



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Writ Petition(MD)No.20948 of 2013

and

M.P(MD)No.1 of 2013

V.Siva

... Petitioner

Vs.

1.The Registrar,
Anna University,
Chennai.

2.The Principal,
Sri Subramaniya College of Engineering and
Technology - Sukkamanaicenpatti,
Palani 624 615,
Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus, calling for the records of the amended suspension order issued by the 2nd Respondent vide letter No. SSCET/P1/AC/00/0022 dated 25.04.2012 and quash the same as illegal unconstitutional and forbear the respondents from restraining the petitioner in attending regular classes for 8th Semester consequently direct the Respondents to permit the petitioner to complete his B.E (Mechanical) course at 2nd Respondent college.

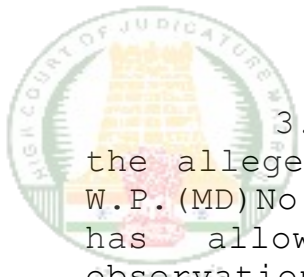
For Petitioner : Mr.S.Balamurugan

For Respondents : No appearance

ORDER

The petitioner who was suspended for the alleged involvement in a crime by the college authorities is before this Court challenging the order of suspension, dated 25.04.2012.

2.It is submitted that almost five years have lapsed. No further proceedings have also been taken by the college authorities and the criminal case is also pending and therefore, the petitioner cannot be kept under suspension indefinitely. It is further submitted that the petitioner has completed seven semesters out of eight semesters for the B.E. Mechanical Engineering Course in the second respondent college.



3. Admittedly, M. Ramvimal Rajan, who is a co-accused in the alleged criminal case has challenged the suspension order in W.P.(MD)No.2573 of 2012. This Court, by an order dated 09.02.2017, has allowed the said writ petition with the following observations:-

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"4. Earlier, this Court through interim orders had permitted the petitioner to write the arrear examinations for the sixth and seventh semester examinations since he was suspended during the study holidays. I am of the view that in case the petitioner is found not guilty subsequently, he should not lose his valuable academic years, in view of the illegal suspension order. Therefore, no prejudice would be caused to the College or the University if the petitioner is permitted to attend the class and also write the eighth semester examination. However, in view of the seriousness of the crime in which he is involved, it would be desirable that the results of the eighth semester be kept in abeyance pending disposal of the criminal case. The further stand of the University that the petitioner has failed to complete the entire course within 14 months and therefore, he cannot be permitted to join the classes for the 8th semester cannot be countenanced since the petitioner was not dismissed from the college but was only suspended for his involvement in the criminal case. The non completion of course is not due to the fault of the petitioner but only due to the suspension order passed by the College. The petitioner had immediately challenged the suspension order in this writ petition and therefore, the time lapsed during the pendency of this writ petition cannot be put against the petitioner. As such, the respondents should not insist the petitioner to complete the course within 14 months."

4. In view of the above, the writ petition is allowed and the impugned proceedings dated 25.04.2012 is quashed. The second respondent college is directed to admit the petitioner to the eighth semester and permit him to complete his course. In case, the petitioner fulfils the requirement of attendance for the eighth semester, he will also be permitted to write the eighth semester examinations. The petitioner is also permitted to write arrears examination. However, the results of the eighth semester examinations shall be withheld, till the disposal of the criminal case which is pending before the Principal Sessions Judge, Dindigul. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

ASSISTANT REGISTRAR(CS-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR



TO

The Principal sessions Judge,
Dindigul.

+1 CC TO MR.K.GOVINDARAJAN,ADVOCATE,SR NO.53281

+1 CC TO MR.S.BALAMURUGAN,ADVOCATE,SR NO.52967

+1 CC TO MR.T.S.R.VENKATRAMANA, ADVOCATE, SR NO.53073

sms

MAS/MR:04.05.2017:3P-5C

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