

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.23033 of 2015

K.Kanimozhi

... Petitioner

Vs.

1. The Tamil Nadu Dr.M.G.R.University,
Rep. By its Director,
69, Anna Salai,
Guindy, Chennai - 32.
2. The Correspondent,
GEM Institute of Nursing Education and Research,
17, Peedampalli Village,
Sulur Panchayat,
Palladam Taluk,
Coimbatore.
3. The Principal,
GEM Institute of Nursing Education and Research,
17, Peedampalli Village,
Sulur Panchayat,
Palladam Taluk,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus directing the second respondent College and Institute to collect the necessary examination fee from the petitioner and permit the petitioner to sit and write the examination for the subject code Nos.664731 and 664732 and pass such further orders.

For Petitioner : Mr.V.Singan
For R1 : Mr.D.Saravanan
For R2 & R3 : Mr.P.Mathivanan

O R D E R

The petitioner is a final year student doing B.Sc.-Nursing course qua academic year 2010-14. It does appear from the material that she was allegedly involved in an incident in uploading another student's mobile number in a social website, touching upon the

character. Thus, she was suspended for 30 days i.e. from 29.11.2013 to 29.12.2013. It is also seen that the petitioner and her parents have taken up hostile attitude towards the management alleging that she was not allowed to write the written examination. Therefore, she approached this Court. However, she was in fact allowed to write the written examination. Now, she was not allowed to do the practical examination on two grounds. One is, she has not completed viva voce and second one, she will have to get her log book signed by the Head of the Department, apart from the teacher concerned. It appears that it has to be done within 15 days before the theory examination.

2. Now, the grievance of the petitioner is that she had already completed her part in making the log book ready and she is also ready for the viva voce. However, this was not done in view of the then prevailing situation. This statement is denied by the management. Counsel for the first respondent submitted that the same ought to have been completed by the petitioner as per the procedure.

3. A perusal of the counter affidavit filed by the third respondent would show that there appears to be some bad blood between the petitioner and the third respondent. However, in the case on hand, the petitioner was in fact allowed to complete the written examination. Therefore, this Court is not willing to go into the tussle between the petitioner and the third respondent. One thing is clear that the relationship has not been good so far. Now, the petitioner has filed an affidavit, wherein it is stated at paragraph 6 as follows:

"6. The petitioner humbly submits that she sincerely apologises for the misconduct she has done and mere future she will not do any kind of this act and the petitioner score good marks in the past examination and she regretted for the conduct and also tendered unconditional apologies and the petitioner may permitted to write the last term examination."

4. Admittedly, the petitioner has got attendance. She has completed the written examination. Therefore, she is qualified to participate in the practical examination. As this Court is not willing to go into the factual history as to whether who was responsible for not completing the viva voce and log book, taking into consideration of the affidavit filed by the petitioner and also in the interest of the petitioner, who is a young lady and eager to start a new life, this Court is inclined to direct the third respondent to complete the formalities of viva voce and log book, moreso, in view of the submission made by the learned counsel for the petitioner that she has completed her part. The said procedure shall be completed within a period of two weeks from the date of receipt of a copy of this order. In the meanwhile, the petitioner will have to be permitted to write the practical examination. It is made clear

that the petitioner will have to stand her part as stated in paragraph 6 of the affidavit. Undertaking of the counsel for the petitioner that she will furnish the log book immediately, if not furnished already, is also recorded. It is open to the respondent No.3 to take action against the petitioner, if her conduct turns unbecoming of a student.

5. With the above observation and direction, the writ petition stands disposed of. No Costs.

rkm

s/d-

Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To

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Coimbatore.

+ 1 cc to Mr.P.Mathivanan, Advocate SR 42868

+ 1 cc to Mr.V.Singan, Advocate SR 42837

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