

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2017

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THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.16786 of 2017

and

W.M.P.No.18237 of 2017

N.Ranjith Kumar

... Petitioner

vs.

1. The Registrar,
University of Madras,
Centenary Building,
Chepauk,
Chennai - 600 005.

2. The Head of the Department,
University of Madras,
Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in proceedings Official Memo No.Reg/student/2016/R208 dated 24.03.2016 passed by the 1st respondent and quash the same subsequently direct the 1st respondent to permit the petitioner to write the final semester examination in M.L.Degree (International Law and Organization).

For Petitioner : Mr.K.Thenrajan
for Mr.M.Subash

For Respondent : Mr.R.Gopinath,
Standing counsel

ORDER

The petitioner is aggrieved against the order of suspension dated 24.03.2016 passed by the respondent University suspending him from attending the classes in 2nd year M.L. Course from 24.03.2016, pending enquiry.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent University. A counter affidavit is also filed by the respondents denying the contentions made by the petitioner in this writ petition.

3. It is seen that the petitioner was placed under suspension as early as on 24.03.2016 on an allegation that he has physically assaulted and caused injuries to the Professor and Head of the Department of Legal Studies and another Associate Professor of such Department.

4. It is submitted by the learned counsel for the petitioner that such allegations made against the petitioner are baseless and the petitioner was not given any opportunity to putforth his case and prove his innocence against such allegation.

5. On the other hand, the learned standing counsel appearing for the respondent University submitted that an opportunity given to the petitioner to attend the disciplinary enquiry was not utilised by him in an enquiry held on 28.04.2016. Learned counsel for the University invited this Court's attention to various averments made in the counter affidavit in support of such contention. The counter affidavit of the respondent further proceeded to justify the suspension by reiterating the allegations made against the petitioner.

6. This Court, at this stage, is not inclined to go into the allegation made against the petitioner and give any finding on the same as admittedly, the enquiry, by giving due opportunity of hearing to the petitioner, is yet to be conducted. Needless to say that it is for the Enquiry Committee to go into the allegations made against the petitioner and give its report after giving sufficient opportunity of hearing to the petitioner. Since an order of suspension was passed as early as on 24.03.2016, no further delay should be made by the respective parties in completing the enquiry. Accordingly, this writ petition is disposed of, by directing the respondent University to conduct an enquiry by appointing a Committee, wherein the members of such Committee should be persons who are not in any way connected with the allegations made against the petitioner. The respondent University should also give sufficient opportunity of hearing to the petitioner and complete the

K.RAVICHANDRABAABU,J.

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enquiry within a period of three weeks from the date of receipt of a copy of this order. Depending upon the outcome of the enquiry and the consequential order to be passed by the disciplinary authority, it is open to the petitioner to resort to the remedies available in law. The petitioner is directed to co-operate with the enquiry and putforth all his grievances/submissions before such Enquiry Committee so as to enable such Committee to give a finding within the time stipulated in this order. No costs. Consequently, connected miscellaneous petitions is closed.

18.08.2017

Speaking/Non-speaking order

Index:Yes/No

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