

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4239 of 2016

and W.MP.Nos.3546 to 3548 of 2016

S.Vigneshwar

..Petitioner

Vs.

1. Bharath University
Rep. by its Registrar
173, Agaram Road,
Selaipur, Chennai - 600 073.
2. Sree Balaji Medical College and Hospital
Rep. by its Dean,
7, Works Road, New Colony,
Chrompet, Chennai - 600 044.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to Ref.No. 5350 / SBMC/Complaint/2015, dated 07.11.2015 on the file of the second respondent herein and quash the same.

For Petitioner : Mr.T.Murugamanickam

For Respondents : Mr.K.Kumaresh Babu

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O R D E R

The petitioner has filed the above writ petition, seeking an order to issue a writ of certiorari, to call for the records relating to Ref.No. 5350 / SBMC/Complaint/2015, dated 07.11.2015 on the file of the second respondent herein and quash the same.

2. The petitioner was admitted to the M.B.B.S course in the year 2013-2014 in the second respondent-Medical College. The second respondent College is a constituent of the first respondent, Bharath University, which is a Deemed University under Section 3 of the University Grants Commission Act, 1956. The petitioner has stated that he passed the First year M.B.B.S course and undergoing second year and the final examinations

was scheduled to be held on 15.02.2016. The petitioner has further stated that on 27.10.2015, college mates of the petitioner staged a fake kidnapping of another medical student and when he came to know, the petitioner informed to the police. But unfortunately, the petitioner was also made an accused and arrested in Crime No.3328 of 2015 before the Chrompet Police Station and subsequently, on 05.12.2015, the petitioner was granted bail by the learned Principal Sessions Judge, Chengalpattu.

3. In pursuance of the criminal case registered, the second respondent herein placed the petitioner under suspension and debarred from attending all theory classes and clinical postings, by order, dated 07.11.2015 made in Ref.No.5350/SBMC/Complaint/2015. Challenging the said order, the petitioner has come forward with this present writ petition, seeking a direction to quash the same.

4. When the matter came up for hearing on 14.03.2016, after hearing both sides, learned counsel appearing for the petitioner submitted that the petitioner is ready to file an undertaking affidavit and accordingly, the matter was adjourned to 15.03.2016. Today, learned counsel appearing for the petitioner produced an undertaking affidavit of the petitioner that he would not indulge in any criminal activities. The relevant portion in the undertaking affidavit is extracted as under:

"I state that, I am now given to understand that the second respondent herein has indicated that the impugned order will be revoked and I will be permitted to attend classes, provided I give an undertaking that I will not indulge in any criminal or other activity prejudicial to the interests of the College, which I undertake as follows. I hereby undertake, that I will abide by all rules and regulations and I will not indulge in any anti-student, criminal or any other activity against the interests of the second respondent-College. I fully understand, that, my future attendance in College will be subject to the criminal proceedings initiated in Cr.No.3328 of 2015 on the file of the Chrompet Police Station."

5. Learned counsel appearing for the respondents has no objection in allowing the writ petition, in view of the undertaking affidavit filed by the petitioner.

6. In view of the above, this writ petition is allowed and the impugned order, dated 07.11.2015 made in Ref.No. 5350 / SBMC / Complaint/2015 on the file of the second respondent herein is quashed and accordingly, the second respondent is directed to permit the petitioner to attend the class forthwith. No costs.

Consequently, connected W.MP.Nos.3546 to 3548 of 2016 are closed.

tsvn

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Registrar
Bharath University
173, Agaram Road,
Selaiyur, Chennai - 600 073.
 2. The Dean
Sree Balaji Medical College and Hospital
7, Works Road, New Colony,
Chrompet, Chennai - 600 044.
- + 1 cc to Mr.T.Murugamanickam, Advocate Sr 16428
+ 1 cc to Mr.V.Ramesh, Advocate Sr 16430

KR/16/3/16

W.P.No.4239 of 2016

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