

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P. No.528 and 529 of 2016
and
WMP.Nos.362 to 365 of 2016

V.Jayasingh ... Petitioner in W.P.528/16
M.Gopinath ... Petitioner in W.P.529/16

Vs.

Presidency College
Rep by its Principal,
Kamarajar Salai,
Triplicane, Chennai - 600 005. Respondent in both WPs

Prayer in W.P. No. 528 of 2016: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari calling for the records pertaining to the impugned orders (I) N.K.No. 6743/Q/2015-2 dated 26.10.2015 and (II) N.K. No. 6743/Q/2015-2 dated 03.11.2015 on the file of the respondent and quash the same.

Prayer in W.P. No. 529 of 2016: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari calling for the records pertaining to the impugned orders (I) N.K.No. 6743/Q/2015-1 dated 26.10.2015 and (II) N.K. No. 6743/Q/2015-1 dated 03.11.2015 on the file of the respondent and quash the same.

For Petitioners : Mr.R.Neelakandan.

For Respondent : Mrs.P.Rajalakshmi,
Government Advocate.

COMMON ORDER

As the issues involved in both the writ petitions are one and the same, they have been taken up together and disposed of by a common order.

2. The petitioners are the students of the respondent-College. A case has been registered in C.R.No. 1318 of 2015, for the alleged offences punishable under Sections 147, 143, 341, 353 and 332 of the Indian Penal Code read with Section 5 of the TNPPP (D&L) Act. In pursuance of the said compliant, the petitioners were arrested and later on, they were released on bail. However, in view of the pendency of the criminal case, followed by the arrest of the petitioners, they were kept under suspension from the college. Challenging the said orders of suspension passed by the respondent, the present writ petitions are filed by the petitioners before this Court.

3. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondent.

4. Considering the above facts and the submissions made by the learned Government Advocate, it is clear that admittedly, as of now, neither any inquiry has been conducted nor any action has been independently initiated by the respondent against the petitioners. Mere pendency of the criminal case, by itself cannot be a bar to keep the students continuously under suspension as they have already been under suspension for sometime now. Therefore, there is no necessity to continue the suspension of the petitioners, as the same cannot also be termed as a punishment. In such view of the matter, the impugned orders of the respondent are set aside and consequentially, the respondent is directed to permit the petitioners to attend the college.

5. In the result, the writ petitions are allowed on the aforesaid terms. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rms

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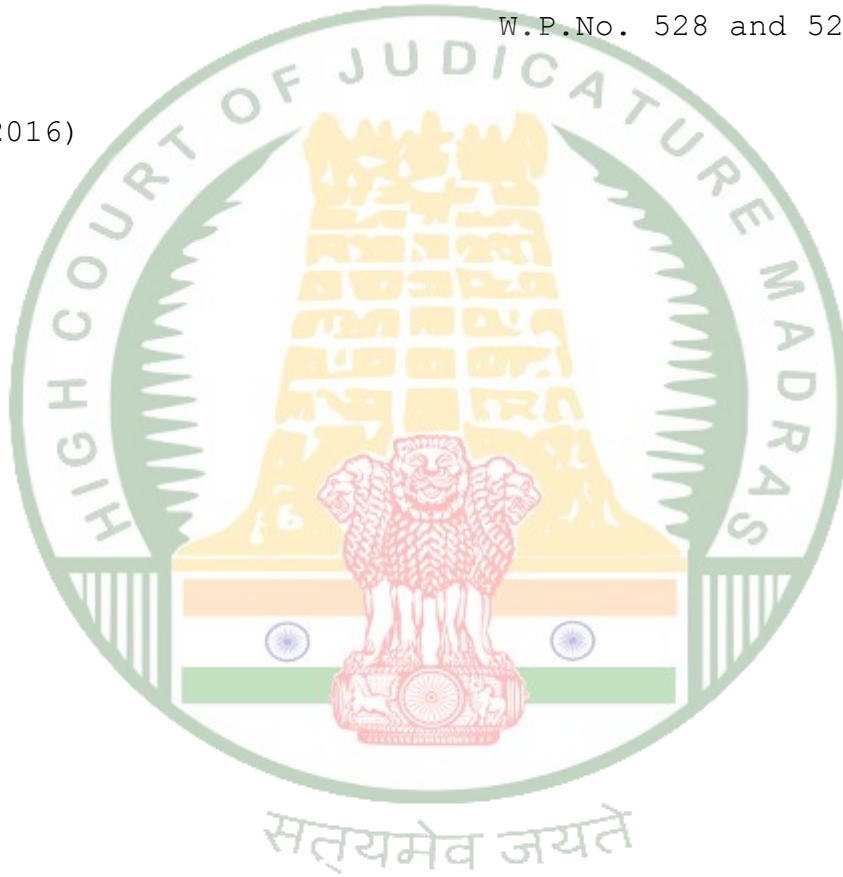
To

The Principal,
Presidency College
Kamarajar Salai,
Triplicane,
Chennai - 600 005.

+2cc's to Mr.R.Neelakandan, Advocate, S.R.No.4265 & 4264

W.P.No. 528 and 529 of 2016

AD(CO)
CA(28/01/2016)



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