



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.02.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.19089 of 2016
and
W.M.P(MD)No.13826 of 2016

G.Saravanakumar

.. Petitioner

Vs.

1.The Directorate of Technical Education (DoTE)
Sardar patel road,
Guindy,
Chennai - 600 025.

2.The Founder and Chairman
Latha Mathavan Group of Insitutions,
Latha Mathavan Nagar,
Kidaripatti post,
Alagar kovil vio Melur (tk),
Madurai - 625 301.

3.The Principal,
Latha Mathavan Polytechnic college,
Latha Mathavan Nagar,
Kidaripatti post,
Alagar kovil vio Melur (tk),
Madurai - 625 301.

4.The Head of the Department,
3rd year Diploma in Mechanical Engineering,
Latha Mathavan Polytechnic College,
Latha Mathavan Nagar,
Kidaripatti post,
Alagar kovil vio Melur (tk),
Madurai - 625 301

5.The Deputy Superintendent of Police,
Melavalavu Police Station Limit,
Melur Taluk,
Madurai District.

6.The Inspector of Police,
Melavalavu Police Station,
Melur Taluk,
Madurai District.

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.. Respondents

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ORDER

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5. Heard both sides.

6. It is seen that the petitioner who was a student of the third respondent, was given Transfer Certificate in the middle of the course by contending that he had indulged in an act of violence and caused damage to the college buses during the strike held on 01.08.2016. In support of such action, the college submitted before this Court that the decision to issue Transfer Certificate was taken in pursuance to an enquiry conducted against the petitioner. From the above averments made by the third respondent in the counter affidavit, it is crystal clear that a serious charge is made against the petitioner which also said to have resulted in taking a disciplinary action against him by issuing the Transfer Certificate. Even though the counter affidavit proceeded to project as though an enquiry was conducted against the petitioner, the learned counsel for the third respondent college is not in a position to satisfy this Court by placing and material documents, namely, the show cause notice, charge memo, enquiry notice, enquiry report and findings of the disciplinary committee, to substantiate the contention that the action taken against the petitioner was in accordance with the due procedure of law. In the absence of all those material documents, mere averments made in the counter affidavit cannot help the third respondent in any manner, especially when the petitioner has stated that no enquiry was conducted at any point of time. Therefore, this Court is of the view that the action of third respondent college in issuing Transfer Certificate to the petitioner, based on an allegation made against him, without following the due procedure of law, cannot be sustained.

7. Considering the fact that the petitioner is in final year and has to complete the course and considering the fact that the college has not followed the due procedure before taking action against the petitioner, this Court is of the view that the petitioner is entitled to get re-admission into the college so as to complete the course. It is open to the third respondent college to take any undertaking from the petitioner and his parents in order to see that the petitioner complete the course without giving room for any complaint in future.

8. Accordingly, this Writ Petition is allowed and the third respondent college is directed to re-admit the petitioner into the Diploma course in Mechanical Engineering by redoing the course commencing from next academic year. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)



To

1.The Directorate of Technical Education (DoTE)
Sardar patel road,
Guindy,
Chennai - 600 025.5.

2.The Deputy Superintendent of Police,
Melavalavu Police Station Limit,
Melur Taluk,
Madurai District.

3.The Inspector of Police,
Melavalavu Police Station,
Melur Taluk,
Madurai District.

+1cc to M/S.Special Government Pleader, SR.No.9660
+1 cc to M/S.R.Ramasamy, Advocate, SR.No.9526

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and
W.M.P (MD) No.13826 of 2016
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