

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.Nos.20726/15, 11020/15, 14665/15, 16598/15
and 19028/15

R.Dhanaram

..Petitioner in all WPs

Vs

- 1 Saveetha School of Law
Rep. by its Registrar
Saveetha University
No.162 Poonamalle High Road
Thiruverkadu
Chennai-600 077.
- 2 The Principal
Saveetha School of Law
Saveetha University
No.162 Poonamalle High Road
Thiruverkadu
Chennai-600 077. ..Respondents in W.P.No.20726/15
- 1 The Bar Council of India
Rep. by its Secretary No.21 Rouse Avenue
Institutional Area Near Bal Bhavan New
Delhi.
- 2 The Bar Council of Tamil Nadu
Rep. by its Secretary High Court Campus
Chennai-104.
- 3 Saveetha School of Law
Rep. by its Registrar Saveetha University
No.162 Poonamallee High Road Thiruverkadu
Chennai-77.
- 4 The Principal
Saveetha School of Law Saveetha University
No.162 Poonamallee High Road Thiruverkadu
Chennai-77.
- 5 Academic Director
Saveetha School of Law Saveetha University
No.162 Poonamallee High Road Thiruverkadu
Chennai-77. ..Respondents in W.P.No.11020/1

1 Saveetha University
rep. by its Registrar No.162 Poonamallee
High Road Thiruverkadu Chennai-77

2 The Principal
Saveetha School of Law No.162 Poonamallee
High Road Thiruverkadu Chennai-77

3 Academic Director
Saveetha School of Law Saveetha University
No.162 Poonamallee High Road Thiruverkadu
Chennai-77

4 The Secretary
Bar Council of Tamilnadu Chennai-104

..Respondents in W.P.No.14665/15

1 The Bar Council of Tamil Nadu
Rep by its Secretary High Court Campus
Chennai 104

2 Saveetha School of Law
Rep by its Registrar Saveetha University
No.162 Poonamallee High Road Thiruverkadu
Chennai 77

3 The Principal
Saveetha School of Law Saveetha University
No.162 Poonamallee High Road Thiruverkadu
Chennai 77

4 The Enquiry Officer
Joint Director (Labour) Retd. G.99 Anna
Nagar East Chennai 40 ..Respondents in W.P.No.16598/15

1 The Bar Council of India
rep. by its Secretary No.21 Rouse Avenue
Institutional Area Near Bal Bhavan New
Delhi.

2 The Bar Council of Tamilnadu
rep. by its Secretary High Court Campus
Chennai-104

3 Saveetha School of Law
rep. by its Registrar Saveetha University
No.162 Poonamalle High Road Thiruverkadu
Chennai-77

- 4 The Principal
 Saveetha School of Law Saveetha University
 No.162 Poonamalle High Road Thiruverkadu
 Chennai-77
- 5 The Enquiry Officer
 Joint Director (Labour) Retd. G.99 Anna
 Nagar East Chennai-40 ..Respondents in W.P.No.19028/15

Prayer in W.P.No.20726/15: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents in any manner preventing the petitioner from attending the process of internal assessment regular classes and other ancillary tests as indicate in clause 14 of Saveetha University B.A. B.L. (Hons.) Degree course regulations issued by the 1st respondent.

Prayer in W.P.No.11020/15: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the communication made in Ref.No. SU/SSL/ 2015/01 dated 10.04.2015 issued by the 4th respondent and quash the same and consequently direct the 3rd and 4th Respondents to permit the petitioner to complete 14th and 15th trimester in the 4th respondent college without any break.

Prayer in W.P.No.14665/15: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to permit the petitioner to attend the 14th trimesters examination which is schedule to be conducted during 3rd week of 2015 in Vth Year B.A.B.L. (Hons) Law Course by reckoning the suspension period for required attendance for examination.

Prayer in W.P.No.16598/15: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the enquiry report dt 11.5.2015 submitted by the 4th respondent and the consequential communication made in Ref. No. SU/SSL/2015/110 dt 22.5.2015 issued by the 3rd respondent and quash the same and consequently permit the petitioner to complete 15th trimester in the 3rd respondent College without any break.

Prayer in W.P.No.19028/15: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the impugned order dated 24.6.2015 passed by the 4th respondent and

quash the same and consequently permit the petitioner to complete 15th trimester in the 4th respondent college without any break.

For Petitioner in all WPs : Mr.G.Ethirajalu

For Respondents in W.P.No.20726/15

For R3 to R5 in W.P.No.11020/15

For R2 in W.P.No.14665/15,

For R2 & R3 in W.P.No.16598/15

For R2 to R4 in W.P.No.19028/15 : Mr.R.Muthukumarasamy

senior counsel for

Mr.S.Saravanan

For R1 in W.P.No.16598 of 2015 : Mr.Sy.Masood

COMMON ORDER

The case of the petitioner is that the petitioner joined in the Saveetha School of Law a deemed University and completed 13 trimesters with good academic marks in all the subjects continuously. During his educational career, he attended moot courts in National Level and also secured Gold medals without any help from the management of the School of law. Whiles, on 26.02.2015, the petitioner was suspended from the college for an incident and the Principal of the college issued a memorandum of charges against the petitioner. Against the order of suspension, the petitioner herein filed W.P.No.10279 of 2015 and the order of suspension was revoked on 24.4.2015. In view of the letter dated 24.04.2015, this Court closed W.P.No.10279 of 2015. Aggrieved by the charge memo dated 10.04.2015, the petitioner filed W.P.No.11020 of 2015. An enquiry notice was sent to the petitioner directing him to attend the enquiry to be held on 05.05.2015. According to the petitioner, the enquiry was closed without any of the documents or providing an opportunity to the petitioner to put forth his grievances.

2. In the meanwhile, the petitioner filed M.P.No.1 of 2015 in W.P.No.14665 of 2015 for permitting the petitioner to write 14th trimester examination and the said petition was ordered accordingly. Whiles, the second respondent issued a show cause notice to the petitioner along with Enquiry report dated 11.05.2015 submitted by the Enquiry Officer and called upon the petitioner to submit his explanation within 7 days from the date of receipt of the show cause notice. However, the said notice was served on the petitioner only on 26.5.2015. On a perusal of the enquiry report, the petitioner came to know that he was found guilty on the basis of evidence given by the other 7

students as delinquents. At his request, the statements of other delinquents with cover note was sent to the petitioner. Thereafter, the petitioner submitted his explanation. According to the petitioner, the entire enquiry report is perverse and violative of principles of natural justice. Challenging the second show cause notice and the Enquiry report, the petitioner filed W.P.No.16598 of 2015.

3. W.P.No. 19028 of 2015 was filed challenging the order of punishment imposed by the Principal of the college. This Court by order dated 30.06.2015 stayed the operation of the order dated 24.06.2015. In spite of the above said order, the petitioner was not allowed to sit for the examination as contemplated under its Regulation. Hence, W.P.No.20726 of 2015 was filed.

4. After elaborate arguments advanced on either side, keeping in mind the career of the petitioner, and at the instigation of the learned senior counsel, the respondent management has come forward to drop all further proceedings and agrees to permit the petitioner to continue his education. The learned senior counsel for the respondent submitted that the management is inclined to conduct special classes for the petitioner from January 2016 and on completion of the same, the petitioner shall appear for 14th and 15th Trimesters. The said submission of the learned senior counsel is agreeable to the petitioner and the same is recorded.

5. In view of the above, as mutually agreed by both the parties, the petitioner in W.P.No.19028 of 2015 be permitted to sit for Special Coaching classes commencing from January 2016 and shall be permitted to write the examinations for 14th and 15th Trimester, provided the petitioner is attending the special classes without fail. If the petitioner fails to avail this opportunity, he is not entitled for any other relief. Accordingly, this writ petition is disposed of. Since W.P.No.19028 of 2015 is disposed of in the above terms, various other issues need not be gone into and no further orders are required to be passed in the other writ petitions as they have become infructuous. Accordingly, the same are disposed of. No costs. Consequently, connected M.P.No.1/15 in W.P.No.20726/15 & W.P.No.14665/2015 & M.P.Nos.1 to 3/15 in W.P.No.11020/15, W.P.No.16598/15 & W.P.No.19028/15 are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 Registrar Saveetha School of Law
Saveetha University
No.162 Poonamalle High Road Thiruverkadu
Chennai-600 077.
 - 2 The Principal
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No.162 Poonamallee High Road Thiruverkadu
Chennai-77.
 - 6 The Enquiry Officer
Joint Director (Labour) Retd. G.99 Anna
Nagar East Chennai 40
- +5ccs to Mr.S. Saravanan, Advocate, S.R.No.61383 to 61387
- +1cc to Mr.G. Ethirajulu, Advocate, S.R.No.61002
- SCD(CO)
EU(09/12/2015)

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14665/15, 16598/15
and 19028/15