

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.24116 of 2016
and
W.M.P.Nos.20634 and 20635

J.Jerome Aniruth

... Petitioner

Vs.

- 1 Hindustan Institute of Technology & Science
(Deemed to be University established
under section 3 of UGC Act, 1956)
Rep. by its Registrar,
1, Rajiv Gandhi Salai (OMR),
Padur, Kelambakkam,
Kancheepuram District,
Chennai-603 103.
 - 2 University Grants Commission (UGC)
Rep. by its Chairman
Bahadur Shah Zafar Marg
New Delhi-110 002.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari calling for the records of the 1st respondent culminating in the impugned proceedings dated 06/05/2016, quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.P.Subramanian

For Respondents: Mr.K.Doraisamy
Assisted by Mr.Kandan Doraisami.

O R D E R

The petitioner in the affidavit filed in support of this petition would aver among other things that he joined B.Tech Motor Sports Course in the first respondent University and according to him, he is sincere and hard working and not involved in any illegal or unlawful activities. According to him, the first respondent University has failed to provide quality education and would further submit that due to lack of security personnel for control over the students, theft and clashes are fairly common in the first respondent University

and during February/March 2016, there was a theft of laptop, which led to protest and also clashes among the students also. The petitioner to the shock and surprise, received the impugned order dated 26.05.2016 through e-mail stating that an Enquiry committee has been constituted by the first respondent comprising of the Dean, two Professors, one Assistant Professor and the Legal Officer of the University and it appears to have submitted a report on 29.04.2016 and 16 students have been identified for indulging in unlawful activities and in the light of the report, the petitioner was expelled from the University and challenging the legality of the same, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner has drawn the attention of the this Court to the impugned proceedings and would submit that the expulsion of a student from an Education Institution visits him with serious civil consequences and therefore, a duty is cast upon the first respondent to issue him a charge memo giving clarity to the specific instances of misconduct or unlawful activities so as to enable the concerned student to respond and after conducting proper enquiry, should pass appropriate orders and in the case on hand, such procedure was not followed, which is in gross violation of the principles of natural justice and prays for interference.

3. Per contra, Mr.K.Doraisamy, learned Senior Counsel appearing for the first respondent would submit that the campus violence, which took place on March 2016, was recorded in Closed Circuit Television Camera and notice was issued to the petitioner as well as to the parents and they appeared and enquiry was conducted in their presence and having participated in the enquiry and they have also subscribed their signatures and the Committee, on through consideration, has submitted a report pointing out misconduct on the part of the students, which include the petitioner, based on which the order of expulsion came to be passed. It is the further submission of the learned Senior Counsel appearing for the first respondent that the scope of interference by this Court in disciplinary matter in respect of student under Article 226 of the Constitution of India, is very very limited and considering the fact that damage has been caused to the first respondent institution, encouraging such kind of activities, may create adverse impact and therefore, prays for dismissal of the writ petition.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. The expulsion of a student from the middle of the academic year would visit him with serious civil consequence and his future would be affected and in the light of the same,

this Court is of the view that if a student indulge in misconduct, a charge memo containing specific nature of the allegations should have been issued and after eliciting response, enquiry should have been conducted after providing an opportunity to the concerned student to defend the same and thereafter, orders have to be passed.

8. Though it is vehemently contended by the learned Senior counsel appearing for the first respondent that the petitioner as well the parents are put on notice and they have appeared before the Enquiry Committee and they have been shown all materials including footages taken through CC TV cameras and they have also subscribed their signatures and thereafter only, the impugned order of expulsion came to be passed, in the considered opinion of this Court, the principles of natural justice have not been adhered to before passing the impugned order of expulsion and hence, on the sole ground, it warrants interference.

9. In the result, this writ petition is partly-allowed and the impugned order dated 06.05.2016 is set aside and the matter is once again remanded to the first respondent, who shall issue charge memo containing specific nature of the allegations and after eliciting response from the petitioner, conduct enquiry by adhering to the principles of natural justice and pass orders in accordance with the norms and regulations, as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order. It is needless to state that the petitioner is also expected to extend his maximum co-operation for early completion of enquiry in his own interest. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsm

To

1 The Chairman, University Grants Commission (UGC)
Bahadur Shah Zafar Marg
New Delhi-110 002.

1 cc to Mr.Muthumani Doraisamyi, Advocate, sr.39502

1 cc to Mr.P.Subramanian, Advocate, sr.39458

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