

**Presented on : 28-04-2020****Registered on : 28-04-2020****Decided on : 13-05-2020**

Lovely Professional University Vs. Vijay Sampla & Ors.

Present: Sh.V.K.Sharma, Advocate learned counsel for the plaintiff.

ORDER

Suit presented during lock down period before this Court performing duty work. Alongwith the suit, an application seeking permission to file it during pandemic lock down vacation was also moved with the submission of plaintiff University through Additional Registrar i.e. authorized person Dr. Manish Gupta with the submission that the matter involved in this case was very urgent and in case of not admitting the suit for hearing, the purpose of filing the suit would be defeated. Heard and considering the given matrix of the case alongwith above submission, the application was allowed and suit was admitted for hearing during lock down vacation period. Suit be registered.

2. Report of Reader seen as per which, request for filing the requisite Court fee on lifting of Curfew and Lock Down was made in the plaint itself. Further, an application was also moved for exempting the affixation of Court Fee at the moment. Considering the fact about imposition of Curfew and Lock Down, said application was allowed with direction for affixation of Court Fee, when the situation will be normal in due course or as per further order in this regard.

3. Alongwith the suit, an application for temporary injunction was also moved. Heard on ad-interim injunction and file was perused. Plaintiff University submitted that it was recognized by University Grants Commission, New Delhi and is having unmatched reputation being a

premier educational institution providing quality education to students. It was further submitted that the plaintiff University was/is providing healthy as well as hygienic atmosphere to every person connected with it as well as persons working in its diameter. It was specifically submitted that on account of outspread of Corona Virus disease (COVID-19), specific orders were issued to all educational institution across the country to take preventive measures for check its outspread. Vide letter dated 13.03.2020, Department of Higher Education Punjab instructed the suspension of classes from 14.03.2020 to 31.03.2020, whereas no instructions were given for vacation of hostels of such institutions. In compliance of the same, plaintiff University suspended the classes and similarly, the instructions of similar letter dated 20.03.2020 of said department were again followed.

4. As per further stand of plaintiff University on 21.03.2020 the Government of India through Ministry of Human Resource Development ordered all Universities of country to allow the students to stay in the hostels. Thereafter on 27.03.2020, the Government of India issued similar instructions asking further to take care of such students, University Staff and other officials etc., which were duly complied with. It was specifically contended that despite following the instructions of Government from time to time, no stone was left unturned for taking care of hostelers in the plaintiff University and rather, out of such 22625 hostelers, 20090 hostelers had vacated the hostels of plaintiff University, whereas others could not go due to flight restrictions and due to other reasons beyond the scope of plaintiff University.

5. The plaintiff University has raised concern through the plaintiff suit against the alleged unwanted, illegal threats of defendants including Ex-Member of Parliament i.e. defendant No.1 and his son i.e. defendant No.2 alongwith third defendant submitting that defendant No.1 had not only tried to tarnish the goodwill and reputation of plaintiff University, but also leveled

frivolous allegations on social media messengers as well as in print media that the plaintiff University was not putting forward true facts about actual number of its students and staff being Corona Positive as well as about death of some of them, which threats were alleged to be still continuing. Copy of certain news items and social media messages were placed on record in this regard. It was further pleaded by plaintiff University that the defendant No.3 compared it with Tabligi Jamat in one video posted on his face-book page dated 13.04.2020 alleging that one girl student of plaintiff University was intentionally kept at University premises despite being found Corona Positive, whereas she was kept in isolation ward and was referred to Civil Hospital, Kapurthala. It was further pleaded by plaintiff University that all the defendants were continuously issuing threats to harass the students, faculty, staff and other officials of plaintiff University by leveling false allegations imputations through internet, electronic and print media against them due to personal grudge, whereas the plaintiff University officials have taken all the proper measures as per guidelines of appropriate authorities including State and Central Government. So, prayer was made to check them from issuing such threats illegally apart from the requests of granting damages in the shape of recovery rights against all the defendants.

6. To support its contentions, the plaintiff University through its Additional Registrar Dr. Manish Gupta furnished an affidavit in-verbatim of such contentions while lending support from copy of above mentioned letters/notifications/orders of Government, copies of certain letters issued by University Grants Commission, New Delhi, asking plaintiff University to take care of accommodation and safety of students residing in the hostels. The copy of three letters dated 14.04.2020 and 15.04.2020 issued by defendant No.1 to the Worthy Prime Minister of India, the Worthy Governor of State of Punjab and the Worthy Chief Minister of State of Punjab leveling some of aforementioned allegations over plaintiff University were also

placed on record, which were also perused by this Court. The copies of similar allegations leveled against plaintiff University and its staff as well as officials through social media and print media were also perused being part of the suit. So all these facts are sufficient to conclude that not only the image and reputation of plaintiff University, but the future of staff working with it and most important, the future of students studying in the University is at stake at the hands of defendants as it appears in the given matrix of the case at this stage. This needs to be checked by passing order to restrain all the defendants from doing so illegally with any ulterior motive without justification, which threats are required to be checked to further negate and rule out the happening of untoward incident with such staff, officials and students studying in the plaintiff University and this Court orders accordingly. The defendants are accordingly restrained in this regard doing or carrying out such activity illegally or forcibly, whereas they can exercise their right for lodging protest or can show concern only as per law.

7. Notice of the suit and application, order be given to defendants for 13.05.2020 through ordinary process. Needless to mention here that plaintiff will comply with provisions of Order 39 Rule 3 CPC or lest, present injunction shall stand automatically vacated. Dasti summons may also be given as request in this regard was received. File be put up before learned ACJ(SD), Phagwara on that day for proper entrustment.

Pronounced in open Court:

Dated:28.04.2020

Sumant Kumar

(Ravipal Singh)
Civil Judge(Junior Division),
Phagwara. (UID PB-0410) (Duty)