

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 28929 of 2014 (M)

PETITIONER(S):

1. SREE GANESH S.PILLAI, AGED 20 YEARS,
S/O.SURESH KUMAR G., SREE SADAN,
MANCHALLOOR, PATHANAPURAM P.O.,
KOLLAM DISTRICT.
2. ROSHAN Y.RAJ, AGED 20 YEARS, S/O.REJIMON Y.,
ELAVILAYIL PUTHENVEEDU, VAYALA P.O.,
PARAKODE, PATHANAMTHITTA DISTRICT.
3. SREERAJ R., AGED 20 YEARS,
S/O.RAJENDRAN ACHARI, SURAJ BHAVAN,
STADIUM JUNCTION, KOODAL P.O.,
PATHANAMTHITTA DISTRICT.
4. RAGEND P.R., AGED 20 YEARS,
S/O.RAVINDRAN P.G., PALAKASSERIL,
ADINADU SOUTH, KATTILKADAVU P.O.,
KARUNAGAPALLY, KOLLAM DISTRICT.
5. MIDHUN MADHU, AGED 20 YEARS,
S/O.MADHU A.K., EDAKKATTU HOUSE,
THATTUKATTIL, THIRUVANVANDOOR P.O.,
CHENGANNUR, ALAPPUZHA DISTRICT.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN
SRI.S.K.SUJITH KRISHNA
SRI.S.VISHNU (ARIKKATTIL)
SRI.M.K.HARIPRIYESH

RESPONDENT(S):

1. UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR,
KERALA UNIVERSITY,THIRUVANANTHAPURAM-695004.

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2. THE VICE CHANCELLOR, KERALA UNIVERSITY,
THIRUVANANTHAPURAM-695004.
3. ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
REPRESENTED BY ITS MEMBER SECRETARY, 7TH FLOOR,
CHANDERLOK BUILDING, JANPATH, NEW DELHI-110 001.
4. THE CONTROLLER OF EXAMINATION,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695004.
5. SREE NARAYANA INSTITUTE OF TECHNOLOGY,
THEPPUPARA, ADOOR, PATHANAMTHITTA DISTRICT,
PIN-691554, REPRESENTED BY ITS PRINCIPAL.
6. DR.G.PAVITHRAN, PRINCIPAL,
SREE NARAYANA INSTITUTE OF TECHNOLOGY,
THEPPUPARA, ADOOR,
PATHANAMTHITTA DISTRICT, PIN-691554.
7. K.SADANANDAN, CHAIRMAN,
SREE NARAYANA INSTITUTE OF TECHNOLOGY,
THEPPUPARA, ADOOR,
PATHANAMTHITTA DISTRICT, PIN-691554.
8. ABYIN AMPADIYIL, MANAGING DIRECTOR,
SREE NARAYANA INSTITUTE OF TECHNOLOGY,
THEPPUPARA, ADOOR,
PATHANAMTHITTA DISTRICT, PIN-691554.
9. THE DEPUTY SUPERINTENDENT OF POLICE,
ADOOR, PATHANAMTHITTA DISTRICT-689641.
10. THE SUB INSPECTOR OF POLICE,
ADOOR, PATHANAMTHITTA DISTRICT-689641.

R1, R2 & R4 BY SRI.BECHU KURIAN THOMAS, SC
R5-R8 BY ADVS. SRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE
SMT.PRINCY XAVIER
R9 & R10 BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT. P1 : THE TRUE COPY OF PRINTED FORMAT GIVEN BY THE MANAGEMENT OF THE FIFTH RESPONDENT COLLEGE TO THE STUDENTS, INCLUDING THE PETITIONER.
- EXT. P2 : THE TRUE COPY OF NOTIFICATION NO.CE/243/10/2014 DATED 20-10-2014 AS NOTIFIED BY THE UNIVERSITY.
- EXT. P3 : THE TRUE COPY OF RELEVANT EXTRACT REGULATION, SCHEME AND SYLLABUS FOR MECHANICAL ENGINEERING B.TECH DEGREE COURSE, APPROVED BY THE BOARD OF STUDIES IN ENGINEERING AND FACULTY OF ENGINEERING AND TECHNOLOGY, ISSUED BY THE UNIVERSITY OF KERALA.
- EXT. P4 : THE TRUE COPY OF RELEVANT EXTRACT IN PAGES 33 TO 36 OF THE PROSPECTUS ISSUED BY THE COLLEGE FOR THE YEAR 2013-2014.
- EXT. P5 : THE TRUE COPY OF REPRESENTATION DATED 1-11-2014 SUBMITTED BY THE PETITIONERS BEFORE THE FOURTH RESPONDENT.
- EXT. P6 : THE TRUE COPY OF EXAMINATION FEES RECEIPT ISSUED BY THE UNIVERSITY TO THE FIRST PETITIONER.
- EXT. P7 : THE TRUE COPY OF EXAMINATION FEES RECEIPT ISSUED BY THE UNIVERSITY TO THE SECOND PETITIONER.
- EXT. P8 : THE TRUE COPY OF EXAMINATION FEES RECEIPT ISSUED BY THE UNIVERSITY TO THE THIRD PETITIONER.
- EXT. P9 : THE TRUE COPY OF EXAMINATIONS FEES RECEIPT ISSUED BY THE UNIVERSITY TO THE FOURTH PETITIONER.
- EXT. P10 : THE TRUE COPY OF EXAMINATIONS FEES RECEIPT ISSUED BY THE UNIVERSITY TO THE FIFTH PETITIONER.
- EXT. P11 : THE TRUE COPY OF THE APPLICATION FORM ISSUED BY THE UNIVERSITY TO THE FIRST PETITIONER.
- EXT. P12 : THE TRUE COPY OF THE APPLICATION FORM ISSUED BY THE UNIVERSITY TO THE SECOND PETITIONER.
- EXT. P13 : THE TRUE COPY OF THE APPLICATION FORM ISSUED BY THE UNIVERSITY TO THE THIRD PETITIONER.
- EXT. P14 : THE TRUE COPY OF THE APPLICATION FORM ISSUED BY THE UNIVERSITY TO THE FOURTH PETITIONER.
- EXT. P15 : THE TRUE COPY OF THE APPLICATION FORM ISSUED BY THE UNIVERSITY TO THE FIFTH PETITIONER.
- EXT. P16 : THE TRUE COPY OF THE ORDER DATED 30-10-2014 ISSUED BY THE SIXTH RESPONDENT TO THE THIRD PETITIONER.

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EXT. P17 : THE TRUE COPY OF THE FACULTY NORMS PRESCRIBED BY AICTE
FOR VARIOUS PROGRAMMES INCLUDING ENGINEERING.

RESPONDENT(S)' EXHIBITS:

EXT. R5(A) : PHOTOSTAT COPY OF THE PERFORMANCE ANALYSIS REPORT OF
THE WEEK STUDENTS INCLUDING THE PETITIONERS.

EXT. R5(B) : PHOTOSTAT COPY OF G.O.(RT)NO.217/12/H.ED DATED 31.1.2012.

EXT. R5(C) : PHOTOSTAT COPY OF NOTICE GIVEN BY 2ND PETITIONER TO THE
PRINCIPAL ON 27.10.2014.

EXT. R5(D) : PHOTOSTAT COPY OF THE MINUTES OF THE MEETING OF THE
DISCIPLINARY COMMITTEE HELD ON 28.10.2014.

EXT. R5(E) : PHOTOSTAT COPY OF MINUTES OF THE MEETING OF COLLEGE
COUNCIL HELD ON 30.10.2014.

EXT. R5(F) : PHOTOSTAT COPY OF THE COMPLAINT GIVEN TO THE DY.S.P, ADOOR
DATED 30.10.2014.

EXT. R5(G) : PHOTOSTAT COPY OF COMPLAINT DATED 31.10.2014.

EXT. R5(H) : PHOTOSTAT COPY OF ORDER
NO.SNIT/PRN105/07/SUSPNENQ/S5AUTO/E-5/2014 DATED 30.10.2014.

EXT. R5(I) : PHOTOSTAT COPY OF ORDER NO.SNIT/PRN105/07/SUSPN/S5AUTO/
D-7/2014 DATED 30.10.2014 COMMUNICATED TO THE 1ST PETITIONER.

EXT. R5(J) : PHOTOSTAT COPY OF ORDER NO.SNIT/PRN105/07/SUSPN/S5AUTO/
D-7/2014 DATED 30.10.2014 COMMUNICATED TO THE 2ND PETITIONER.

EXT. R5(K) : PHOTOSTAT COPY OF ORDER NO.SNIT/PRN105/07/SUSPN/S5AUTO/
D-7/2014 DATED 30.10.2014 COMMUNICATED TO THE 3RD PETITIONER.

EXT. R5(L) : PHOTOSTAT COPY OF NOTICE DATED 5.11.2014 ISSUED TO THE
1ST PETITIONER.

EXT. R5(M) : PHOTOSTAT COPY OF NOTICE DATED 5.11.2014 ISSUED TO THE
2ND PETITIONER.

EXT. R5(N) : PHOTOSTAT COPY OF NOTICE DATED 5.11.2014 ISSUED TO THE
3RD PETITIONER.

/TRUE COPY/

P.S. TO JUDGE

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K.VINOD CHANDRAN, J.

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Dated this the 12th day of February, 2015

JUDGMENT

The aforesaid writ petition is filed against the suspension order issued to the petitioners by the fifth respondent College. It is submitted by the petitioners that the suspension has been now withdrawn and the petitioners are now continuing studies in the College. The learned counsel for the fifth respondent College however submits that the suspension was withdrawn only under coercion of 'Gheravo' resorted to by the students.

2. In any event, the fact that the suspension was withdrawn is admitted and the same was done as early as on 27.11.2014. In such circumstances, this Court would not interfere with the cancellation as such. The students had in fact raised allegations against the Principal as to his competence to continue as a Principal of the College. This Court finds that such allegations are misconstrued in a writ petition, filed against the action of the College. The students turn against the Principal only by reason of

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the disciplinary enquiry initiated against them, and this Court would not permit such vindictive measures. Since the petitioners have now filed an affidavit withdrawing such contentions, this Court would not speak further about the same.

3. The fifth respondent College contends that there are serious allegations against the petitioners and the petitioners are creating a law and order situation in the College, with the support of anti-social elements from outside the campus. If any such incident occurs, definitely, the Principal would have authority to suspend the students who create such trouble inside the campus and take appropriate action against them. It is also submitted that the incidents which led to the suspension of the petitioners is pending investigation in a crime registered by the Principal. A Committee within the College has also been constituted to enquire into the said incident.

4. Definitely the committee constituted could enquire into the incident, but however with notice to the petitioners herein and the petitioners shall co-operate with such enquiry. If any disruption of enquiry proceedings are caused, the Principal would

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be entitled to take appropriate proceedings. Maintenance of discipline being a paramount consideration of an educational institution, the Principal could also seek help of the District Administration to maintain peace, if there is apprehension of disruption of law and order.

Leaving liberty to the fifth respondent College to take appropriate proceedings against the students, the writ petition would stand closed making it clear that the students would comply with the decision taken by the fifth respondent on the report of the Enquiry Committee. The results of the examination in which provisional entrance was given to the petitioners would only be published after a decision is taken by the fifth respondent, on the report of the Committee.

**K.VINOD CHANDRAN,
JUDGE.**

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