IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7723 of 2018
and
W.M.P.No.9638 of 2018

S.Vigneshwar .. Petitioner

Vs.

1. Bharath University,
   Represented by its Registrar,
   173, Agaram Road,
   Selaiyur,
   Chennai-600 073.

2. The Controller of Examinations,
   Bharath University,
   173, Agaram Road,
   Selaiyur,
   Chennai-600 073.

3. Sree Balaji Medical College and Hospital,
   Rep. by its Dean,
   7, Works Road,
   New Colony, Chromepet,
   Chennai-600 044. .. Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to publish the petitioner's results in the Final Year M.B.B.S. Examinations - February 2018, conducted by the first respondent-University.

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For petitioner : Mr.T.Murugamanickam, Senior Counsel
for M/s.Zeenath Begum
For respondents : Mr.K.Kumaresh babu and Mr.V.Ramesh

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to publish the petitioner's results in the Final Year M.B.B.S. Examinations - February 2018, conducted by the first respondent-University.

2. It is the case of the petitioner that he was admitted to the M.B.B.S. Course in the year 2013-2014 in the third respondent-Medical College and has cleared the subjects of the relevant year(s) without any arrears. During 2015, when he was studying II Year M.B.B.S. Course, his college mates staged a fake kidnapping of another medical student, on coming to know of which, he informed the same to the Police. Unfortunately, the petitioner has been made as an accused in the complaint given by the affected student's father and a case has been registered in Crime No.3328 of 2015 before the Chromepet Police Station. The petitioner has been arrested and thereafter released on bail by the Principal Sessions Court, Chengalpattau on 05.12.2015. The petitioner was debarred from attending the college and was suspended and he approached this Court questioning the proceedings of the College, dated 07.11.2015, in W.P.No.4239 of

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2016, and this Court, by order dated 15.03.2016, allowed the said Writ Petition and quashed the said proceedings and directed the College to permit the petitioner to attend the class forthwith, in view of the undertaking affidavit given by the petitioner during the pendency of the said Writ Petition, which was recorded by this Court while allowing the said Writ Petition. The petitioner submitted that he has not at all been involved in any of the alleged incident and that for taking interest to protect the other medical student, he has informed the matter to the Police and that he has been falsely implicated in the case. It is further submitted by the petitioner that as on date, no further investigation has taken place and that the petitioner has not done any misconduct or offence either before the so-called incident or after the permission to attend the classes and that for the alleged incident, if the results are not published, he would be put to grave prejudice and his future would be ruined.

3. It is further submitted by the petitioner that the results of the Final Year M.B.B.S. Examination may be published so that, after completion of the house surgeonship/final year, and after the results are declared, he may take up the future/higher studies or practice his profession, as the case may be.

4. Even though no counter affidavit is filed by the respondents, it is stated that the results have been with-held, as the petitioner was involved in a criminal case and the same is pending. It is no doubt true that unless the petitioner comes out of the case, he shall not be permitted to undergo the house

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surgeonship course/internship and hence, the results of the final year examination had been with-held.

5. Heard both sides and perused the materials available on record.

6. It is not in dispute that the petitioner has already given an undertaking before this Court in W.P.No.4239 of 2016, which was recorded by this Court while allowing the Writ Petition on 15.03.2016, and the relevant portion of the said undertaking as recorded by this Court, reads as follows:

> "I state that, I am now given to understand that the second respondent herein has indicated that the impugned order will be revoked and I will be permitted to attend classes, provided I give an undertaking that I will not indulge in any criminal or other activity prejudicial to the interests of the College, which I undertake as follows:
>
> I hereby undertake, that I will abide by all rules and regulations and I will not indulge in any anti-student, criminal or any other activity against the interests of the second respondent-College. I fully understand, that, my future attendance in College will be subject to the criminal proceedings initiated in Cr.No.3328 of 2015 on the file of the Chrompet Police Station."

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7. It is stated that the investigation in the said criminal case is yet to be completed. Even though the petitioner has stated that he is the person who has given an information to the Police and that the parent of the affected student has given a complaint against the petitioner, taking note of the fact that there are no

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adverse remarks/reports against the petitioner thereafter and that he has given an undertaking before this Court in the Writ Petition in W.P.No.4239 of 2016 and that as the matter has got to be investigated, and that thereafter, if required, the trial has got to be completed by the jurisdictional Court and also taking note of the snail's pace in which the judicial proceedings are going on now-a-days, I am of the view that the petitioner shall not put to any prejudice/hardship, as the allegation is about his involvement in the case and the future of the petitioner, more particularly when the petitioner has cleared the examinations till the last year/semester without any arrears, this Court directs the respondents to release the results of the final year examination of M.B.B.S. course of the petitioner on or before 23.04.2018.

8. With the above observations and direction, the Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

11.04.2018

Index: Yes/no
Internet: Yes/no
Speaking Order: Yes/no
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Issue order copy on or before 16.04.2018

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S.VAIDYANATHAN, J

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