



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.20819 of 2016

and

W.M.P (MD) Nos.14868 and 14869 of 2016

M.L.Sujin

...Petitioner

Vs.

1.The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli.

2.The Controller of Examinations,
Manonmaniam Sundaranar University,
Tirunelveli.

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.

4.The Principal,
Nesamony Memorial Christian College,
Marthandam.

5.M.Glorybai,
Professor, Department of History,
Nesamony Memorial Christian College,
Marthandam.

6.The Convener,
Enquiry Committee,
Nesamony Memorial Christian College,
Marthandam.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned letter of the 6th respondent vide Ref.no.CCM/DE.01/2016 DATED 09.09.2016 and quash the same as illegal and may direct the respondents 1 to 4 to permit the petitioner to continue his studies under 4th respondent.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents 1&2 : Mr.Md.Athiff for
M/s.Ajmal Associates

For 4th Respondent : Mr.T.Cibi Chakra Borthy

For Respondents 3, 5&6 : No appearance

ORDER

The petitioner has come up with this writ petition, challenging the notice issued by the sixth respondent directing the petitioner to appear before enquiry committee on 16.09.2010 at 11.00 a.m in the office of the Principal.

2.Heard Mr.K.P.Narayanakumar, learned counsel appearing for the petitioner and Mr.T.Cibi Chakra Borthy, learned counsel appearing for the fourth respondent.

3.According to the petitioner, the petitioner is studying M.A.(History) in the fourth respondent College. It is stated that due to some malpractices in the internal examination held on 21.01.2016, he was suspended from 23.01.2016. The petitioner has also attended enquiry and given explanation. However, not being satisfied with his explanation, the present impugned notice has been issued. Aggrieved by the same, the present writ petition has been filed.

4.When the matter came up for hearing on 15.11.2016, this Court directed Mr.T.Cibi Chakra Borthy, learned counsel to take notice on behalf of the fourth respondent and this Court directed him to get instructions.

5.Today, learned counsel appearing for the fourth respondent submitted that even though the act committed by the petitioner amounts to gross misconduct, in the interest of the student, the fourth respondent college is ready and willing to readmit the petitioner in the event of giving an undertaking that the petitioner would not indulge in any activities which would cause disturbance to the college hereafter. So far as the third semester is concerned, since the petitioner did not attend college, they are not in a position to permit him to write examination for the third semester and therefore, he has to necessarily redo the third semester.

6.Learned counsel appearing for the petitioner has agreed for the above said contention made by the learned counsel for the fourth respondent college.

7.In the above circumstances, the petitioner is directed to give an undertaking that he will not indulge in any activities which would cause disturbance to the college hereafter. On receipt of the above undertaking, the fourth respondent college is directed to readmit the petitioner forthwith. It is needless to mention that in the event of the petitioner indulging in any such activities in future, it is always open to the fourth respondent college to take action against him, in accordance with law.



8. With the above direction, the writ petition is disposed of. No costs. W.M.P(MD)Nos.14868 and 14869 of 2016 are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

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Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.

+1cc to M/s.K.P.Narayanakumar, Advocate in SR.70519
+1cc to M/s.T.Cibi Chakraborty, Advocate in SR.70580
+1cc to M/s.Ajmal Associates, in SR.70575

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sms

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