

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2016

CORAM:

THE HON 'BLE MR. JUSTICE M.SATHYANARAYANAN

Writ Petition No.25689 of 2016

and W.M.P.Nos.22009 & 22010 of 2016

1. K.Gautham Sudharshan
2. Asish S.Paul

... Petitioners

Versus

1. The Tamil Nadu Dr. MGR Medical University,
Rep. By its Registrar,
No.69 Anna Salai, Guindy,
Chennai - 600 032
2. Madha Medical College and Research Institute,
Rep. By its Dean, Kovur,
Kundathur Main Road, Kundrathur,
Chennai

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the second respondent / College in LAET/MMCRI/CR/17/2016, dated 05.07.2016, quash the same and consequently, direct the second respondent / College to permit the petitioners to attend the remaining MBBS classes.

For Petitioners : Mr. M.Baskar

For Respondents : Mr. Hari Hara Arun Soma Sankar, for R-1
Mr. A. Jenasenar, for R-2

O R D E R

By consent of the learned counsel for both sides, the writ petition is taken up for final disposal.

2. The petitioners are undergoing MBBS degree course in the second respondent / College and it is alleged that they have thrown a dog from the top floor of the premises and the same was circulated through "Whatsapp Media" and in this regard, a case in Crime No.1052 of 2016 was also registered by the

jurisdictional Police, for the alleged commission offences punishable under Sections 428 and 429 IPC, read with Section 11 (1) (a) of the Prevention of Cruelty to Animals Act, 1960 and the petitioners were also placed under suspension, vide order, dated 05.07.2016.

3. The petitioners have submitted a representation dated 08.07.2016, to the first and second respondents for revoking the order of suspension. Since no action has been taken, the petitioners came forward to file this writ petition, challenging the impugned order of suspension.

4. When the matter is listed for admission, the learned Standing Counsel, appearing for the second respondent would submit that under the regulations, they do not have powers to initiate disciplinary action against the petitioners. The learned Standing Counsel appearing for the first respondent would submit that under the relevant statute / regulations, only the first respondent is having powers to initiate disciplinary proceedings and accordingly, they conducted the disciplinary proceedings and the Enquiry Committee, after examining the students, had given the following order:-

"1. The candidates namely Mr. Gautham Sudharshan K and Mr. Ashish S. Paul accepted their guilt and expressed their regret for the said incident.

2. It is found that the candidate Mr. Gautham Sudharshan K has fed the stray dog for nearly about 10 days after the incident which is said to have taken place on 4.7.2016."

5. It is the further submission of the learned Standing Counsel appearing for the first respondent that based on the said findings, penalty of Rs.2,00,000/- each, was levied on the each of the petitioners with a direction to pay the same for the "Animal Welfare Board of India" and as and when the petitioners pay the said amount and produce the receipt for the same, the petitioners will be permitted to join the second respondent / College, to pursue their academic career and subject to the attendance and other requirements, they may be permitted to write the examinations also.

6. In response to the said submission, Mr. M.Baskar, the learned counsel appearing for the petitioners would submit that the entire allegations levelled against the petitioners are nothing but false and concocted and only through the hype created by the social media by the so-called social minded persons, adverse impact has resulted and on instructions, would further submit that the petitioners, without prejudice to the rights and contentions, may challenge the order imposing penalty and they may be permitted to pay the said penalty amount to the "Animal Welfare Board of India" and on production of the receipt, appropriate orders may be passed.

7. This Court has considered the rival submissions made by the learned counsel for both sides.

8. In the light of the submissions made by the learned counsel for the petitioners, on instructions, the petitioners are at liberty to pay a sum of Rs.2,00,000/- each, in favour of the "Animal Welfare Board of India", as per the orders of the first respondent, within a period of one week from the date of receipt of the copy of this order and upon production of the same before the first respondent, the suspension order of the the second respondent, dated 05.07.2016, shall be revoked and the petitioners may be permitted to join the college and pursue their academic career and subject to the fulfillment of the attendance and other requirements, they may be permitted to write examinations and complete their academic career. The petitioners are also at liberty to challenge the order of penalty, in the manner known to law, before the competent forum.

9. This writ petition is disposed of accordingly. No costs. Consequently, the connected WMPs are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Registrar, Tamil Nadu Dr. MGR Medical University,
No.69 Anna Salai, Guindy,
Chennai - 600 032

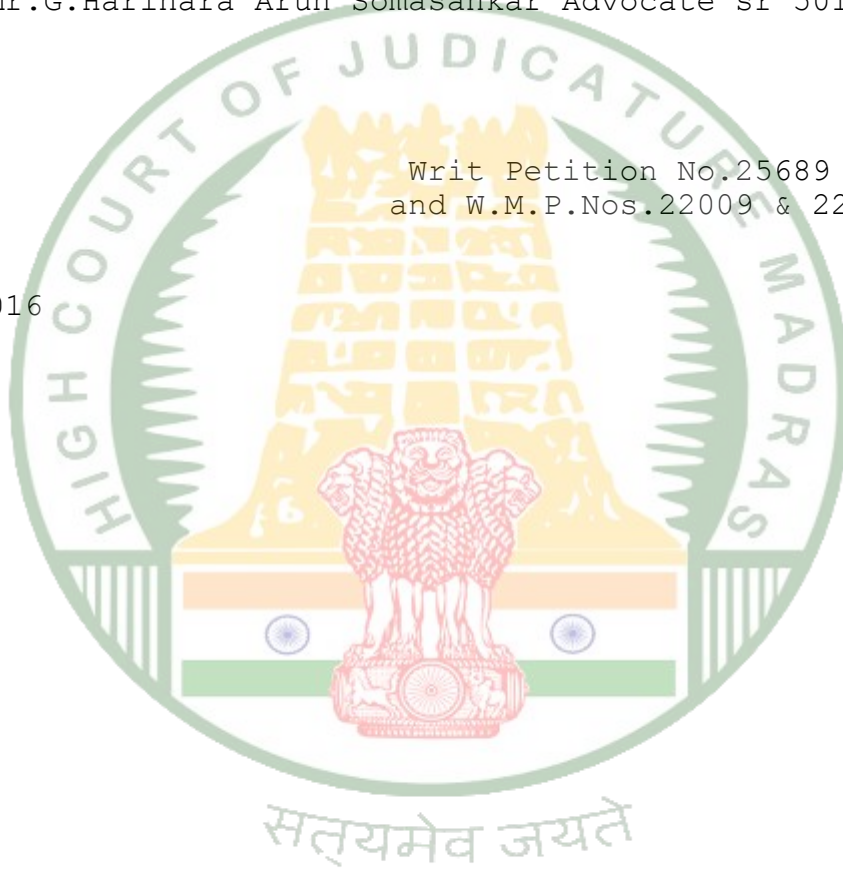
2. The Dean, Madha Medical College and Research Institute,
Kovur, Kundathur Main Road, Kundrathur,
Chennai

+1 cc to Mr.M.Baskar Advocate sr 50228

+1 cc to Mr.G.Harihara Arun Somasankar Advocate sr 50114

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