



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) .No.4301 of 2015

and

M.P. (MD) Nos.1&2 of 2015

K.Kanagaraj

: Petitioner

vs.

1. The Director of Technical Education,
Department of Technical Education,
Chennai - 25.

2. The Principal,
FX Polytechnic College,
Ambai Road, Tharuvai,
Tirunelveli District - 627 356.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in Ref: General / Office Order / 2015/004, dated 17.03.2015 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner to join the college and permit him to participate and write the 6th and final semester examinations which commence from 25.03.2015.

For Petitioner : Mr.S.Sukumar

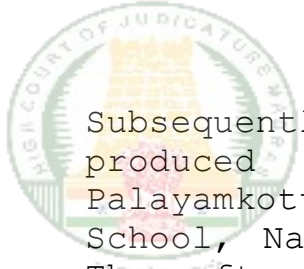
For Respondent-1 : Ms.Bharathi
Govt.Advocate

For Respondent-2 : Mr.A.Thiruvadi kumar

ORDER

This Writ Petition has been filed by a student of the 2nd respondent College, challenging the impugned order, dated 17.03.2015, in and by which, he was expelled from the institution, on the basis of the decision taken by the committee appointed by the College, for his alleged misbehavior viz., threatened the life of one Baskar, Security Guard, in front of one Murugan, Physical Teacher and also abused him with vulgar language.

<https://hcservices.courts.gov.in/CaseDetails/> to which, a criminal case was also registered in Crime No.24 of 2015, for the offences under Sections 294(b), 506 (i) of IPC., on the file of Munnerpallam Police Station.



Subsequently, the petitioner was arrested on 05.02.2015 and he was produced before the learned Judicial Magistrate No.V, Palayamkottai and he was remanded to judicial custody at Bostal School, Nanguneri. Subsequently, he was released on 02.07.2015. Thereafter, when he went to the 2nd respondent College, he was not permitted to attend the classes. In view of the refusal to attend the classes, he came to this Court by filing a Writ Petition in W.P.(MD)No.3980 of 2015. This Court, by an order, dated 06.04.2015, permitted the petitioner to take up the examinations and further directed the result of the examinations shall be kept in a sealed cover. In the light of the order of this Court, the petitioner wrote the examinations.

3. In the above scenario, the grievance of the petitioner is that the result of both the 5th and 6th semesters have not been declared. Therefore, a direction may be given to declare the results of both 5th and 6th semester, on the ground that when the petitioner was dismissed from the 2nd respondent Polytechnic College, no opportunity was given to the petitioner. Therefore, dismissal order, dated 17.03.2015, passed by the 2nd respondent is running contrary to the violation of the principles of natural justice. Accordingly, he has prayed for setting aside the impugned order.

4. The learned counsel for the respondents submitted that now the petitioner has written both 5th and 6th semester examinations and the results are to be published by the Director of Technical Education, Chennai, the first respondent herein. After the publication of the results, the 2nd respondent will issue the mark sheets for 5th and 6th semesters, subject to the conditions that the petitioner files a written unconditional apology to the 2nd respondent college. The learned counsel for the petitioner also stated that the 2nd respondent had already issued the Transfer Certificate and conduct certificate. Taking into consideration these facts, as the petitioner has written the 5th and 6th semester examinations, as this may have some bearing on the pending criminal case, this Court, without going into the merits of the matter, directs the petitioner to file a written unconditional apology to the Principal of the 2nd respondent Polytechnic College, within a period of one week from the date of receipt of a copy of this order. On receipt of the written undertaking from the petitioner, the 2nd respondent College is directed to issue the 5th and 6th semester mark sheets.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are



closed.

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/True Copy/

Sd/-
Assistant Registrar (Writ)

Sub Assistant Registrar

To

The Director of Technical Education,
Department of Technical Education,
Chennai - 25.

- + 1 CC TO M/S.A.THIRUVADI KUMAR, ADVOCATE IN SR NO. 49651
- + 1 CC TO M/S.S.SUKUMAR, ADVOCATE IN SR NO. 50126
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 49704

MPK

TE/NGM-SS/ 21/09/2015 3P/5C

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