

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. 29359 of 2014 (T)

PETITIONER(S):

**SHIRAS SALIM, 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
SRI.RENJITH R.NAIR
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 - 695 006.**
- 2. THE VICE-CHANCELLOR, KERALA UNIVERSITY,
THIRUVANANTHAPURAM - 695 006.**
- 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 - 695 006.**
- 5. SREE NARAYANA INSTITUTE OF TECHNOLOGY,
THEPPUPARA, ADOOR, PATHANAMTHITTA DISTRICT,
PIN - 691 554, REPRESENTED BY ITS PRINCIPAL.**
- 6. DR.G.PAVITHRAN,
PRINCIPAL, SREE NARAYANA INSTITUTE OF TECHNOLOGY,
THEPPUPARA, ADOOR, PATHANAMTHITTA DISTRICT,
PIN - 691 554.**

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7. K.SADANANDAN,
CHAIRMAN, SREE NARAYANA INSTITUTE OF TECHNOLOGY,
THEPPUPARA, ADOOR, PATHANAMTHITTA DISTRICT,
PIN - 691 554.
 8. ABYIN AMPADIYIL,
MANAGING DIRECTOR,
SREE NARAYANA INSTITUTE OF TECHNOLOGY, THEPPUPARA,
ADOOR, PATHANAMTHITTA DISTRICT, PIN - 691 554.
 9. THE SUB INSPECTOR OF POLICE,
ADOOR, PATHANAMTHITTA DISTRICT - 689 645.
- R1, R2 & R4 BY SRI.BECHU KURIAN THOMAS, SC
R6-R8 BY ADVS. SRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE
SMT.PRINCY XAVIER
R9 BY SENIOR GOVERNMENT 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:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: THE TRUE COPY OF CIRCULAR NO.SNIT/PRN105/07/SUSP/D-1/2014 DATED 2.8.2014 ISSUED BY THE SIXTH RESPONDENT.
- EXT.P-2: THE TRUE COPY OF RECEIPT BY FIFTH RESPONDENT COLLEGE TO THE PETITIONER DTD. 11.5.14.
- EXT.P-3: THE TRUE COPY OF LETTER ISSUED BY THE LOCAL PANCHAYATH MEMBER TO THE PETITIONER.
- EXT.P-4: THE ENGLISH TRANSLATION OF EXHIBIT P3.
- EXT.P-5: THE TRUE COPY OF NOTIFICATION NO.CE/243/10/2014 DATED 20.10.2014 WAS NOTIFIED BY THE UNIVERSITY.
- EXT.P-6: THE TRUE COPY OF EXTRACT OF 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.P-7: THE TRUE COPY OF RELEVANT EXTRACT IN PAGES 33 TO 36 OF THE PROSPECTUS ISSUED BY THE COLLEGE FOR THE YEAR 2013 - 2014.
- EXT.P-8: THE TRUE COPY OF CERTIFICATE ISSUED BY THE 9TH RESPONDENT.
- EXT.P-9: THE ENGLISH TRANSLATION OF EXHIBIT P8.
- EXT.P-10: THE TRUE COPY OF INTERIM ORDER DATED 4.11.2014 IN WPC NO.28929/2014 OF THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS:

- EXT. R6(a): PHOTOSTAT COPY OF THE PERFORMANCE ANALYSIS OF THE WEAK STUDENTS INCLUDING THE PETITIONER.

//TRUE COPY//

P.S.TO JUDGE

Msv/

K.VINOD CHANDRAN, J.

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Dated this the 12th day of February, 2015

JUDGMENT

The petitioner is aggrieved with his suspension from the College, evidenced at Ext.P1. Essentially it is to be noticed that the petitioner had challenged the suspension of August 2014 by a writ petition in November 2014. The petitioner contends that the cause of action for the proceedings initiated was with respect to an incident which happened outside the campus. It is the contention that on personal rivalry, two students clashed and that too outside the campus which cannot lead to a suspension from the College. It is clear that separate crimes were registered against the two students by the Sub Inspector of Police, Adoor and investigation is going on. The petitioner admittedly is one of the said students.

2. The student 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

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in a writ petition, filed against the action of the College. The student turn against the Principal only by reason of the disciplinary enquiry initiated against him, and this Court would not permit such vindictive measures. Since the petitioner has now filed an affidavit withdrawing such contentions, this Court would not speak further about the same.

3. This Court is of the opinion that there is nothing wrong in the Principal having initiated an enquiry on an aspect, involving violent acts indulged in by the students even outside the College; which reflects on the character of the students. Suspension of such students, pending enquiry, also cannot be faulted since the Principal has to be concerned with the maintenance of overall discipline in the College. Admittedly one of the students suspended as per Ext.P1 had left the College on transfer certificate being granted. The petitioner was also willing to move on, but the petitioner insisted on refund of the fee paid, is the contention of the petitioner. Evidently that is the reason for the delay caused in filing the writ petition.

4. In any event, now the enquiry initiated as per Ext.P1 has

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not been proceeded with. Obviously, it was, since, the College was waiting for the petitioner to accept the transfer certificate and later on due to the pendency of this writ petition . An enquiry has been ordered and five teaching staff members have been constituted into a Committee. In such circumstances, it is only proper that the fifth respondent College complete the enquiry in a time bound manner. The petitioner shall be issued with the specific charges detailing the incidents on which such charges are raised and shall be given a hearing by the Committee which conducts the enquiry. The statements recorded by the Committee as also the evidence revealed at the enquiry, shall be put to the petitioner, before report of enquiry is submitted. The petitioner shall appear before the Committee on 27.2.2015. The petitioner kept under suspension, shall continue as such till the proceedings are over. The petitioner shall be given notice of the posting dates of the Committee, personally and acknowledgment received. The Committee shall as far as possible continue the enquiry on a day to day basis. The petitioner shall be permitted to enter the College only on the days when the Committee has posted the

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enquiry. The enquiry shall be completed at any rate within a month from 27.2.2015. The petitioner's suspension and continuance shall be depend upon the findings at the enquiry and the decision taken by the Principal in the matter.

The writ petition shall stand disposed of.

**K.VINOD CHANDRAN,
JUDGE.**

rkc.