



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2016

CORAM:

THE HONOURABLE SMT. JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) Nos. 2273, 2277 and 2278 of 2016
and

WMP (MD) No. 1999 of 2016 in W.P. (MD) No. 2273 of 2016
and

WMP (MD) No. 2002 of 2016 in W.P. (MD) No. 2277 of 2016

K. Raja .. Petitioner in W.P.(MD) No.2273 of 2016
S. Premkumar .. Petitioner in W.P.(MD) No.2277 of 2016
B. Ranjithkumar .. Petitioner in W.P.(MD) No.2278 of 2016
vs.

1. The Vice Chancellor
Alagappa University
Karaikudi
Sivagangai District

2. The Registrar
Alagappa University
Karaikudi
Sivagangai District

3. The Principal
Sree Sevugan Annamalai College
Devakottai Extension
Sivagangai District

.. Respondents in all W.Ps.

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent dated 19.01.2016, quash the same and to direct the respondents to reinstate the petitioners in B.A. Economics (Final Year) Course and allow him to write the final semester examination.

For petitioners : M/s Rajini

For RR 1 & 2 : Mr. J. Viswanathan

For R 3 : Mr. T. Srinivasaraghavan

COMMON ORDER

The present issue of students' indiscipline, nowadays, is a universal phenomenon and a perennial problem plaguing the educational institutions.



2. The point for determination in the present writ petitions is whether the orders of expulsion of the petitioners dated 19.01.2016 passed by the third respondent Principal of the College should be interfered with on the face of the emphatic assertion that continuance of the petitioners in the institution was not congenial to the orderly atmosphere in the college campus. This controversy has come to be raised in the backdrop of following facts.

3. The petitioners, K.Raja, S.Premkumar and B.Ranjithkumar respectively, were regular students of III Year B.A. (Economics) during the current session 2015 - 2016 in Sree Sevugan Annamalai College, Devakottai Extension, Sivagangai District. An unfortunate incident had taken place on 07.01.2016 between caste Hindu boys and Scheduled Caste boys in the College campus in which one Kannan, a III Year B.Com. student sustained cut injuries in his neck besides severe attack in his backbone. Thereafter, on information by the Hospital authorities who admitted the victim and also the injured student, the Police arrested the petitioners and registered a case in Devakottai Town Police Station Crime No. 15/16 for the offences under Sections 294(b), 324 and 307 IPC and arrested them. Subsequently, they were bailed out on 19.01.2016 in CrI. M.P. No. 98 of 2016. After making enquiry and getting report from the College Council, the third respondent Principal of the College finally expelled the petitioners by separate communication dated 19.01.2016 which are impugned in these writ petitions.

4. The petitioners' case, in short, is that they have been victimised by the other caste Hindu students of the college. The two grounds of attack raised by the learned counsel for the petitioners against the orders of expulsion are, (i) the principles of natural justice have been violated, as there was no enquiry whatever before the said orders were passed; and (ii) the third respondent did not take any disciplinary action against the caste Hindu boys who had created the trouble in the College campus.

5. Insofar as the second ground is concerned, it is to be rejected *in limine*, as no particulars about any Hindu student who had involved in the occurrence in question, were furnished by the petitioners at any point of time. Even in the affidavits, none of the petitioners have made any specific mention about the particulars of the alleged Hindu students. In the absence of any particulars about the individuals, there is no justification to entertain any argument in that regard.



6. The only question that remains to be considered is whether there was an enquiry and whether the petitioners were given an opportunity to meet the allegations made against them.

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7. In this regard, the third respondent Principal of the College has filed counter affidavit stating that he conducted enquiry getting reports from other students and staff and pursuant to the resolution passed by the College Council and with a view to keep up the discipline of the college, he passed the impugned communication of issuing Transfer Certificates to the petitioners, who indulged in criminal activity.

8. On notice from this Court, the second respondent / Registrar, Alagappa University to which the third respondent College is affiliated, also filed a counter affidavit to the effect that the third respondent College is solely empowered to initiate action against unruly elements to maintain discipline and decorum of the college. It is further stated that the third respondent has to maintain quality and standards to maintain the reputation of the University and hence, the decision taken by the Management Committee of the College to maintain peace and tranquility, is well within their powers.

9. Heard the learned counsel appearing for the parties and perused the records.

10. A perusal of the records shows that the petitioners were caught red-handed. From the materials available on record, it is seen that College Council, after discussing the matter in detail, decided that the continuance of the petitioners in the college will be detrimental to the smooth functioning of the same and recommended the dismissal of the petitioner from the college. Consequently, the third respondent passed the impugned orders. The Hon'ble Supreme Court, in a catena of decisions, has held that the requirements of natural justice must depend on the facts and circumstances of the case, the nature of the inquiry, subject - matter that is being dealt with, and so forth. In the instant cases, the impugned communication / orders clearly refer to the indulgence of petitioners, who are only students, in threatening the III Year B.Com. students and attacking the victim Kannan, beating him in uncultured and brutal manner. I am at a loss to understand as to what are the requirements of natural justice in a case of this kind.

11. At this juncture, it would be relevant to refer to the decision in **R. Satheesh (minor) rep. by father and natural guardian, C. Rajendran v. Director of Higher Secondary Education, [(1989) 2 L.W. 206]** wherein the learned Judge held that in every



case it cannot be insisted that there must be a memorandum of charge, an enquiry and a finding arrived at like a court or a judicial proceeding. The learned Judge observed as follows:-

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"It is well settled by now that a student, so long as he behaves himself properly, in a disciplined way in other words, as a student ought to behave, has every right to prosecute his studies. Such a right cannot be interfered with. As against this, **should there be any act of indiscipline which is not conducive to the interests of the institution, and which will pollute the educational atmosphere of the institution or the calm of the institution, certainly, the school authorities have every right to see that such a student who would not behave himself in a disciplined way is expelled from the school.** Apart from the fact that such an indisciplined student is not only an undesirable element who spoils his own future, his conduct and character will have deleterious effect on others as well. "upon the education of the people of the country, the fate of the country depends" (white paper on the Education Act of 1944 quoted by Lord Denning in Smith v. Inner London Educational Authority, (1978) 1 all er 411 at 417)." In this connection, it requires to be remembered that the students are of impressionable age; sometimes they take all adventurism; sometimes they become victims of unguided enthusiasm; sometimes they become the victim of vicious circumstances. In all these cases, could it be said by the court - no you shall not take action against this person, because his right to prosecute the study will be hindered? I should answer this question in the negative. To put it briefly, it is the educational authorities who alone should have every control over the students and take such action as is warranted in the circumstances. Court would no doubt come to the rescue of the student where they are victimised, or to use the phraseology of labour law, they are singled out for some hostile treatment. Normally speaking, I do not expect such victimisation or hostile treatment, in an educational institution, because, it is controlled and run by enlightened persons. The students come there to receive light and education. That being so, these are totally alien to such an atmosphere."



12. Discipline is the first casualty in the academic field. In the recent past, incidents of grave indiscipline among students have come to be multiplied. Having come to the educational institution to learn and pave the way for a bright future, it is unfortunate that students should commit unnatural offences and satiate their sadist instincts in the name of communal clash.

13. In view of the foregoing discussion, I am of the view that the petitioners deserve no sympathy. The action taken by the Principal was quite honest and based on reasonable grounds. Any tinkering by this Court with the impugned communication / orders of expulsion passed against the petitioners bound to send wrong signals in the educational institutions and if in the cases like the present, judicial activism is resorted to, it would be difficult to control the already worsened condition of discipline in the educational institutions. I, therefore, feel chary in interfering with the impugned orders in exercise of writ jurisdiction.

These writ petitions are wholly devoid of any merits and substance, and they are, accordingly, dismissed but in the circumstances, without any order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To

1. The Vice Chancellor
Alagappa University
Karaikudi
Sivagangai District
2. The Registrar
Alagappa University
Karaikudi
Sivagangai District



3. The Principal
Sree Sevugan Annamalai College
Devakottai Extension
Sivagangai District

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+3cc "s to Mr.A.Rajini Advocate in Sr.No.12601
+3cc "s to Mr.T.Srinivasa Ragharan Advocate in Sr.No.12551

CN/SKS-RR/10.03.2016/6P-10C

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