

In the High Court of Judicature at Madras

Dated: 05.01.2017

Coram

The Honourable Mr.JUSTICE B.RAJENDRAN

W.P.No.44283 of 2016

and

W.M.P.No.38130 of 2016

1 Arun Louis Sasikumar
[PETITIONER]

Vs

1 The Registrar
Tamil Nadu Dr.M.G.R.Medical University
No.69 Anna Salai Little Mount Guindy
Chennai-600 032.

2 The Controller of Examinations
Tamil Nadu Dr.M.G.R.Medical University
No.69 Anna Salai Little Mount Guindy
Chennai-600 032.

3 The Director
Christian Medical College,
Vellore-632 002.

4 The Principal,
Christian Medical College,
Vellore-632 002. [RESPONDENTS]

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents to permit the petitioner (Student No.3907 - Batch of 2012) 4th year M.B.B.S. student to write the Final Examinations scheduled to be held on February 2017 or any other subsequent dates.

For Petitioner : Mr.V.Lakshmi Narayanan for
Mr. E. Kannadasan
For Respondents : Mr.Harihara Arunsoma Sankar
for R1 and R2
Mr.Krishna Srinivasan
for M/s.Ramesubramani
& Associates for R3 & R4

ORDER

The writ petition has been filed by a student, who has been charged for an offence of torturing an animal and killing, which was published in face book and consequently, a complaint has been lodged, FIR has been registered and investigation is pending. In view of the wide publicity of this crime, a reputed college immediately swing into the action made a committee consisting of Senior Officers and decided to suspend the petitioner. Further, the college has also been served with many notices from various authorities including university and others, Medical Council as to why action should not be taken against such a student. Therefore, they have done their part of the work initially and immediately, initiated an action for suspension. That suspension is in force till date. Suspension order has not been challenged by the petitioner as on date and it continues. Pending suspension, the petitioner has come up with the present writ petition.

2.According to the petitioner, he is studying final year in the medical college. De hors suspension, the petitioner has required attendance to appear for the examination. If he is not allowed to write this final year examination, he will lose one year. Therefore, he comes forward for a mandamus seeking to write the examination pending suspension. He would also pray that he may be permitted to write this examination by keeping his results not to be published so that he could face the ultimate result of FIR whether he could be proceeded or not, whether a case has been made out. But in the meanwhile, if he is not permitted to write, he will lose one year and that even if he is allowed to write the examination, nothing would be wrong. Further, the petitioner is ready to abide by any conditions such as not allowing him to write in the particular college and permitting him to write in the University or in any other college. According to the petitioner, as he is a meritorious student, he ought not to have wasted this year. Except this particular incident, there is no other blemish records against him. Therefore, he prayed that he may be permitted to write the final year examination.

3.Learned counsel for the respondent college submits that they have taken necessary disciplinary action in the college

against the petitioner by giving him suspension. It is for the university to take further course of action and they are not prepared to suspend the suspension order as on date. He also pointed out that this minority institution guaranteed under Article 30 of the Constitution of India should be protected. Therefore, any action done by them would be governed as per the provision under Article 30.

4.Learned Government Advocate appearing for the respondent University would contend that the petitioner cannot seek for mandamus without challenging the suspension order and that such a writ petition is not maintainable.

5.At this stage, this court would only direct the petitioner to approach the University by way of a representation seeking for permission to write the examination. In this connection, he stated that 12.01.2017 is the last date for examination fees to be paid along with fine and the date of examination is 01.02.2017. Accordingly, this Court directs the petitioner to give a representation immediately by tomorrow (06.01.2017), seeking permission of the University to write the final year examinations and on such receipt of the application, the University will consider the same independently as to whether the student, who involved in a crime at the stage of FIR can be permitted to write the examination and also with liberty keeping his results not published and whether all things could be decided by independently. Suffice it to state that this mandamus is only for permission to make representation to the University and the University shall consider the same independently and dispose of the same within a period of one week. During consideration, the last date for payment of fees made shall not be a hindrance to take into consideration. This order will not in any way affect the rights of the College under the Minority.

With the above direction, the writ petition is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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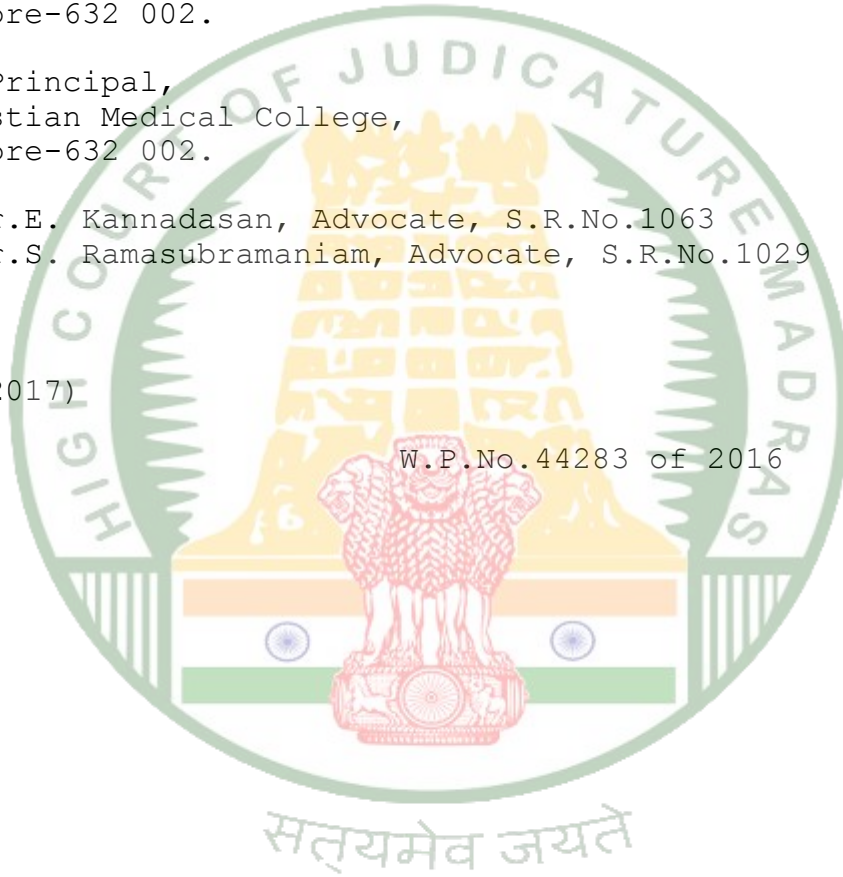
Sub Assistant Registrar

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+1cc to Mr.E. Kannadasan, Advocate, S.R.No.1063
+1cc to Mr.S. Ramasubramaniam, Advocate, S.R.No.1029

msm(CO)
md(06/01/2017)

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