

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2015

C O R A M :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.Nos.10797 of 2015 and 17702 of 2015

M.D.Thangaraj

... Petitioner in both WPs

.Vs.

1. Anna University

Represented by its Registrar,
Sardar Patel Road,
Guindy, Chennai 600 025.

2. Kalaigar Karunanidhi Institute of Technology,

Represented by its Principal,
Kannampalayam Post,
Coimbatore 641 402.

... Respondents in both WPs

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to permit the petitioner to continue and complete his Bachelor of Engineering (Mechanical Engineering) course in the 2nd respondent institution and directing the respondents to issue a Transfer Certificate to enable the petitioner to continue his education elsewhere respectively.

For Petitioner : Mr.V.Raghavachari (in both petitions)

For Respondents : Mr.M.Vijayakumar for R1 (WP.10797/15)

Mr.P.Sarvana sowmiyan for R2 (in both petitions)

Mr.L.P.Shanmugasundaram for R1 (WP.17702/15)

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COMMON ORDER

The incident is said to have been occurred on 28.02.2015, when a student of a third year B.E. [Mechanical Engineering] went for an industrial visit along with the faculty members. In the said incident, one of the students by name Jeevabalan sustained injury. It is a case of an altercation between two students, in which, one is the petitioner and he was suspended for 15 days from 03.03.2015 along with Jeevabalan. Thereafter, the committee has recommended for extension of suspension as against this petitioner. The petitioner is said to be a student with excellent academic credential at the relevant point of time and he was having 57% attendance in the 6th semester. Thereafter, he was allowed to attend the college. In view of the suspension order followed by the decision passed by the enquiry committee, the petitioner has come forward with writ petition in W.P.No.10797 of 2015 seeking a direction to permit the petitioner to continue and complete his Bachelor of Engineering (Mechanical Engineering) course and the other writ petition in W.P.No.17702 of 2015 seeking a direction to the respondents to issue transfer certificate to continue his education in some other institute.

2.Mr.V.Raghavachari, the learned counsel appearing for the petitioner submitted that it is the only allegation and as against the counter allegation, no enquiry was conducted. There is no reason as to why no follow up action has been taken. The petitioner is having excellent academic credential and he has attended all the classes at the relevant point of time. Though the petitioner was permitted to write the examination, he is unable to attend the college on account of lack of attendance. The said situation is not due to fault on the part of the petitioner and the order of suspension has not been extended. Considering the peculiar facts of the case, an appropriate order will have to be passed.

3.The learned counsel appearing for the 2nd respondent/college submitted that the suspension order passed was extended by the committee, considering the health condition of the student Jeevabalan. The learned counsel further submitted that though the petitioner is having excellent academic performance, the same cannot be a ground to revoke the suspension order.

4.The learned counsel appearing for the first respondent/Anna University submitted that as per the procedure, 75% attendance is required and a candidate, who secures overall attendance between 65% and 74% only based on medical grounds, may be permitted to appear for the current semester examination, subject to

the condition, that the candidate shall submit the medical certificate attested by the Head of the Institution. Therefore, appropriate order may be passed.

5. Admittedly, no enquiry has been conducted and that it is not clear as to how the 2nd respondent was responsible for alleged occurrence. It is a case of clash between two students and the alleged occurrence was said to have taken place at Goa. Thus, in the absence of any material, he cannot be found fault with, though a case has been registered in this regard. Perhaps, that was why, except the second respondent's suspension order, no final order has been passed. Though initially the petitioner was suspended for 15 days, by the decision of the committee, it has been extended thereafter. The extension cannot be termed as the punishment as it is only an initial one.

6. Considering the peculiar facts of the case and the perusal of the facts, the petitioner was allowed to write the examination, pursuant to the order passed by this Court. Therefore, this Court is inclined to direct the second respondent/College to conduct the special classes so as to enable the petitioner to complete 70% of attendance. The special classes can be conducted after the regular class is over. In such view of the matter, there may not be any impediment for the petitioner to continue the course in the second respondent/College. Thus, the petitioner is also directed to attend the classes for the 7th semester. It is made clear that this order is passed on the peculiar facts of the case, though this Court is quite aware of the statutory prescription of the first respondent/Anna University, which is otherwise binding. The first respondent/Anna University is also directed to publish the result of the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition in W.P.No.10797 of 2015 is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

7. In view of the order passed in W.P.No.10797 of 2015, nothing survives in the writ petition in W.P.No.17702 of 2015. Hence, this writ petition in W.P.No.17702 of 2015 is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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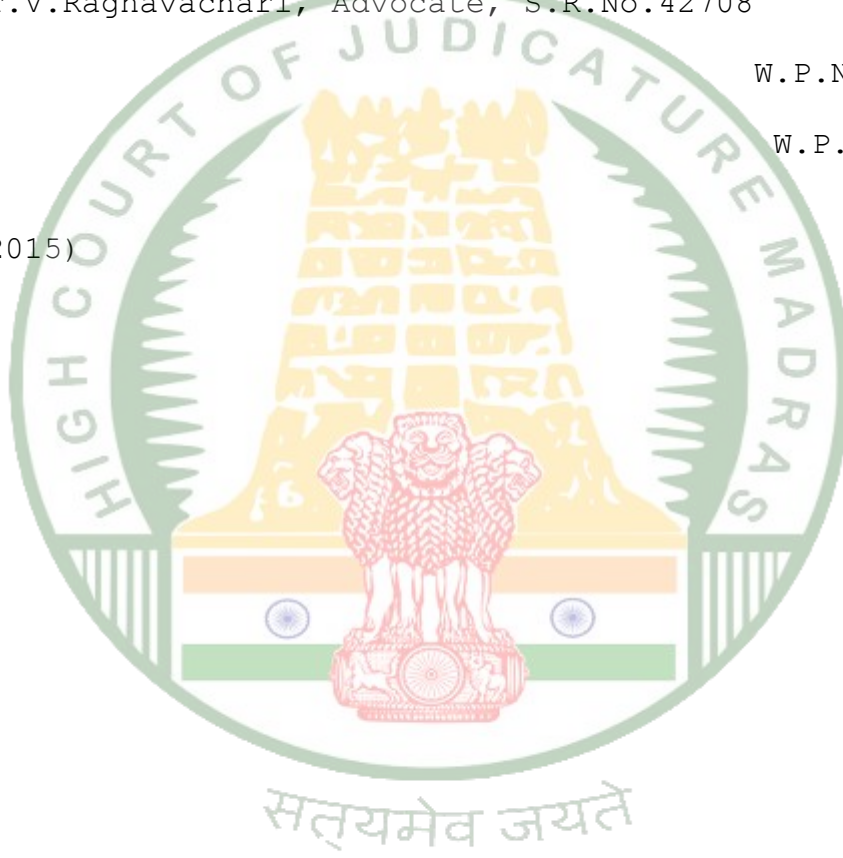
To

1.The Registrar,
Anna University
Sardar Patel Road,
Guindy, Chennai 600 025.

+lcc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.42742
+lcc to Mr.V.Raghavachari, Advocate, S.R.No.42708

W.P.Nos.10797 of 2015
and
W.P.No.17702 of 2015

PUR(CO)
CA(25/08/2015)



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