



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.12661 of 2017

and

W.M.P(MD)Nos.9768 and 9769 of 2017

S.K.Ashilimol

.. Petitioner

Vs.

1. The Director of Medical Education,
Kilpak, Chennai.
2. The Tamil Nadu Dr.M.G.R. Medical University,
No.69, Annasalai, Guindy, Chennai - 32.
3. Thasiah College of Nursing
rep. by its Chairman,
Marthandam, Vellivilagam,
Viricode, Kanyakumari District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records on the files of the third respondent pertaining to its charge memo dated 13.03.2017 and the consequential termination order dated 11.04.2017 and to quash the same and consequently direct the respondents to permit the petitioner to continue her B.Sc. Nursing Course at the third respondent College.

For Petitioner	: Mr.S.C.Herold Singh
For Respondent No.1	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader.
For Respondent No.2	: Mr.C.Karthik
For Respondent No.3	: Mr.K.Prabhu for M/s.Isaac Chambers.

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus to quash the charge memo dated 13.03.2017 and the consequential termination order dated 11.04.2017, issued by the third respondent and also direct the respondents to permit the petitioner to continue her B.Sc. Nursing Course at the third respondent College.



2.The case of the petitioner is that she is studying third year B.Sc. Nursing course in the third respondent college and since her mother made a complaint to higher officials with regard to the illegalities committed by the third respondent college, the Principal of the third respondent college issued a charge memo, dated 13.03.2017, levelling three charges against her in respect of fees and the complaint sent by her mother, during pendency of the writ petition filed by her, seeking direction to Indian Overseas Bank for granting educational loan. According to the petitioner, the third respondent without conducting any enquiry, passed the order of termination, dated 11.04.2017. Therefore, the petitioner is before this Court with the aforesaid prayer.

3.The learned counsel appearing for the petitioner submitted that since her mother made a complaint against the third respondent college, the Principal of the third respondent college issued the impugned charge memo and the petitioner appeared before the college on several occasions for enquiry, but without conducting any enquiry, the impugned termination order came to be passed and therefore the impugned charge memo as well as termination order are liable to be set aside.

4.The learned counsel appearing for the third respondent, on the other hand, submitted that the petitioner, with the support of her mother, levelled false allegation against the third respondent institution and also communicated various letters to the educational authorities of the State, which caused damage to the image of the third respondent institution, for which, a notice calling for her explanation was served and the petitioner miserably failed to comply with such direction and hence, finding no other way, the impugned order of termination came to be passed.

5.Heard both sides.

6.The main grievance expressed on the side of the petitioner is that no opportunity of hearing was afforded to the petitioner before passing the impugned order of termination. Considering the factual matrix, this Court is of the view that one more opportunity of hearing should be given to the petitioner to put forth her case and therefore, the impugned termination order dated 11.04.2017 issued by the third respondent is liable to be set aside and accordingly, the same is set aside and the matter is remitted back to the third respondent for fresh consideration and the third respondent shall fix a specific date for enquiry, on which date, the petitioner is directed to file her objections along with documents in support of her case and on such filing, the third respondent shall pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks thereafter.



7. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Director of Medical Education,
Kilpak, Chennai.

- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 89081
- + 1 CC TO Mr.C.KARTHIK, ADVOCATE IN SR No. 88405
- + 1 CC TO M/s.ISSAC CHAMBERS, IN SR No. 88579
- + 1 CC TO Mr.S.C.HEROLD SINGH, ADVOCATE IN SR No. 88458

SMN

TE/SKN-RSK/SAR-1 : 24/11/2017 : 3P/6C

ORDER MADE IN
W.P(MD)No.12661 of 2017 and
W.M.P(MD)Nos.9768 and 9769 of 2017
21.11.2017