

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

WRIT PETITION No.10751 of 2017

and

W.M.P.No.11689 of 2017

Minor S.Balaji

Rep by his Natural Guardian and Father

E.Senthamarai Kannan

...Petitioner

Vs.

1.The Vice Chancellor

Tamil Nadu Agriculture University

Lawely Road

Coimbatore 641 003.

2.The Chairman

Indian Agriculture College

Radhapuram

Tirunelveli District.

3.The Dean

Indian Agriculture College

Radhapuram

Tirunelveli District.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allow the petitioner's minor son S.Balaji to resume and attend the classes in first year B.Sc. (Agriculture) course for the academic year 2016-17 and direct the first respondent to transfer the petitioner's minor son S.Balaji who studying now in the second respondent institution to any other Government institution for pursuing his further study.

For Petitioner : Mr.Navaneetha Krishnan
Senior Counsel
For Mr.M.Baskar

For Respondents : Mr.Abdul Saleem [For R1]
Mr.R.Thiagarajan [For R2]
Mr.V.Anantha Natarajan [For R3]

ORDER

The petitioner is before this Court seeking a Writ of Mandamus directing the respondents to allow the petitioner's minor son S.Balaji to resume and attend the classes in first year B.Sc. (Agriculture) course for the academic year 2016-17 and further by directing the first respondent to transfer the petitioner's minor son S.Balaji, who is studying now in the second respondent institution, to any other Government institution for pursuing his further studies.

2. The petitioner's minor son S.Balaji, had obtained 84% marks in Higher Secondary School Examination and he had joined in the second respondent /College for the academic year 2016-17. A sum of Rs.70,000/- [Rupees Seventy Thousand Only] was paid as College fees, Rs.5000/- [Rupees Five Thousand Only] was paid towards Hostel fees and Rs.74,000/- [Rupees Seventy Four Thousand Only] was paid towards donation to the College in the name of M/s.Joshua Educational and Charitable Trust by the petitioner. Totally, a sum of Rs.1,49,000/- [Rupees One Lakh Forty Nine Thousand Only] for the first year was paid by the petitioner as fees. In the

first semester, petitioner's son got good marks in all the seven subjects.

3.After the commencement of the second semester, on 03.02.2017, the petitioner's son was called by the second and third respondents and a sum of Rs.1,50,000/-[Rupees One Lakh Fifty Thousand Only] was demanded towards further payment of donation. Since, the donation amount of Rs.74,000/-, was already paid by the petitioner's son in favour of M/s.Joshua Educational and Charitable Trust, when he expressed his unwillingness to pay the additional donation for a sum of Rs.1,50,000/- [Rupees One Lakh and Fifty Thousand Only], he was dragged out of his room from the hostel and forcibly dropped in a nearby bus stand. However, his bags, books, certificates, dresses and other belongings were retained by the respondents. While so, the petitioner's son had approached the respondents to solve the problems, but, the second and third respondents have insisted to make the payment of additional donation of Rs.1,50,000/- [For One Lakh and Fifty Thousand Only] for allowing him to pursue his further studies.

4.Since the second and third respondents did not allow the petitioner's son to attend the classes, he was constrained to make a representation to the respondents. Since, no action was taken on the representation dated 10.04.2017 given by the petitioner, the present writ petition has been filed seeking a writ of mandamus directing the

<http://www.judis.nic.in> respondents to allow the petitioner's son to attend the classes and complete

the course for the academic year 2016-17 and to direct the first respondent to transfer the petitioner's son from the second respondent/ Institution to any other Government institution for pursuing his further study.

5. Earlier, by order dated 20.07.2017, this Court had directed the first respondent to conduct an enquiry with regard to the complaint made by the petitioner by giving due opportunity to both the sides. An enquiry was conducted on 16.08.2017 and a report was also filed stating that :-

“The Committee does not find any validity in the student's claim and the petitioner's absence in the College from February 2017 onwards is on his own will only.”

Further, the Committee was of the opinion that the student may be allowed to continue his studies in the same college, since he was admitted under the Management Quota.

6. When the matter is called today, Mr. Navaneetha Krishnan, learned Senior Counsel appearing for the petitioner would submit that the second respondent /Management has collected a sum of Rs.74,000/-, that too, in the name of M/s. Joshua Educational and Charitable Trust Fund towards capitation fee and the said amount has to be returned. Moreover, the petitioner's son had already suffered at the hands of the second respondent

<http://www.judis.nic.in> and therefore, he is not willing to continue his studies there.

7. On the other hand, the learned counsel appearing for the second respondent /College would submit that the petitioner only paid a sum of Rs.1,49,000/- [Rupees One Lakh Forty Nine Thousand Only]. Even according to the averments in the affidavit, the first year fees is Rs.1,60,000/- [Rupees One Lakh Sixty Thousand Only] and a sum of Rs.25,000/- [Rupees Twenty Five Thousand Only] has to be paid by the petitioner to the second respondent.

8. Mr. Abdul Saleem, learned counsel appearing for the first respondent /University would submit that if any other college is willing to accommodate the petitioner's son, the University will take necessary action to transfer and re-admit the petitioner in the new College in the second year. Though the enquiry report does not support the petitioner's son, the interest of the student has to be protected. Already there is a problem in the second respondent college and therefore, the atmosphere is not conducive for the petitioner's son to continue education in the second respondent college.

9. The learned Senior Counsel for the petitioner would further contend that the report is only an eye wash and it is one sided and that is the reason the enquiry report is not in favour of the petitioner's son.

10.Mr.R.Thiagarajan, learned counsel appearing for the second respondent opposed the contention made by the learned counsel for the petitioner relying upon the counter affidavit filed on behalf of the second respondent.

11.However, the learned Senior Counsel's contention cannot be accepted at this stage, since it is via media order and these aspects cannot be gone into in detail.

12.Since one of the colleges has agreed to admit the petitioner's son in the second year, the first respondent /University is directed to take appropriate action to admit him in the new College, which has agreed to do so. Therefore, the second respondent is directed to return all the certificates and other documents to the petitioner's son tomorrow itself, which shall be received by him. It goes without saying that neither the petitioner shall demand any money from the second respondent nor the second respondent shall demand any money from the petitioner. The writ petition is disposed of with the above direction.

13.Call the matter for compliance on 10.10.2017.

03.10.2017

maya/kak
Speaking /Non-speaking order
Index : Yes/No
Internet : Yes/No

To

1.The Vice Chancellor
Tamil Nadu Agriculture University
Lawely Road
Coimbatore 641 003.

2.The Chairman
Indian Agriculture College
Radhapuram
Tirunelveli District.

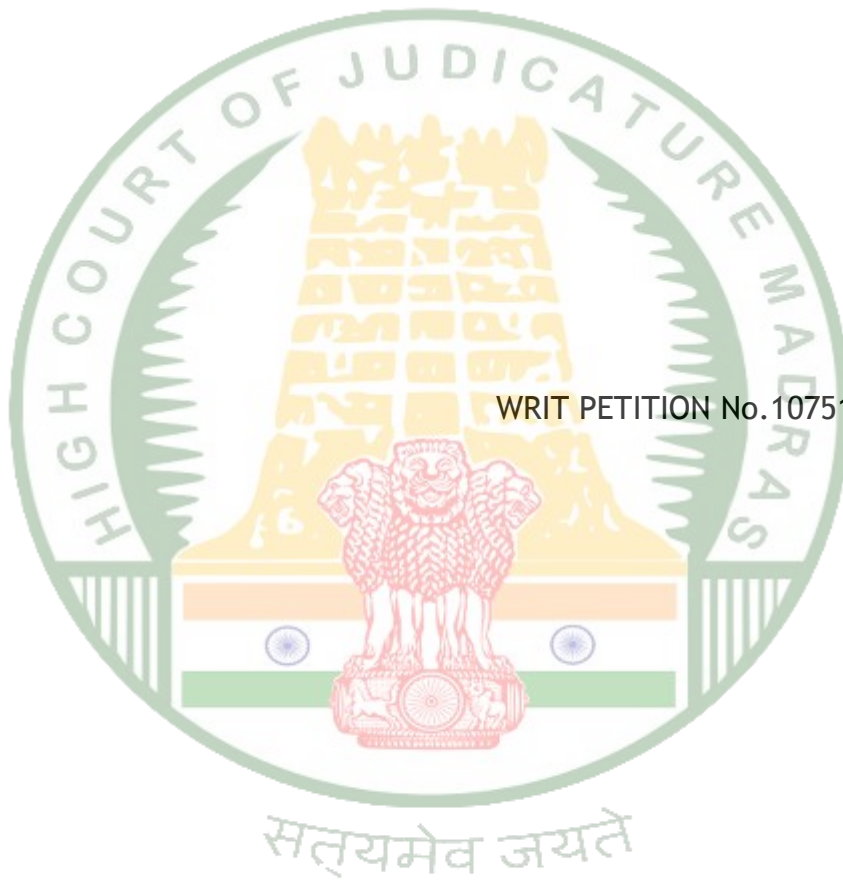
3.The Dean
Indian Agriculture College
Radhapuram
Tirunelveli District.



WEB COPY

N.KIRUBAKARAN, J

maya/kak



WRIT PETITION No.10751 of 2017

WEB COPY

03.10.2017