
**CASE COMMENT: HIRA NATH MISHRA AND OTHERS VS.
THE PRINCIPAL, RAJENDRA MEDICAL COLLEGE,
RANCHI AND ANOTHER**

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IN THE SUPREME COURT OF INDIA
(FROM PATNA HIGH COURT)

APPELLANTS: HIRA NATH MISHRA AND OTHERS

VS.

RESPONDENTS: THE PRINCIPAL, RAJENDRA MEDICAL
COLLEGE, RANCHI AND ANOTHER
(1973) SCC 805

Hon'ble Judges/Coram:
D. G. Palekar and A. Alagiriswami, JJ.

The Court's Judgement was given by D. G. Palekar, J.

Facts:

Upon a confidential complaint that the Principal of a Medical College received, it was alleged that the appellants in the present case, namely three male students along with others, entered the girls' hostel, walking naked in the compound. To examine the validity of these allegations, an Enquiry Committee was established, comprising three staff members. The photographs of the appellants were mixed along with twenty photographs of other students, and the girls identified the appellants from these photographs.

Following this, the appellants were given a show-cause notice and were called upon by the Enquiry Committee. The male students uniformly denied all the allegations made by the female students, stating that at the time of the event, they were in the boys' hostel. When asked whether they wished to support their stance by producing any evidence before the Enquiry Committee, the students denied and did not support their claim by producing any evidence. Thus, the enquiry committee concluded, holding the students responsible for the event and expelling them for two years.

The convicted students then filed a Writ Petition before the High Court, stating that the Enquiry Committee had not followed the rules about the Principles of Natural Justice. They supported this claim by stating that the Enquiry Committee held the enquiry without letting the students know about it. Further, they submitted that the evidence that was produced against them by the witnesses was not studied in their presence. There was also, according to the appellants, no opportunity provided to cross-examine the witnesses to test the validity of their claims, and lastly, the Order passed was not made available to the appellants.

Thereafter, the High Court ruled that the Principles of Natural Justice are flexible and dismissed the Petition. The current case is an appeal filed in the Supreme Court.

Issues:

1. Was the examination that was held of the girls before the delinquents necessary?
2. Should the report constructed by the Enquiry Committee been given to the delinquents?
3. Are the Principles of Natural Justice flexible in nature?

Judgement:

In the appeal, the Supreme Court held that the college was in loco parentis to all the students, and they held a greater accountability towards the younger female students. If they ignore the current issue, it would lead to an encouragement of the male students to indulge in such activities more often and would harm the college's reputation.

Further, the Court gave its justifications regarding the Police's involvement, stating that if the Police were involved, it would lead to the girls being frightened, and their reputation would be affected in a negative light. A submission of the matter in a tribunal would have resulted in the girls' respective identities being revealed to the male miscreants and could have potentially resulted in their harassment in the future. Due to these facts in hand, and to protect the female students along with the reputation of the college, the Court believed that the principal made a valid decision in setting up an Enquiry Committee to examine the issues on hand.

The Court lastly gave its verdict stating that the rules of Principles of Natural Justice are fulfilled. It stated that the report given by the Enquiry Committee was detailed, and it showed

that the Committee had taken all the facts and issues into consideration in a detailed manner. Further, it also stated through various case laws that the Principles of Natural Justice are flexible, and are dependant upon the facts and circumstances of each case.

Analysis:

Natural justice is built upon two factors: the idea of fair hearing, and the doctrine of bias.¹ Throughout the years, through various case laws, its scope has been getting wider, and the principles of natural justice are bound to be followed even in quasi-judicial and administrative decision-making systems.²

Another pertinent factor is the idea that no one should be condemned unheard. When a person faces some form of allegation, and his interests are at stake, natural justice helps the person in providing themselves a reasonable opportunity to state their arguments and be heard.³

A quasi-judicial function is an administrative function in which the law is implemented and policies are exercised, treating them as if they were judicial.⁴ It was established in the landmark case of *Ridge v. Baldwin*⁵ in 1963 that the quasi-judicial or the administrative proceeding must uphold the principles of natural justice whenever the Administration exercises its authority and makes a judgement that negatively impacts a person's legal rights.⁶ This fact is irrespective of whether the rule under which the person is being held talks about natural justice or not. The body is under an obligation to uphold the rules of natural justice due to the power it has.⁷ In the current case, an Enquiry Committee was set up by the principal, and they sent a show cause notice to the male miscreants. The Enquiry Committee recorded the statements and concluded by expelling the students.⁸ This, thus, is a quasi-judicial function of the Committee. The case of *Ramesh Chandra Sahu v. N. Padhy*⁹ further supports this claim stating that expulsion of students is a quasi-judicial act. Their Lordships in this court arrived at this conclusion following

¹ M.P Jain, *Principles of Administrative Law* (Lexis Nexis 2021).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ (1964) AC 40.

⁷ Ibid.

⁸ *Hira Nath Mishra v. Principal, Rajendra Medical College, and Another* (1973) SCC 805. [6]

⁹ 1959 SCC OnLine Ori 67.

a similar verdict that was arrived upon in the case of *Ghanshyam Das Gupta v. Board of High School and Intermediate Education U. P., Allahabad*.¹⁰

Therefore, applying the responsibilities conferred upon quasi-judicial acts through various case laws, natural justice was required to be followed in the current act that the Enquiry Committee conducted. A disciplinary action can affect the career and the life of the student drastically, the student should be heard before taking such a decision.¹¹ The Enquiry Committee in this case did call the students and asked them to record their statements. Further, they also insisted that the students produce evidence to support the claim.¹² Therefore, it can be said that the students were allowed to be heard.

Another issue that was taken up by the appellants in the case was that the report of the Committee was not made available to them. When a body is to rely on any material which could be some form of evidence or a document in order to come to a decision against a party, then this form of evidence is bound to be produced to the affected party in order for them to be given an opportunity to put their arguments against it.¹³ However, there are limitations with regard to the extent of the information that can be given to the other party. For example, if certain information is not required to be disclosed and is not fundamental to the issues on hand, then there is no requirement for the documents or evidence to be handed to the other person.¹⁴ The report was produced for their Lordships simply to show that the enquiry held was meticulous and that there were no unfair means conducted which would result in any form of injustice.¹⁵ Hence, since the report's existence was simply to show the attention to detail of the enquiry, it was not a fundamental aspect of the entire process. Further, the counsel for the appellants was asked if they were interested in examining the report, but they denied this request.¹⁶

The appellants also contested that the rules of natural justice were violated because they did not get a chance to cross-examine the female students to test their veracity. There are two conflicting stances of view that the judiciary has adopted over time through various case laws

¹⁰ 1956 AIR All

¹¹ M.P Jain, *Principles of Administrative Law* (Lexis Nexis 2021); For example, see *Malloch v. Aberdeen Corporation*, (1971) 2 All ER 127.

¹² *Hira Nath Mishra v. Principal, Rajendra Medical College, and Another* (1973) SCC 805. [6]

¹³ M.P Jain, *Principles of Administrative Law* (Lexis Nexis 2021).

¹⁴ *Ibid*; *Krishna Chandra v. U.O.I*; AIR 1974 SC 1589.

¹⁵ *Hira Nath Mishra v. Principal, Rajendra Medical College, and Another* (1973) SCC 805. [12]

¹⁶ *Ibid*.

on this topic. On one hand, the court in the case of *State of Kerala v. K. T. Shaduli*¹⁷ opined that where a party wishes to get the opportunity to cross-examine simply because they wanted an explanation of the facts, there has been no miscarriage of natural justice. When the person does not want to dispute the veracity of the evidence from the statements submitted by the witnesses which have been gathered behind their back, they cannot claim that they were not given any opportunity to cross-examine the witnesses.¹⁸ In the current case, however, the appellants do wish to test the veracity of the allegations against them.¹⁹ If the verdict of this case is applied, then technically, it would result in the Court's violating the natural justice of the appellants. However, the Court in the same case, i.e. the case of *K. T. Shaduli*²⁰ ruled that simply because the evidence was gathered behind the back of the petitioner, it did not result in a violation of natural justice, as the petitioner was also made aware of all the evidence gathered through communication. In the current case, it is stated that the male students were explained the complaint that was lodged against them, along with the written charge handed over to them.²¹ The Courts have also had the opinion that the opportunity to cross-examine is not a fundamental aspect of natural justice, and specifically in the purview of Administrative Law, cross-examination of witnesses is not an essential aspect of natural justice in all the settings.²²

Their Lordships also stated that the cross-examination was prevented in order to protect the female witnesses from the male miscreants.²³ This can be supported by another limitation that exists on cross-examination in Administrative Law, as when there are unsafe situations for witnesses, cross-examination would be required to be prevented. In the case of *S. K. Puri v. Principal, M. A. Mahavidyalaya, Jabalpur*²⁴ the Court, a female lecturer had complained about a male student's behaviour. Upon an inquiry of three professors under an inquiry committee appointed, the student was rusticated after he was allowed to be heard and submit his defence. The court in this case, concluded that there was no violation in terms of the Principles of Natural Justice in this case.²⁵ Similarly, the witnesses' identities might have to be kept a secret as they might be uncomfortable when it comes to confronting the person against whom the

¹⁷ AIR 1977 SC 1627.

¹⁸ Ibid.

¹⁹ *Hira Nath Mishra v. Principal, Rajendra Medical College, and Another* (1973) SCC 805. [7]

²⁰ AIR 1977 SC 1627.

²¹ *Hira Nath Mishra v. Principal, Rajendra Medical College, and Another* (1973) SCC 805. [11]

²² M.P Jain, *Principles of Administrative Law* (Lexis Nexis 2021).

²³ *Hira Nath Mishra v. Principal, Rajendra Medical College, and Another* (1973) SCC 805. [10]

²⁴ AIR 1973 MP 278.

²⁵ Ibid.

proceeding would be held.²⁶ In the case of *Gurbachan Singh v. State of Bombay*²⁷, the Deputy Commissioner served an externment order on the petitioner. The witnesses were required to explain the allegations that were put against them. There was no permission given to cross-examine the witnesses in this case, and when the conduct of the proceedings was challenged on these bases, the Court stated that due to fear of property and safety, the denial of the process of cross-examination of the witnesses was reasonable in nature.²⁸ It is evident that in the current case, the Enquiry Committee, to protect the female students, did not adopt a procedure which adopted the method of cross-examination as a means to come to a conclusive decision.

Principles of Natural Justice, thus, are flexible. The courts have broadened the scope of natural justice and its application, the exceptions to cross-examination, and the disclosure of reports being some of the examples. The case of *N. K. Prasada v. Govt. of India*²⁹ states that the application of natural justice is not rigid, and its application would vary based on the different circumstances of each case. They cannot be put, according to their Lordships in this case, into a straitjacket formula.³⁰ The verdict of the case of *P. K. Roy*³¹ is utilised by their Lordships in the current case to support their argument, which further reiterates the points made in the *N. K. Prasada*³² case. The case of *Board of Education v. Rice*³³ is also used, which states that the Board of Education can obtain the information it requires in any way it thinks is apt.³⁴ The Committee, therefore, thought that the best way to go about it would be to prevent cross-examination and not take simultaneous evidence from the witnesses. Further, in the case of *Russell v. Duke of Norfolk*³⁵ the court states that the party should be given a reasonable chance to present their case, and the case of *Byrne v. Kinematograph Renters Society Ltd.*³⁶ established that the person should be made aware of the nature of the allegations put against him, and be allowed to state his defence.³⁷ A notice is an essential part of a fair hearing, and a proceeding that takes place without a notice is violative of natural justice, as it does not amount to a fair

²⁶ M.P Jain, *Principles of Administrative Law* (Lexis Nexis 2021).

²⁷ AIR 1952 SC 221.

²⁸ Ibid.

²⁹ (2004) 6 SCC 299.

³⁰ Ibid.

³¹ *Union of India v. P. K. Roy* (1968) 2 SCR 186, p 202.

³² (2004) 6 SCC 299.

³³ 1911 AC 179.

³⁴ Ibid.

³⁵ (1949) 1 All ER 109.

³⁶ (1968) 2 All ER 579.

³⁷ Ibid.

hearing.³⁸ The appellants were given a show cause notice in the case and were asked to state their stance in writing. Therefore, there was no violation on those grounds, as they were given a reasonable opportunity to present their defence. When they submitted their stance, they were also asked to provide evidence to support their stance.

Opinion:

The author of this analysis agrees with the stance taken by the court of the case in hand to conclude. A fair hearing has a lot of elements, namely, a chance to be given, a show cause notice, and more. However, this concept is in no form a rigid one. Multiple intricacies in a case would shape this concept in different ways, and its application would be affected differently in each case.³⁹ In *Hira Nath Misra*⁴⁰ The author does not believe that the flexibility has been taken so far as it is in violation. The Committee kept in mind the safety of the reputation of the female students and their mental and physical wellbeing, due to which it took their statements before the male appellants and disallowed cross-examination. There have been multiple decisions in the Judiciary which are in support of the validity of the conduct of the Enquiry Committee, as produced in this analysis. If the girls who were molested were asked to give their statements in front of the male appellants or were put to cross-examination, their statements could have been influenced in a negative light due to the mental agony and trauma that they went through by the male appellants. As the college could not protect them outside the campus and hostel vicinity, the exposition of their identity could result in them being assaulted by the male students again. This case has thus had a positive impact and has been one of the cases which support arguments which talk about the flexibility of natural justice. For example, in *Nur Afsar Mandal*⁴¹, the judgment follows the precedent that is set in the current case regarding the confidentiality of the report, stating that the University rightfully exercised the flexibility of natural justice.⁴² In *J. Ponraj*⁴³ The judge further relies upon the case and states the verdict of

³⁸ *Abdul Ghaffar v. State of U. P.* AIR 1984 All 283.

³⁹ M.P Jain, *Principles of Administrative Law* (Lexis Nexis 2021).

⁴⁰ (1973) SCC 805.

⁴¹ 2022 SCC OnLine Cal 920.

⁴² Ibid. [6]

⁴³ 2018 SCC OnLine Mad 2848.

the case about the inflexibility of principles of natural justice.⁴⁴ Therefore, the case has become an often-cited precedent in various other cases.⁴⁵

⁴⁴ Ibid.

⁴⁵ See *Nur Afsal Mandal v. Viswa Bharati and Others* 2022 SCC OnLine Cal 920; *J. Ponraj v. Tamil Nadu Science and Tech* 2018 SCC OnLine Mad 2848; *Delhi Development Authority and Others v. Ashok Kumar* 2006 SCC OnLine Del 355.