



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY Writ Petition (MD) Nos.15759 to 15763 of 2016

B.Manimaran	... Petitioner in W.P(MD)No.15759/2016
K.Pasupathi	... Petitioner in W.P(MD)No.15760/2016
Sankarapandian	... Petitioner in W.P(MD)No.15761/2016
S.Sivasubramani	... Petitioner in W.P(MD)No.15762/2016
M.Muthusamy	... Petitioner in W.P(MD)No.15763/2016

Vs.

1.The Madurai Kamarajar University,
represented by the Registrar,
Palkalai Nagar,
Madurai District.

2.The Vivekanantha College (Autonomous)
represented by the Principal,
Thiruvudagam (West)
Cholavandhan,
Madurai District. ... Respondents in all W.Ps.

Prayer in W.P(MD)No.15759 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to readmit the petitioner namely Manimaran (Roll No.1627/2014) in the 2nd respondent college in III year B.A. Economics Course in the Academic year (2016-2017) at Vivekanantha College Thiruvudagam (West) Cholavandhan Madurai District.

Prayer in W.P(MD)No.15760 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to readmit the petitioner namely K.Pasupathi (Roll No.903/2014) in the 2nd respondent college in III year B.Sc. Computer Science in the Academic year (2016-2017) at Vivekanantha College Thiruvudagam (West) Cholavandhan Madurai District.

Prayer in W.P(MD)No.15761 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to readmit the petitioner namely Sankarapandian (Roll No.781/2014) in the 2nd respondent college in III year B.A. History Course in the Academic year (2016-2017) at Vivekanantha College Thiruvudagam (West) Cholavandhan Madurai District.



Prayer in W.P(MD)No.15762 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to readmit the petitioner namely S.Sivasubramani (Roll No.739/2014) in the 2nd respondent college in III year B.A. History Course in the Academic year (2016-2017) at Vivekanantha College Thiruvedagam (West) Cholavandhan Madurai District.

Prayer in W.P(MD)No.15763 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to readmit the petitioner namely M.Muthusamy (Roll No.943/2014) in the 2nd respondent college in III year B.A. History Course in the Academic year (2016-2017) at Vivekanantha College Thiruvedagam (West) Cholavandhan Madurai District.

For Petitioners : Mr.N.Anandakumar
For 1st Respondent : Mr.Mahesh Kumaravel
For 2nd Respondent : Mr.G.R.Swaminathan,
(In all W.Ps) for Mr.T.Antony Arul Raj

COMMON ORDER

These writ petitions have been filed for the issuance of a writ of mandamus, to direct the respondents to readmit the petitioners in the academic year 2016-2017.

2. According to the petitioners, the petitioner in W.P. (MD)No.15759 of 2016 is studying third year in B.A (Economics); the petitioner in W.P(MD)No.15760 of 2016 is studying third year in B.Sc., (Computer Science); the petitioner in W.P(MD)No.15761 of 2016 is studying third year in B.A (History), the petitioner in W.P(MD)No.15762 of 2016 is studying third year in B.A. (History), the petitioner in W.P(MD)No.15763 of 2016 is studying third year in B.A.(History). All of them were staying in the second respondent hostel. According to the petitioners, the boarding and hostel management were monitored by one Mr.Chandrasekaran, Hostel Co-ordinator and Commerce Department, Professor under whom, the cooked food by catering people are served among the students. The students would form a team and serve food. The system of serving food among the students is in practice in the hostel. One Ayyavoo a co-student of the petitioners, who used to assist in serving food among the students. While so, on 29.06.2016, the said Ayyavoo did not join for serving food to the hostellers. Hence, he was questioned by the co-ordinator abused him in filthy language and beaten him severely. Therefore, the said Ayyavoo consumed poison at 11.00 a.m on the same day itself and found



unconscious, he was admitted in a private hospital for treatment at Cholavandhan. Therefore, all the students went to see him in the hospital to enquire about his health condition. All of a sudden, the Co-ordinator informed that the students who have gone to the hospital were suspended from the college. Subsequently, on 03.08.2016, the second respondent college called both the students and their parents and asked them to get their transfer certificates and on compulsion they got their transfer certificates. Thereafter, the petitioners sent representation for readmitting them in the college. Since the second respondent college did not consider their request, they have filed the above said writ petitions.

3.The second respondent has filed a counter affidavit stating that as per college rules, food will be served by the students to their hostel mates on rotational basis. As per the said rotation, on 29.06.2016, the six students namely, Vijayakumar, Gogulapandian, Suresh Kannan, Ayyavoo, Logesh Kumar and Chellamuthu, did not to serve food. Since there was a delay in serving food to the students, they were called upon to submit explanation but they refused to submit any explanation. Therefore, Mr.Chandrasekar, Assistant Professor, Commerce, called their parents over phone and informed them to advise their sons when they come home on holidays. However, one of the students, namely, Ayyavoo refused to speak to his father. Thereafter it was found that the said Ayyavoo consumed poison and he was admitted in a private hospital at Cholavandan. Subsequently, the respondent college came to know that the above students have created problems in the hostel premises. It is further stated that on 29.06.2016 at about 3.00 p.m., the writ petitioners mobilised all the third year students and boycotted class and stood in the college grounds. The Principal and the Secretary addressed the students but the writ petitioners damaged the college properties, tube lights, wall clocks, windows and 2 two wheelers and there was a riot like situation, the whole show was engineered by the writ petitioners. The petitioners spoiled the entire college atmosphere and it was duly informed to their parents. All the concerned students involved in the agitation were directed to come along with their parents. Since the writ petitioners were involved in the act of violence, the management took disciplinary action against the petitioners and they were called for enquiry and they attended for enquiry with their parents.

4.It is further stated that keeping in mind the future of the petitioners, the management did not initiate disciplinary action any further, thereby dismissing them from the college for their misconduct. However, the writ petitioners themselves



submitted applications to issue transfer certificate and on their request only, the management gave transfer certificates. The parents of the writ petitioners also signed in the requisition seeking for their transfer certificate. As the petitioners admitted their misconduct before the disciplinary committee and on their request, transfer certificates were issued to them. Apart from that as the writ petitioners demanded the fees paid by them for the third year, the respondent college returned the same to the petitioners who have paid their fees. Further, while issuing transfer certificates, the respondent college noted the conduct of the students as 'good' in the transfer certificates.

5.I have considered the rival submissions made on either side.

6.Learned counsel appearing for the petitioners would submit that the petitioners were compelled to give letter as if they were not willing to receive transfer certificates and in fact, they are willing to continue the course in the same college.

7.Reiterating the averments made in the counter affidavit filed by the second respondent, learned counsel for the second respondent would submit that all the petitioners damaged the college properties, tube lights, wall clocks, windows and 2 two wheelers and there was riot like situation and the whole show was engineered by the writ petitioners. He would further submit that keeping in mind the future of the petitioners, the management did not initiate disciplinary action any further, thereby dismissing them from the college for their misconduct. However, the writ petitioners themselves submitted applications to issue transfer certificate and therefore, on their request, the management gave transfer certificates. Therefore, the question of readmitting the petitioners in the respondent college does not arise. However, learned counsel for the respondent college, on instructions from the respondent college would submit that in the interest of the students, the respondent college is willing to readmit the students in the academic year 2017-2018 to continue their respective courses, provided that the petitioners should tender an unconditional apology for their act stating that they will not involve in any illegal activities inside the campus in future.

8.Learned counsel appearing for the petitioners submitted that the petitioners are ready and willing to continue their course from the academic year 2017-2018 by accepting the above mentioned condition as contended by the learned counsel for the second respondent college.



9. Considering the submissions made on either side, the writ petitions are disposed of, directing the second respondent college to readmit the students to continue their course from the academic year 2017-2018, on receipt of unconditional apology from the petitioners for the acts committed by them earlier. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Registrar,
Madurai Kamarajar University,
Palkalai Nagar,
Madurai District.
2. The Principal,
Vivekanantha College (Autonomous)
Thiruvudagam (West)
Cholavandhan,
Madurai District.

+1cc to Mr.T.Antony Arul Raj, Advocate in SR No.54406

+1cc to Mr.V.Selva, Advocate, in SR 54082

+1cc to Mr.R.M.Mahesh Kumaravel, Advocate in SR No.53658

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SMS

ANR/SK-SKN/03.11.2016/5P/6C