

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936**

**WP(C).No. 1947 of 2015 (P)**  
-----

**PETITIONER(S):**  
-----

1. JITHIN XAVIER, S/O.LATE XAVIER.T,  
LILLY COTTAGE, THURUVICKAL.P.O.,  
THIRUVANANTHAPURAM.
2. ARAVIND R.PUTTHUSSERY,  
S/O.K.S.RAVI KUMAR, 'GEETH', F-5,  
ELANKOM GARDENS, VELLAYAMBALAM,  
SASTHAMANGALAM.P.O.,THIRUVANANTHAPURAM.

**BY ADVS.SRI.V.G.ARUN  
SRI.T.R.HARIKUMAR  
SRI.ARJUN RAGHAVAN**

**RESPONDENT(S):**  
-----

1. THE PRINCIPAL,  
MAR IVANIOUS COLLEGE, NALANCHIRA,  
THIRUVANANTHAPURAM-695 015.
2. THE UNIVERSITY OF KERALA,  
REPRESENTED BY ITS REGISTRAR, UNIVERSITY.P.O.,  
PALAYAM,THIRUVANANTHAPURAM-695 034.
3. THE VICE-CHANCELLOR,  
UNIVERSITY OF KERALA, UNIVERSITY.P.O, PALAYAM,  
THIRUVANANTHAPURAM-695 034.

**R1 BY ADV. SRI.J.HARIKUMAR  
R2 & R3 BY SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**sts**

APPENDIX

PETITIONER(S)' EXHIBITS  
-----

- P1- A TRUE COPY OF THE SUSPENSION ORDER ISSUED BY THE 1ST RESPONDENT IN RESPECT OF THE 1ST PETITIONER DATED 10.11.2014.
- P2- A TRUE COPY OF THE SUSPENSION ORDER ISSUED BY THE 1ST RESPONDENT IN RESPECT OF THE 2ND PETITIONER DATED 10.11.2014.
- P3- A TRUE COPY OF THE NOTICE ISSUED BY THE CONVENOR OF THE ENQUIRY COMMISSION IN RESPECT OF THE 1ST PETITIONER DATED 12.11.2014.
- P4- A TRUE COPY OF THE NOTICE ISSUED BY THE CONVENOR OF THE ENQUIRY COMMISSION IN RESPECT OF THE 2ND PETITIONER DATED 12.11.2014.
- P5- A TRUE COPY OF THE MEMO ISSUED BY THE 1ST RESPONDENT IN RESPECT OF THE 1ST PETITIONER DATED 19.12.2014.
- P6- A TRUE COPY OF THE MEMO ISSUED BY THE 1ST RESPONDENT IN RESPECT OF THE 2ND PETITIONER DATED 19.12.2014.
- P7- A TRUE COPY OF THE REPLY ISSUED BY THE INFORMATION OFFICER OF THE COLLEGE DATED 15.02.2014.
- P8- A TRUE COPY OF THE RECEIPT DATED 16.07.2014 ISSUED FROM THE MANNANTHALA POLICE STATION.
- P9- A TRUE COPY OF THE APPEAL FILED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT DATED 08.01.2015.
- P10- A TRUE COPY OF THE APPEAL FILED BY THE 2ND PETITIONER BEFORE THE 3RD RESPONDENT DATED 07.01.2015.

RESPONDENT(S)' EXHIBITS  
-----

- R1(A) COPY OF THE PAGES 50 TO 53 OF THE MAR IVANIOUS COLLEGE HAND BOOK 2012-2013
- R1(B) COPY OF THE SIGNED STATEMENT GIVEN BY THE FIRST PETITIONER BEFORE THE ENQUIRY COMMISSION
- R1(C) COPY OF THE SIGNED STATEMENT GIVEN BY THE SECOND PETITIONER BEFORE THE ENQUIRY COMMISSION

WP(C).NO.1947/2015

R1(D) COPY OF THE REPORT SUBMITTED BY THE COMMISSION CONSTITUTED TO  
ENQUIRE INTO THE UNTOWARD INCIDENTS THAT TOOK PLACE ON 07/11/2014

R1(E) COPY OF THE LETTER DATED 17/01/2015 FROM THE REGISTRAR OF THE 2ND  
RESPONDENT

R1(F) COPY OF THE REPLY DATED 24/01/2015.

/TRUE COPY/

P.A.TO.JUDGE

sts

**K. VINOD CHANDRAN, J.**  
=====

**W.P.(C) No.1947 of 2015 - P**  
=====

**Dated this the 4<sup>th</sup> day of February, 2015**

**J U D G M E N T**

The petitioners are before this Court, challenging the order by which they were expelled, from the college of the 1<sup>st</sup> respondent. The matter was elaborately heard on 30.01.2015.

2. The learned Counsel appearing for the respondent college had vehemently opposed the writ petition especially on the ground that, the transfer certificate has already been issued and it has been forwarded to the University. The learned Counsel also sought to sustain the expulsion on the compelling ground of discipline. However, noticing the allegations and counter allegations as also the fact that, the students who were expelled, were in the last semester of their graduate course, this Court requested the learned Counsel to request the

Principal, the 1<sup>st</sup> respondent herein, to permit the petitioners to complete their semesters however, after expressing due apology before the Principal, for the incident, which occurred in the college, leading to the expulsion of the students.

3. The learned Counsel for the 1<sup>st</sup> respondent has fairly persuaded the Principal and the Principal too with equal grace has acceded to the request of this Court. The Principal has agreed to take back the students only considering the fact that, they are the last semester students, but, on an undertaking that they would not indulge in like activities here after.

3. In such circumstances, the petitioners shall give an unconditional apology in writing and also undertake that, they would not indulge in like activities hereafter. The same shall also be countersigned by the respective parents of the students. In the presence of the parents and College Council, the students should apologise to the Principal and

Vice Principal and the students shall be permitted to appear for the classes, within a week from today. The petitioners shall approach the University and the University shall handover the transfer certificate to the petitioners to be handed over back to the college. The University shall also facilitate the re-admission on a request being made by the 1<sup>st</sup> respondent Principal; if it is found necessary.

The writ petition would stand disposed of with the above directions, putting on record the appreciation; of this Court, of the graceful gesture made by the Principal, keeping in mind the future of the petitioners.

Sd/-  
**K. VINOD CHANDRAN,**  
**JUDGE**

SB

// true copy //

P.A to Judge.