

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.Nos.38727 and 38728 of 2015

Arun Pandi
Jeyapaul

...Petitioner in WP.38727/15
...Petitioner in WP.38728/15

Vs.

The Principal,
Karpagam University,
Karpagam Academy of Higher Education,
Echanari,
Coimbatore.

...Respondent in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of writs of mandamus directing the respondents to consider the representation of the petitioners, dated 26.11.2015, respectively, and to permit the petitioners to attend the IV year and III year Classes, respectively.

For Petitioner in both W.Ps. : Mr.S.Ramesh

For Respondent in both W.Ps. : Mr.S.Saravanan

C O M M O N O R D E R

As the issues involved in both the Writ Petitions are one and the same, they are being taken up and disposed of by a common order.

2. Petitioners are students of the respondent University. An order of suspension has been passed against the petitioners on the ground of pendency of a criminal case registered against them for the major offence under Section 506(ii) I.P.C. It appears that the case was closed as "mistake of fact" thereafter. Unfortunately, the suspension order against the

petitioners continued without any review. In the earlier Writ Petitions, the petitioners sought for permission to write the examinations, which was rightly dismissed on the ground 'lack of attendance'. Therefore, the present Writ Petitions have been filed seeking permission to continue their Classes.

3. Learned counsel appearing for the respondent University submitted that it was not known to the said respondent about the complaint having been closed.

4. Mere pendency of the FIR alone cannot be a ground to deny the students from continuing the classes. The suspension order cannot be termed as a punishment. The complaint against the petitioners was also closed. A perusal of the complaint also shows that the alleged occurrence is said to have happened outside the campus. Admittedly, no enquiry has taken place at the hands of the respondent. The petitioners have suffered sufficiently.

5. It is also brought to the notice of this Court that similarly placed persons were given appropriate orders by this Court.

6. Accordingly, the Writ Petitions stand allowed and consequently, the respondent is directed to permit the petitioners to continue their Classes, subject to payment of requisite fee by the petitioners. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

aeb

+2cc's to Mr.S.Ramesh, Advocate, S.R.No.1988 & 1989
+1cc to Mr.S.Saravanan, Advocate, S.R.No.

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CA(CO)
CA(12/01/2016)