



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)Nos.12408 to 12412 of 2017

and

WMP(MD)No.9546 to 9550 of 2017

Hussain Mohammed Badhusa	:	Petitioner in W.P.No.12408/2017
Prabhakaran	:	Petitioner in W.P.No.12409/2017
Pradeep	:	Petitioner in W.P.No.12410/2017
Sridhar	:	Petitioner in W.P.No.12411/2017
Manojkumar	:	Petitioner in W.P.No.12412/2017

Vs.

The Registrar,
Gandhigram Rural Institute Deemed University,
(Ministry of Human Resource Development,
Government of India),
Gandhigram,
Dindigul District.

: Respondent in all cases

PRAYER: Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent vide office proceedings in Ref:AC4/Dis.com/2017-2018/375, dated 17.05.2017 on the file of the respondent office and quash the same as illegal and consequently, direct the respondent to readmit the petitioner in B.B.A.(Rural Industries & Management) at the respondent's institution to continue his studies within a stipulated time.

For Petitioners	:	Mr.R.Karunanidhi
For Respondent	:	Mrs.Srimathy for Mrs.Ma.P.Thangavel

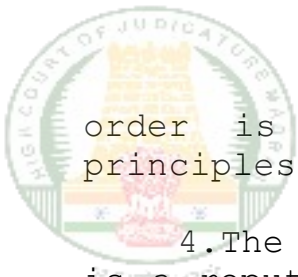
COMMON ORDER

The petitioners have come up with these writ petitions to quash the order of the respondent, dated 17.05.2017 and for a direction to re-admit them in the respondent institution.

2.The petitioners have been expelled from the respondent institution for their misbehaviour in the institution campus. Challenging the same, these writ petitions have been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The charge against the petitioners is that on 06.05.2017, they were found consuming alcohol inside the campus. The impugned



order is challenged mainly on the grounds of violation of principles of natural justice and the punishment is excessive.

4.The respondent filed a counter stating that the respondent is a reputed institution. The petitioners consumed alcohol inside the campus on 06.05.2017 and they were got red handed, so a disciplinary committee was formed to enquire about the misbehaviour of the students. The disciplinary committee issued notice to the petitioners for their appearance with parents on 15.05.2017. The disciplinary committee, after providing opportunity to the petitioners, submitted its recommendation for expulsion from the institution to safeguard the reputation of the institution and to teach a lesson for other students in the institution. It is further stated that after providing opportunity to adduce reasons on their side, they demanded a formal apology.

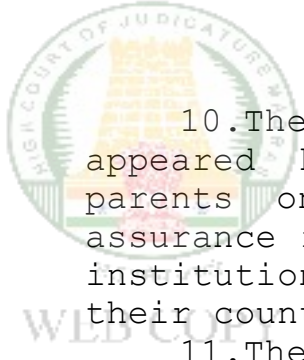
5.During hearing of the writ petitions, the petitioners appeared before this court and also filed separate affidavits narrating their background and undertaking that they will not indulge in misbehaviour in future. The petitioners have stated that their parents are daily wages coolies and they comes from poor background and subsequent to the expulsion, they learnt lesson and seeking opportunity to change themselves in the society.

6.The case of the petitioners is that when they appeared for enquiry before the disciplinary committee along with their parents on 15.05.2017, the disciplinary committee directed them to provide explanation for the alleged misconduct and directed them to give an apology letter for the sake of re-admission in the institution. Believing the assurance of the respondent office, they gave apology letters to the disciplinary committee.

7.The further case of the petitioners is that one Alagumalai, watchman of the respondent institution, demanded money from the petitioners and for their failure to provide money to him, subsequently he took liquor bottles from outside and informed the manager as if the petitioners consumed liquor inside the campus.

8.Heard the rival submissions and perused the materials available on record.

9.Admittedly, there is no material to show that during the enquiry, witnesses adduced evidence and based on the evidence, a finding was recorded with regard to the charges levelled against the petitioners. In the counter, nothing has been stated about the proof of allegations made against the petitioners and on the other hand, it is admitted that they demanded apology letter from the petitioners.



10.The specific case of the petitioners is that when they appeared before the disciplinary committee along with their parents on 15.05.2017, they submitted apology letter on the assurance from the respondent that they will be re-admitted in the institution, which was indirectly admitted by the respondent in their counter.

11.The main object of imposing punishment is to correct the fault on the students, by making them more alert in future and also giving signal to the other students to be more careful. It is settled law that the punishment shall be proportionate to the gravity of charges and if the disciplinary committee comes to the conclusion that the nature of misconduct would be totally unsafe to retain the students in the college, the maximum punishment of expulsion could be imposed. In the case on hand, neither there is any material, nor finding by the disciplinary committee to the effect that permitting the petitioners in the institution would be totally unsafe to the other students.

12.It is not the case of the respondent that the petitioners have any criminal background and they had indulged in similar activities repeatedly even after warning. The petitioners were said to have been consuming liquor inside the institution for the first time on 06.05.2017.

13.Taking into consideration of the background of the petitioners, their undertaking affidavit and the facts of this case, this court is of the considered opinion that the punishment imposed on the petitioners is excessive and hence, the impugned order is liable to be set aside.

14.It is made clear that the disciplinary committee is entitled to take a decision, considering the gravity of the charges made against the students in order to maintain the reputation of the institution and for the welfare of the other students. The impugned order is set aside, considering the peculiar circumstances of the case and it cannot be cited as a precedent.

15.In the result, all the writ petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.



To

The Registrar,
Gandhigram Rural Institute Deemed University,
(Ministry of Human Resource Development,
Government of India),
Gandhigram,
Dindigul District.

+1CC to Mr.R.Karunanidhi, Advocate, SR.No.75360

+1CC to Mr.S.Srimathi, Advocate, SR.No.75240

W.P(MD)Nos.12408 to 12412 of 2017
and
WMP(MD)No.9546 to 9550 of 2017
29.08.2017

er

AM/SV MMS/SAR 3/30.08.2017/4P/4C