit before this Court, making it clear that such permission would remain subject to the final outcome of the present proceedings. In deference to the order of this Court, the petitioner's son was permitted to appear in the Final Term Examination, and the School has thereafter filed a detailed counter-affidavit.

4. In the counter-affidavit, a preliminary objection has been raised with regard to the maintainability of the present writ petition on the ground that the School is a private unaided institution and no public element is involved in the action complained of. It has been contended that neither the relief sought by the writ petitioner nor the allegations made in the writ petition have any nexus with any public duty.

5. This Court has also been apprised that the petitioner's son had been consistently displaying indiscipline and non-compliance with the rules and regulations of the School. It is alleged that he repeatedly bunked classes during instructional hours without valid permission and failed to comply with the warnings and guidance issued by the teachers and the School authorities. According to the School, the petitioner's son was ultimately expelled on 17.10.2025.

6. Mr. Kunal Tiwari, learned Advocate appearing on

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behalf of the School, has elaborately referred to the instances of indiscipline and misconduct allegedly committed by the petitioner's son. It is submitted that, despite an assurance given by the petitioner that he would ensure that his son would not indulge in any unruly behaviour and would abide by the rules and regulations of the School, the petitioner's son once again entered into a fight with another student within the School campus during the recess period. Upon inquiry by the School management, it was allegedly found that the petitioner's son had been instrumental in the said incident, thereby creating an unpleasant atmosphere within the School campus. The petitioner was called by the School management on different occasions and was apprised of the conduct of his son, whereupon the petitioner expressed his inability to effectively control his conduct. According to the School, despite repeated opportunities and warnings, the petitioner's son did not mend his ways and, instead, became increasingly aggressive. It is further alleged that he issued a threat to the effect that the School management would be responsible for any untoward incident. In these circumstances, the School claims that it was left with no option but to pass the order of expulsion.

7. Learned Advocate for the School, Mr. Tiwari,

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while pressing the objection as to the maintainability of the writ petition, has further contended that the petitioner's son was admitted to the School in the year 2021 and, at the time of admission, the parents had, along with the admission form, executed an agreement containing various terms and conditions relating to the rules and regulations of the School, which were required to be adhered to by both the student and his parents. It is submitted that Clause 5 of the said agreement specifically provides that the Principal may, in the interest of the School, require a student to leave the institution if, in the opinion of the Principal, the student has failed to accept and maintain the discipline of the School and his continued presence is considered detrimental to the interests of other students. The class diary of the student also contains regulations to be followed by the students and that Clause 66 thereof authorises the Principal or an officer authorised by him to impose punishment upon a student commensurate with the nature of the offence. One of the punishments prescribed therein includes expulsion from the institution. According to learned Advocate, the relationship between the petitioner's son and the School is essentially contractual in nature and, therefore, no public element is involved in the action complained of. In support of

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his submission, reliance has been placed upon the judgment of the Hon'ble Supreme Court in ***St. Mary's Education Society & Anr. v. Rajendra Prasad Bhargava & Ors., [(2023) 4 SCC 498]***.

8. Mr. Kunal Tiwari, learned Advocate, has taken this Court through various paragraphs of the aforesaid judgment and submitted that the jurisdiction under Article 226 of the Constitution can be exercised even against a body which is neither the State nor an instrumentality of the State, provided that the action complained of involves a public element. However, where the impugned action has no nexus with any public duty or public element, the writ jurisdiction cannot be invoked merely because the institution in question may otherwise be discharging a public function. It is further submitted that, for entertaining a writ petition against a private body, the existence of a public duty or public function in relation to the action complained of must be established and the body or person against whom relief is sought must be shown to have acted in discharge of a duty having a public character or to have exercised authority in furtherance of a public function. According to learned Advocate, the School in question is a private institution affiliated with the ICSE Board and is not

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"State" within the meaning of Article 12 of the Constitution. The admission of the petitioner's son was governed by the terms of the agreement executed at the time of admission and, therefore, the dispute essentially arises out of a contractual relationship between the parties. It is, accordingly, contended that, in the absence of any public element in the impugned action, the writ petition is not maintainable and the petitioner, if so advised, ought to avail himself of such other remedy as may be available to him in law.

9. Mr. Bindhyachal Singh, learned Senior Advocate appearing on behalf of the petitioner, submitted that, upon receipt of the order of expulsion, a copy whereof has been marked as Annexure R/8/I to the counter-affidavit, the petitioner challenged the same by filing Interlocutory Application No. 2 of 2026, *inter alia*, on the ground that the action of the School was wholly arbitrary, illegal, cryptic and non-speaking and was in violation of the principles of natural justice, inasmuch as neither any show-cause notice nor any opportunity of hearing was afforded to the petitioner or his son prior to passing the order of expulsion dated 17.10.2025.

10. Referring to the impugned letter of expulsion, learned Senior Advocate further submitted that an authority

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must stand or fall on the reasons contained in the order passed by it and cannot subsequently improve upon or supplement such reasons by way of a counter-affidavit. In support of his submission, he placed reliance upon the judgment of the Hon'ble Supreme Court in ***Mohindr Singh Gill & Anr. v. Chief Election Commissioner, New Delhi & Ors. (1978) 1 SCC 405***. It is further submitted that the School cannot be permitted to rely upon or introduce, by way of its counter-affidavit, materials or allegations which were neither considered nor formed part of the decision-making process culminating in the order of expulsion. On this ground alone, it is contended, the impugned action suffers from the vice of arbitrariness and is violative of Articles 14 and 21 of the Constitution of India.

11. Learned Senior Advocate further submitted that compliance with the principles of natural justice is an essential facet of Article 14 of the Constitution and forms part of the broader doctrine of fairness in administrative action. Since the School admittedly failed to afford any opportunity of hearing to the petitioner or his son before passing the order of expulsion, the impugned order, according to learned Senior Advocate, is wholly unsustainable in law and is liable to be set aside. It is further argued that the petitioner's son is a minor and is

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presently studying in Class X and has to appear in the first-term examination. Any order of expulsion, or any continued restraint upon his participation in regular classes, would cause grave, irreversible and irreparable prejudice to his academic career and future prospects. The expulsion would carry an enduring stigma which may adversely affect the academic and future prospects of the petitioner's son.

12. Dealing with the preliminary objection regarding the maintainability of the writ petition, learned Senior Advocate placed reliance upon the judgment of the Hon'ble Supreme Court in ***St. Mary's Education Society*** *(supra)*. It is submitted that the said judgment recognises that a writ petition under Article 226 of the Constitution may be maintainable even against a private entity, provided the action complained of involves the discharge of a public function or public duty and has the requisite public law element. Such public duty may arise either from a statutory obligation or otherwise, provided that the entity is shown to owe an obligation to the public involving an element of public law.

13. Learned Senior Advocate further submitted that, for determining whether an entity is discharging a public function, it is necessary to examine whether the function is

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being performed for the collective benefit of the public or a section thereof and whether the entity has the authority to discharge such function. According to learned Senior Advocate, the School is engaged in imparting education, which has constitutional recognition under Article 21A of the Constitution of India. It is, therefore, contended that the function discharged by the School is intrinsically connected with a matter of public importance.

14. It is further contended that, even in the case of unaided minority educational institutions, the management thereof is subject to the constitutional scheme embodied in Articles 29 and 30 of the Constitution. According to learned Senior Advocate, there can be no serious dispute that the School performs an important public function in imparting education and, therefore, an order expelling a minor student in an arbitrary manner and thereby depriving him of access to education, without affording an opportunity of hearing or assigning legally sustainable reasons, is amenable to judicial review under Article 226 of the Constitution, notwithstanding the fact that the School may not fall within the definition of “State” under Article 12 of the Constitution.

15. Reliance has also been placed upon the judgment

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of a Division Bench of the Hon'ble High Court of Bombay in ***Jayshree Vijay Mundaware v. Principal/Head Mistress of Ashoka Universal School, 2015 SCC OnLine Bom 3929***, as well as the judgment of the Hon'ble High Court of Delhi in ***Apoorva YK v. South Asian University, 2024 SCC OnLine Del 335***.

16. This Court has heard the learned Senior Advocate/Advocates appearing for the respective parties and has also perused the materials available on record, which led to the passing of the impugned order of expulsion.

17. Before adverting to the merits of the case, the preliminary question that arises for consideration before this Court is whether a writ petition under Article 226 of the Constitution of India is maintainable against the decision of a private unaided school to expel a student.

18. The controversy with regard to the maintainability of a writ petition in cases concerning schools affiliated to the CBSE/ICSE has been put to rest by a catena of decisions, wherein the Hon'ble Supreme Court has held that an educational institution discharges a public duty of imparting education, which is a fundamental right of citizens. Consequently, an affiliated school may, in an appropriate case,

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be amenable to the writ jurisdiction under Article 226 of the Constitution of India.

19. However, it is equally well settled that judicial review of an action challenged before the Court by way of a writ petition can be undertaken only where the action complained of contains a public law element, and not merely for enforcing a contract of personal service.

20. A plain reading of the constitutional scheme makes it manifest that the exercise of jurisdiction under Article 226 is not determined merely by the identity or status of the entity against whom the writ is sought. Rather, what is of paramount consideration is the nature of the function performed by such entity and whether the action impugned involves a public law element.

21. In ***Ramana Dayaram Shetty v. International Airport Authority of India & Others, [(1979) 3 SCC 489]***, the Hon'ble Supreme Court has postulated the 5-Point Test to determine if a body is an instrumentality of the State viz Financial assistance/funding from the State, deep and pervasive State control, monopoly status conferred or protected by the State, functions of public importance closely related to governmental functions and transfer of a government

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department to a corporation.

22. In ***Ajay Hasia Etc. v. Khalid Mujib Sehravardi & Others, [(1981) 1 SCC 722]***, the Hon'ble Supreme Court further crystallised that even the Society registered under the Societies Registration Act, like an engineering college is a State if it meets the instrumentality test.

23. Considering the various decisions on such issues, a 7-Judge Bench in the case of ***Pradeep Kumar Biswas vs. Indian Institute Of Chemical Biology & Ors. [(2002) 5 SCC 111]*** revisited while defining the Article 12 of the Constitution and clarifying that financial, functional and administrative dominance by the State is key to being a State but opened doors for broader remedies under Article 226 for public functions.

24. More recently, the Hon'ble Supreme Court, in the landmark judgment in ***St. Mary's Education Society*** *(supra)*, has authoritatively considered the maintainability of a writ petition under Article 226 against a private unaided minority educational institution. The Hon'ble Supreme Court has underscored that merely because a body performs a public duty and is, therefore, amenable to the writ jurisdiction, it does not follow that every decision taken by such body becomes subject to judicial review. Rather, the decision sought to be assailed

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must itself contain a public law element. The remedy under Article 226 is essentially designed to ensure that public duties are duly discharged and to prevent abuse of power or neglect of duty in the performance of such functions. Thus, even where a private authority is found to be discharging a public function, every action or decision of such authority would not automatically become amenable to judicial review. The action sought to be corrected or enforced must have a direct nexus with the discharge of a public function. If a private body discharges a public function and the denial of a right is inextricably connected with the public duty imposed upon such body, the public law remedy under Article 226 may be invoked.

25. The duty cast upon such body may arise either from a statutory provision or otherwise, and the source from which such duty emanates may not, by itself, be determinative. Nevertheless, the essential requirement remains that the impugned action must have a public law element. In the absence of such an element, a writ petition under Article 226 would not ordinarily lie merely to enforce a private right or to challenge an action arising out of a purely private relationship.

26. The Court further observed that it is difficult to draw a clear line of distinction between public functions and

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private functions when both are being discharged by a purely private authority. A body may be said to be performing a public function when it seeks to achieve some collective benefit for the public, or a section thereof, and is accepted by such public or section of the public as being under an obligation to do so. Bodies, therefore, exercise public functions when they intervene in, or participate in, social or economic affairs in the public interest.

27. Undoubtedly, the power of judicial review under Article 226 of the Constitution cannot be exercised for the purpose of enforcing purely private contracts entered into between the parties. The Hon'ble Supreme Court has further clarified that even assuming that an educational institution discharges a public duty, the action complained of must have a direct nexus with the discharge of such public duty. It is only where the action impugned has a public law element that an aggrieved person can invoke the extraordinary jurisdiction of the High Court under Article 226 of the Constitution.

28. Individual wrongs arising out of purely private contractual relationships, having no public element as an integral part thereof, cannot ordinarily be redressed by invoking the writ jurisdiction under Article 226. In cases where the

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Courts have intervened in exercise of their jurisdiction under Article 226, either the service conditions were governed by statutory provisions, or the employee enjoyed a status recognised by statute, or the employer was found to fall within the ambit of Article 12 of the Constitution, or, alternatively, the action complained of was found to contain a public law element.

29. The Two-Judge Bench of the Hon'ble Supreme Court, in ***St. Mary's Education Society*** *(supra),* after painstakingly considering the catena of decisions on the subject, finally summarised the legal position in paragraph 75 of the judgment, which reads as under:

> *"**75.** We may sum up our final conclusions as under:*
>
> ***75.1.** An application under Article 226 of the Constitution is maintainable against a person or a body discharging public duties or public functions. The public duty cast may be either statutory or otherwise and where it is otherwise, the body or the person must be shown to owe that duty or obligation to the public involving the public law element. Similarly, for ascertaining the discharge of public function, it must be established that the body or the person was seeking to achieve the same for the collective benefit of the public or a section of it and the authority to do so must be accepted by the public.*

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75.2. *Even if it be assumed that an educational institution is imparting public duty, the act complained of must have a direct nexus with the discharge of public duty. It is indisputably a public law action which confers a right upon the aggrieved to invoke the extraordinary writ jurisdiction under Article 226 for a prerogative writ. Individual wrongs or breach of mutual contracts without having any public element as its integral part cannot be rectified through a writ petition under Article 226. Wherever Courts have intervened in their exercise of jurisdiction under Article 226, either the service conditions were regulated by the statutory provisions or the employer had the status of "State" within the expansive definition under Article 12 or it was found that the action complained of has public law element.*

75.3. *It must be consequently held that while a body may be discharging a public function or performing a public duty and thus its actions becoming amenable to judicial review by a constitutional court, its employees would not have the right to invoke the powers of the High Court conferred by Article 226 in respect of matter relating to service where they are not governed or controlled by the statutory provisions. An educational institution may perform myriad functions touching various facets of public life and in the societal sphere. While such of those functions as would fall within the domain of a "public function" or "public duty" be undisputedly open to challenge and*

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scrutiny under Article 226 of the Constitution, the actions or decisions taken solely within the confines of an ordinary contract of service, having no statutory force or backing, cannot be recognised as being amenable to challenge under Article 226 of the Constitution. In the absence of the service conditions being controlled or governed by statutory provisions, the matter would remain in the realm of an ordinary contract of service.

75.4. *Even if it be perceived that imparting education by private unaided school is a public duty within the expanded expression of the term, an employee of a non-teaching staff engaged by the school for the purpose of its administration or internal management is only an agency created by it. It is immaterial whether "A" or "B" is employed by school to discharge that duty. In any case, the terms of employment of contract between a school and non-teaching staff cannot and should not be construed to be an inseparable part of the obligation to impart education. This is particularly in respect to the disciplinary proceedings that may be initiated against a particular employee. It is only where the removal of an employee of non-teaching staff is regulated by some statutory provisions, its violation by the employer in contravention of law may be interfered with by the Court. But such interference will be on the ground of breach of law and not on the basis of interference in*

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discharge of public duty.

75.5. *From the pleadings in the original writ petition, it is apparent that no element of any public law is agitated or otherwise made out. In other words, the action challenged has no public element and writ of mandamus cannot be issued as the action was essentially of a private character."*

30. In ***Jai Shree Vijay Mundaware*** (supra), where the admission of both children of the writ petitioner was terminated by the management of the respondent, unaided minority school, on account of the petitioner's participation, along with other parents, in an agitation concerning the fee structure enforced by the management with the reasons that the children were terminated due to parents indecent and illegal behaviour, the Hon'ble Delhi High Court while taking into consideration of Apex Court judgments of ***Gorkha Security Services v. Government (NCT of Delhi) & Others [(2014) 9 SCC 105]*** and ***Anand Brothers Pvt. Ltd. v. Union of India & Others [(2014) 9 SCC 2012]***, on the principles of natural justice mandating show cause and opportunity of giving reasons and fair hearing has held that the drastic action of expelling the students without issuing a show-cause notice is impermissible. The Court also held that there is no support material placed by the school for

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such action in law and thus the entire action initiated and taken by the school is unjust, impermissible and contrary to law apart from being in clear breach of the principles of natural justice and therefore void, illegal and impermissible. The Court further opined that, in the interest of justice, appropriate directions could be issued even against an unaided minority educational institution. This was for the reason that such institutions, once they admit children, undertake the responsibility of imparting education and thereby discharge a public function involving an element of legal and statutory obligation. Consequently, the impugned orders whereby the admission of the petitioner's son and daughter had been terminated were held to be illegal and unsustainable and were accordingly quashed and set aside.

31. Coming to the decision in ***Apoorva YK*** (supra), this Court finds that the said decision, while reiterating the principles laid down by the Hon'ble Supreme Court, has held that the proposition that a writ under Article 226 of the Constitution can be issued only against a State or an authority falling within the ambit of Article 12 has become archaic and anachronistic. The settled position in law is that a writ can, in an appropriate case, be issued even against a private individual or body, provided such individual or body is discharging a public

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function and the writ is sought for enforcement of such public function.

32. Article 226 of the Constitution expressly empowers the High Court to issue appropriate writs, orders or directions to any person or authority, within its territorial jurisdiction, for the enforcement of fundamental rights and “for any other purpose”. Imparting education is undoubtedly a function having a public character.

33. This Court also takes note of the Full Bench decision of the ***Allahabad High Court in Roychan Abraham v. State of U.P., 2019 SCC OnLine ALL 3935,*** wherein while answering the reference, the Full Bench held that private institutions imparting education to students from the age of six years onwards, including institutions providing higher education, perform a public duty and discharge functions which are primarily governmental in nature and, therefore, are amenable to judicial review by the High Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

34. On a careful consideration of the aforesaid decisions, this Court has no hesitation in arriving at the conclusion that even an unaided minority school, while imparting education to children, discharges a public function

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involving an element of public law. Consequently, actions of such an institution relating to admission of students, fixation of fees and, in an appropriate case, expulsion of students, may be subjected to judicial review where the authority has failed to act fairly, reasonably and in accordance with law. Such action must necessarily withstand the scrutiny of the principles of fairness and reasonableness embodied in Article 14 of the Constitution.

35. Accordingly, the preliminary objection raised by the learned Advocate appearing for the respondent-school regarding the maintainability of the present writ petition stands overruled.

36. Proceeding further to examine the merits of the case, this Court takes note of the factual circumstances emerging from the record. The materials placed before the Court indicate that the son of the petitioner had, on several occasions, been found to be indisciplined and in violation of the rules and regulations of the school, as well as the directions issued by the school authorities. It further appears that repeated warnings, counselling and guidance were extended to the petitioner’s son; however, according to the school, such measures did not yield the desired improvement in his conduct.

37. This Court has carefully perused the endorsements

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made in the school diary as well as the remarks recorded by the teachers. The same indicate allegations of the petitioner's son bunking classes, engaging in altercations with other students, and behaving in an indecent or inappropriate manner while interacting with teachers. There is nothing on record, as such, to suggest that the Principal of the school is wholly divested of the authority to take disciplinary action against a student commensurate with the nature and gravity of the misconduct. Nor can it be said as an absolute proposition that the power of expulsion can never be exercised by the school. However, such power, even if available under the rules and regulations of the institution, must necessarily be exercised in accordance with the governing rules, the principles of natural justice, and the requirement of proportionality.

38. In the present case, Clause 66 of the Rules and Regulations of the school assumes significance, as the same specifies the acts of misconduct which may invite disciplinary action, including, in appropriate cases, expulsion from the institution. For ready reference, this Court deems it appropriate to reproduce the said provision hereinbelow.

> *"66. The Principal or those authorized may punish a student in a manner suited to the offence, by detention after class*

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hours or punishment or suspension or expulsion from the institution without assigning any reasons.

OFFENCES INCLUDE:

a) Disfiguring or damaging any school property.

b) Smoking.

c) Any form of gambling.

d) Use of drugs or intoxicants.

e) Use of violence anywhere within or outside the school campus.

f) Enticing or practicing casteism, untouchability & communalism.

g) Any act of insubordination .

h) Carry of a Mobile Phone in the school.

i) Any form of bulling: Direct- Physical intimidation, verbal abuse, etc or Indirect: spreading malicious rumours, etc or Cyber-bullying: sending unpleasant SMS's, emails, other attachments, etc.

j) Taking any sum or making any collection of money with in the school premises or outside from any other student with or without consent or forcibly for any purpose whatsoever."

39. Upon a plain reading of the aforesaid clause, particularly the acts of misconduct enumerated therein which may entail even the extreme penalty of expulsion, this Court does not find that mere bunking of classes finds specific mention therein as an offence warranting such extreme

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consequence.

40. As regards the allegation of fighting amongst students, this Court is conscious of the fact that altercations or physical fights may, at times, arise out of momentary anger, immaturity or trivial disputes amongst children. Every such incident, therefore, cannot, by itself and without examining its nature, gravity and surrounding circumstances, be treated as warranting the extreme penalty of expulsion. The disciplinary response must necessarily be proportionate to the nature and seriousness of the misconduct.

41. The object of education is not confined merely to imparting academic instruction. The administration of an educational institution involves the organisation, direction and coordination of human and material resources so as to create an environment conducive to the intellectual, social, moral and overall development of its students. The school, as an institution, is expected to facilitate academic growth, inculcate discipline, develop character, nurture responsible citizenship and prepare students to face the challenges of life.

42. The ultimate objective of education is to bring the individual and the community closer, to foster sound values and a balanced philosophy of life, to develop the personality of the

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student, to preserve worthy traditions and practices, and at the same time to provide an environment conducive to learning, creativity, research and experimentation.

43. Students are, in the ultimate analysis, valuable human resources of the nation. Consequently, while discipline within an educational institution is undoubtedly essential and cannot be compromised, the approach adopted by the institution in dealing with indiscipline or misconduct by a student must also take into account the age, maturity and circumstances of the student concerned.

44. In the considered opinion of this Court, where the misconduct complained of is capable of correction through counselling, warning, supervision or other lesser disciplinary measures, the institution ought ordinarily to adopt a reformative and corrective approach rather than resorting immediately to the extreme penalty of expulsion. The disciplinary authority must balance the need to maintain institutional discipline with the equally important objective of reforming and educating the student.

45. The power to discipline a student is not an end in itself; it is a means to facilitate the student’s development. An order of expulsion, being the severest form of disciplinary

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action and having serious consequences for the academic and personal future of a child, must therefore be founded upon clear authority under the applicable rules, supported by cogent material, preceded by a fair opportunity of hearing wherever required, and proportionate to the misconduct alleged.

46. It is in this backdrop that the legality and sustainability of the impugned order of expulsion are required to be examined.

47. The impugned order of expulsion, marked as Annexure-R/8/I to the counter affidavit, does not reflect any consideration or application of mind to the materials relied upon by the school, save and except the general allegations of indiscipline and involvement in fighting. Such an order, in the considered opinion of this Court, is cryptic, non-speaking and suffers from apparent non-application of mind.

48. The impugned order further indicates that, prior to taking such a drastic decision, the school authorities failed to adhere to the principles of natural justice and fair play. No adequate opportunity appears to have been afforded to the petitioner’s son to explain the allegations levelled against him, nor does the order disclose any consideration of his explanation, if any, or the circumstances in which the alleged incidents had

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occurred.

49. The authorities of an educational institution must not lose sight of the fact that they are dealing with minor students who are still in the formative stage of their lives. An educational institution owes a corresponding duty not merely to impart academic education but also to facilitate the development of the personality, character and conduct of its students so that they may grow into responsible and good citizens.

50. Minor skirmishes, instances of indiscipline and other acts of misconduct committed by students, particularly those who have not attained sufficient maturity, ought to be considered in their proper perspective. While discipline is undoubtedly an essential component of education, the response of the institution to such conduct should ordinarily be guided by a reformative and corrective approach, rather than by resorting to the severest penalty of expulsion, unless the nature and gravity of the misconduct clearly warrant such extreme action.

51. In the facts and circumstances of the present case, this Court is of the considered view that the petitioner’s son deserves an adequate opportunity to improve his conduct and to demonstrate that he is capable of responding positively to the guidance and discipline of the institution. The purpose of

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disciplinary action in an educational institution ought to be corrective and reformative, particularly in the case of a minor student, and not merely punitive.

52. Moreover, as discussed hereinabove, the impugned order suffers from serious legal and procedural infirmities, including non-application of mind, absence of adequate reasons, failure to adhere to the principles of natural justice and lack of proportionality in the punishment imposed.

53. For the reasons stated hereinabove, this Court finds merit in the present writ petition.

54. Accordingly, the impugned order of expulsion dated 17.10.2025, as contained in Annexure-R/8/I to the counter affidavit, is hereby quashed and set aside.

55. The respondent-school is directed to permit the petitioner’s son to resume his classes and to participate in the academic activities of the institution, including appearing in the examinations for which he is otherwise eligible.

56. In the event that, solely on account of the impugned order of expulsion, the petitioner’s son was prevented from appearing in any term examination which is mandatorily required to be cleared for appearing in the secondary

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examination, the respondent-school shall permit him to appear in an appropriate supplementary or special examination, as may be conducted by the school, along with or immediately preceding the next term examination, so that he does not suffer any academic prejudice on account of the impugned order.

57. It is made clear that the petitioner's son shall abide by the rules and regulations of the school and shall maintain proper discipline and decorum within the institution.

58. The writ petition stands allowed in the aforesaid terms.

59. Pending application(s), if any, shall also stand disposed of.

(Harish Kumar, J)

rohit/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	12-08-2026
Transmission Date	

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