

Crl.M.P.No.7873 of 2017
in
HCP No.920 of 2017

NOOTY.RAMAMOHANA RAO, J.
AND
S.M.SUBRAMANIAM, J.

(ORDER OF THE COURT WAS MADE BY NOOTY.RAMAMOHANA RAO, J.)

This Miscellaneous Petition is moved, seeking modification of the order passed by us on 16.6.2017.

2. The present petitioner seeks modification of our order to the extent of granting admission to the girl student in the hostel attached to the College. The College Management has no objection, in principle, for readmitting the student in the second year B.A. Degree Course.

3. So far as the admission to second year B.A. (English Literature) Course is concerned, there is no necessity for one to seek fresh admission or need readmission. B.A. Degree comprises of three years duration. Once a student is admitted to the first year Course in one academic session, unless the rules framed either by the Government or the University, to which it is affiliated, prescribe a detention method, the student automatically moves to second year and the third year in the next two academic years successively. There is no readmission to be undertaken by the student afresh in the second or the third year, as the case may

be, unless the student withdraws from the institution and obtains voluntarily a Transfer Certificate to secure admission in another institution. We are, therefore, of the opinion that, in the instant case, the readmission into the second year Course is not warranted, but, however, we have only made it very clear that the girl student should be got admitted to the same College again.

4. After interacting with the alleged detainee, who narrated certain disturbing events at her home which forced her to leave Parental Home unannounced and without consent or informing her parents. In those circumstances, we have passed the order dated 16.6.2017 that the girl student should also be got admitted to the hostel attached to the College. Now the present Miscellaneous Petition is moved by the College, seeking modification of that order to the extent of granting admission to the hostel facility.

5. Heard Mr.N.Chandrasekharan, learned counsel appearing for the petitioner herein and the learned Dr.G.Krishnamurthy, who appeared for the writ petitioner, once again.

6. Sri N.Chandrasekharan, learned counsel for the petitioner herein, has, at the very outset, submitted that the College Management has absolutely no objection, whatsoever, in permitting the girl student to pursue her second year B.A. Course in the College and for that matter, to pursue the third year course next

year. But, however, they have a serious concern about her admission to the hostel facility, for two fold reasons, (i) it is stated that limited infrastructure facilities are available for running the hostels and (ii) if any untoward incident happens, involving the girl student concerned, then the College and its Management will be exposed to bad name in the Society at large and all sorts of wild allegations and rumours will be spread about the College Management, supplying fodder for unwanted elements gaining ground.

7. While we are conscious that trouble can easily break out in an Educational Institution of the size and magnitude of the present petitioner herein, but none the less that cannot be a dampening factor for a girl student, who is emotionally distressed, to get admitted to the hostel. As of now, we are informed that as many as 30,000 girl students are pursuing one Course or the other, in one Educational Institution or the other, run by the same Trust and it is very appropriately named as “Vivekananda College”. We are also informed that as of now, the infrastructure facilities for housing the girl student as inmates are available to accommodate 15,000 girl students. If hostels are available to house 15,000 girl students, we fail to understand as to how the facilities are inadequate to accommodate one more girl student, who is in distress right now. We, therefore, feel that the apprehension entertained by Sri N.Chandrasekharan, learned counsel for the petitioner as well as the Management on the first count is without much basis.

8. However, the second apprehension has a potential degree. Now-a-days, activism on the Educational Campuses is on the ever increase. Therefore, if trouble can break out on an Educational Institution, such Educational Institution shall also be geared up and fully prepared to douse any such potential mischief breaking out, to a larger extent. There are Educational Counsellors, whose services are rightly available for purpose of continuously counseling the students from resorting to unfair, inappropriate methods or those which can potentially fetch tragic results.

9. Simultaneously, all Educational Institutions are soliciting and securing the help of trained Psychologists for counseling the students to get over some problems working on their minds, including their personal issues. Therefore, we are confident that the College Management can very effectively deal with any such potential problem either brewing up or likely to occur later on.

10. In so far as the present situation is concerned, once the girl student gets back to the same old peer group and gets going, and when the Matron, who is present in the Court Hall today, we are confident that she can very effectively, efficiently handle such mischief of ragging indulged in wrongly by any one in this regard. Therefore, we are confident that the apprehensions entertained even on the second count, can be got effectively neutralized by the Management of the College.

11. However, the learned counsel for the writ petitioner urges before us that the father is not financially very sound to sustain the girl by keeping her confined to the hostel, which is a very expensive affair and it is beyond his means of livelihood. It is also submitted that he is a landlord and needs to spend money on his favour. It is also submitted that he has incurred huge expenditure in getting his son's education and it is also urged before us that the girl has now changed her opinion completely and she wants to come back and join the father's residence and stay in his custody.

12. We are afraid, none of these contentions have reassured us that the girl has so soon got over the traumatic experience which the girl has gone through at her own residence. We have only refrained to record any further details about the unfortunate incident, narrated by her to us, with a view to protect her honour, the honour of the family and also with the hope that the offender would have sufficiently realised his own folly by now.

13. We are also conscious that the same father, the writ petitioner, got this very student admitted in this College in B.A. (English Literature) Course during the last academic session and then got her admitted to the hostel, more with a view to protect her. When he had no financial difficulty for his daughter getting admitted in this hostel last year, we fail to see as to how there was any sudden financial distress felt by him now.

14. Be that as it may, from the School Record of the student concerned we gathered that her date of birth as 23rd July 1999. Therefore, by 22nd July 2017, the girl student would complete her 18 years of age. Then it would be completely open to her to take a decision. We only hope that she will not wean away from her undaunted spirit of pursuing education and she will pick up enough courage to surmount any artificial hardships or hindrances likely to be confronted by her after 22nd July 2017.

15. We, therefore, modify our order passed on 16.6.2017 to the extent of confining the directions therein, with regard to admission of the student in the hostel by confining initial period of her hostel residence upto 22nd July 2017 and thereafter, depending upon the decision of the girl student and her father's will, whom we expect with appropriate spirit will take all necessary steps to ensure that her education does not suffer in any manner. Therefore, the College Management is required to grant admission in the hostel to the student for the present upto 22nd July 2017 and thereafter, whether the girl student shall be continued in the same hostel or not would depend upon the decision of the student concerned and also depending upon her father's willingness to bear the expenditure.

16. It goes without saying that if the College Management wants to be very benevolent to such a distressed student and extend their helping hand, they

may even consider waiving the hostel fee in her case, so that she will successfully complete B.A. (English Literature) Degree Course, without being dependent on the financial support or hardship artificially sought to be created by her father, it appears.

17. Petition stands ordered accordingly.

(N.R.R., J.) (S.M.S.,J.)
23-06-2017

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NOOTY.RAMAMOHA RAO, J.
AND
S.M.SUBRAMANIAM, J.

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