

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WA.No. 461 of 2015 () IN WP(C).29359/2014

AGAINST THE JUDGMENT IN WP(C) 29359/2014 of HIGH COURT OF KERALA
DATED 12-02-2015

APPELLANT(S)/PETITIONER :-

SHIRAS S. AGED 20 YEARS, S/O.SALIM N., SULFA MANZIL,
NEAR PAPER MILL, PUNALUR, KOLLAM DISTRICT

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN

RESPONDENT(S) :-

1. UNIVERSITY OF KERALA REPRESENTED BY ITS REGISTRAR, KERALA UNIVERSITY
THIRUVANANTHAPURAM - 695 006.
2. THE VICE-CHANCELLOR, KERALA UNIVERSITY, THIRUVANANTHAPURAM-695006.
3. ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
REPRESENTED BY ITS MEMBER SECRETARY, 7TH FLOOR
CHANDERLOK BUILDING, JANPATH, NEW DELHI -110001
4. THE CONTROLLER OF EXAMINATION, UNIVERSITY OF KERALA
THIRUVANANTHAPURAM - 695 006.
5. SREE NARAYANA INSTITUTE OF TECHNOLOGY, THEPPUPARA, ADOOR
PATHANAMTHITTA DISTRICT, PIN - 691 554 REPRESENTED BY ITS PRINCIPAL
6. DR.G.PAVITHRAN, PRINCIPAL, SREEE NARAYANA INSTITUTE OF TECHNOLOGY
THEPPUPARA, ADOOR, PATHANAMTHITTA DISTRICT, PIN - 691 554.
7. K.SADANANDAN, CHAIRMAN, SREEE NARAYANA INSTITUTE OF TECHNOLOGY
THEPPUPARA, ADOOR, PATHANAMTHITTA DISTRICT, PIN - 691 554.
8. ABYIN AMPADIYIL, MANAGING DIRECTOR,
SREEE NARAYANA INSTITUTE OF TECHNOLOGY, THEPPUPARA
ADOOR, PATHANAMTHITTA DISTRICT, PIN - 691 554.
9. THE SUB INSPECTOR OF POLICE, ADOOR, PATHANAMTHITTA DISTRICT-689645.

BY SRI.BIJU BALAKRISHNAN
R9 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS
BY SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.A. No.461 of 2015

Dated this the 9th day of March 2015

J U D G M E N T

Shaffique, J.

The petitioner in W.P.(C) No.29359 of 2014 is the appellant. He challenges the judgment dated 12.2.2015, by which, the writ petition was disposed of by the learned Single Judge directing the enquiry against him to be completed within a period of one month from 27.2.2015.

2. The writ petition was filed challenging the order of suspension issued against the petitioner. Ext.P1 dated 2.8.2014 is the order of suspension. It is inter alia stated that as per the decision in the meeting of the College Council held on 1.8.2014 in the Principal's Chamber, it was unanimously decided to suspend the petitioner along with certain other students until further orders and pending enquiry and final settlement of the cases filed before the Sub Inspector of Police. It is alleged that there was gross violation of the Rules and Regulations of the College, which are detrimental to the discipline and academic ambience of the institution. The petitioner inter alia contended that Ext.P1

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suspension order was bad in law and there was no reason for the long period of suspension. Hence, a direction is sought for to the Principal of the College to revoke the suspension. The learned Single Judge, having considered the matter, formed an opinion that there was nothing wrong in the Principal having initiated enquiry on aspects involving violent acts indulged by the students even outside the College; which reflects the character of the students. Therefore, it was found that suspension of such students, pending enquiry, cannot be faulted with.

3. It is argued by the learned counsel appearing for the appellant that there was no reason to keep the appellant under suspension pending enquiry. Ext.P1 was issued as early as on 2.8.2014 and until the filing of the writ petition, no progress is made in regard to the enquiry. It is also submitted that the petitioner was not involved in any crime as alleged and if the petitioner is kept out of the College, he will not get the necessary attendance to write the examination.

4. On the other hand, the learned counsel appearing for the respondent College submits that despite the undertaking given by the petitioner along with certain other students that they will not create any law and order situation in the College,

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subsequent to the direction issued by this Court in another writ petition, further law and order problem has been created by them.

5. We do not intend to enter into any controversy regarding the act or inaction on the part of the petitioner in this matter. Since the College had already initiated disciplinary action and the learned Single Judge has disposed of the writ petition, directing the enquiry to be completed within a period of one month, we do not think that the learned Single Judge has committed any error in arriving at such a finding and issuing the direction as stated above.

6. As far as the College is concerned, discipline is of the utmost importance and it is for the College authorities to ensure that proper discipline is being maintained in the College. It is not a case where the College did not take any action in the matter. Even going by Ext.P1, it reflects the fact that the Management has taken a decision to suspend the petitioner. But the suspension has been continued for quite a long time. In so far as the learned Single Judge's direction to complete the enquiry within a period of one month from 27.2.2015 is concerned, we do not think it necessary to interfere with the said direction.

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7. Learned counsel appearing for the respondent College would submit that the enquiry will be done on a day-to-day basis and will be over within the time stipulated by the learned Single Judge.

Under such circumstances, we do not think it necessary to interfere with the judgment of the learned Single Judge. Hence, we dismiss the writ appeal. It is made clear that the enquiry proceedings shall be completed untrammelled by any of the observations made by this Court.

**Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

Jvt