

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.11421 of 2016

A.Mercy Joan of Arc

.. Petitioner

Vs.

1.The Registrar
Tamil Nadu Dr.M.G.R.Medical University,
Guindy, Chennai-32.

2.The Managing Director,
Indian Medicine and Homeopathy,
Arumbakkam, Chennai-106.

3.The Chairman,
Sri Sairam Homeopathy Medical College,
Tambaram West,
Chennai-44.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to permit the petitioner to continue her BHMS course in the 3rd respondent college or to transfer the petitioner to some other college within a reasonable time.

For Petitioner : Mr. Dalit Tiger C. Ponnusamy

For R1 : Mr.G.Harihara Arun Soma Sankar

For R2 : No Appearance

For R3 : Mr.K.Ramesh Kumar

ORDER

The petitioner has come forward with this writ petition seeking a direction to the respondents 1 and 2 to permit her to continue BHMS course in the 3rd respondent college or transfer her to some other college.

2. The case of the petitioner is that, she has joined BHMS (Homeopathy) Course, in the third respondent college and that she may be allowed to continue in the same college, in same course, for the academic year 2015-16 or to transfer her to some other college. Learned counsel for the petitioner submitted that the petitioner was facing harassment from her collegemate, one Manjunath Rao and in this regard, a police complaint has been given before the Jurisdictional Police. Apart from that, another complaint was given before the Tamil Nadu State Human Rights Commission.

3. The 3rd respondent has submitted that detailed independent enquiry was conducted and it was found that the petitioner was at fault and that she was making complaint against her collegemate and also against her professor and others. The petitioner has participated in the enquiry, along with her father and after the Audio Conversation between the petitioner and the student Manjunath Rao was produced, it was found that the petitioner was at fault. Fearing adverse remarks, the petitioner stopped attending the classes and thereafter started giving complaints against other students as well as the Management, before the Police Station and Human Rights Commission.

4. The learned counsel appearing for the third respondent submitted that the third respondent/college has no objection for the student getting transferred and pointed out that the 1st respondent/University has to transfer the petitioner to another college.

5. The learned counsel appearing for the 1st respondent submitted that during the final year, there cannot be transfer to another college and hence, the writ petition has to be dismissed. He further submitted that the petitioner being a troublesome student, no college would admit her in the final year, even if the college has power to transfer her.

6. In reply, the learned counsel for the petitioner has pointed out that there was transfer of a student during the final year.

7. Taking note of facts mentioned supra and the conduct of the petitioner, and the interest of other students and faculty including the Professors, this Court is of the view that the petitioner should not be allowed to continue in the third respondent college, as it may create unnecessary trouble to students and the staff. Hence, the 1st respondent/University is directed to consider the case of the petitioner, to transfer her

to some other college, within its jurisdiction.

8. It is brought to the attention of this Court, that there is no provision to shift the final year students. Taking note of the interest of everyone and that of the students, as the petitioner has attended classes only on 83 days out of 186 days, she has to necessarily re-do the course in a different institution, if the petitioner is accepted by another college.

9. In the present circumstances, taking into account the welfare of the Institution and the students community, this court directs the 1st respondent/University to accommodate the petitioner to some other college, to continue and complete the course. The petitioner has no right to demand a particular college of her choice in a different Institution, if the petitioner is accepted by another college.

10. Writ petition is ordered, accordingly.

Sd/-
Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

dm

To

1.The Registrar
Tamil Nadu Dr.M.G.R.Medical University,
Guindy, Chennai-32.

2.The Managing Director,
Indian Medicine and Homeopathy,
Arumbakkam, Chennai-106.

3.The Chairman,
Sri Sairam Homeopathy Medical College,
Tambaram West,
Chennai-44.

+1cc to Mr.K.RAMESHKUMAR, Advocate, S.R.No.48244

+1cc to Mr.DALIT RIGER C PONNUSAMY, Advocate, S.R.No. 48694

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VG II(CO)
TR(29/08/2018)