

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.21273 of 2015
and M.P.No.1 of 2015

V.Merrvin

... Petitioner

-Vs-

1.Karpagam University,
rep by its Registrar,
Pollachi Main Road,
Echanari Post,
Coimbatore - 641 021.

2.The Dean,
Karpagam University,
Pollachi Main Road,
Echanari Post,
Coimbatore - 641 021.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to permit the petitioner to attend the Course for the 8th Semester, write the Practical Examination and also the Theoretical Examination for the 8th Semester.

For Petitioner : Mr.M.L.Ramesh

For Respondents : Mr.S.Saravanan (R1)

O R D E R

The petitioner is a student of the respondent University. While he was in the 8th semester, he was not allowed to write the examinations on the ground that he was involved in a criminal case. The petitioner made a representation on 10.03.2015 seeking to permit him to write the examinations. It was not considered on the ground that the petitioner is involved in a criminal case and he would be given permission only on obtaining appropriate communication from the Police Official concerned that he was falsely implicated.

2.The learned counsel for the petitioner submitted that the guidelines cannot be put against the petitioner. In the eye of law, mere filing of FIR cannot be a ground to prevent a student from completing his course. He also submitted that as the petitioner has

put in 38.65% of attendance till 03.03.2015, either lack of attendance may be condoned or he may be permitted to complete the remaining part of the course at least till the period of obtaining minimum required attendance.

3.The learned counsel for the respondents submitted that as per the guidelines issued by the Department of Higher Education dated 17.12.2014, the petitioner was suspended as he was involved in a criminal case and the petitioner should not be allowed to continue in the class.

4.Admittedly, no enquiry has been conducted. The order of the suspension shall be construed as punishment, when it has been passed without hearing the petitioner and not followed thereafter by any action. The petitioner has attendance of 38.65%. Therefore, the respondents, either can consider condonation of the attendance or conduct the remaining classes for the petitioner at least to the extent of achieving the required minimum attendance, so as to enable the petitioner to attend the ensuing examination. The said process will have to be completed in such a manner enabling the petitioner to attend the ensuing examination.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

va

To

1.The Registrar,
Karpagam University,
Pollachi Main Road,
Echanari Post,
Coimbatore - 641 021.

2.The Dean,
Karpagam University,
Pollachi Main Road,
Echanari Post,
Coimbatore - 641 021.

+1 cc to Mr.S.Saravanan, Advocate, sr.46770
+1 cc to Mr.M.L.Ramesh, Advocate, sr.46704

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