

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10017 of 2009
and MP. No. 1 of 2009

Mahin Sha, (Minor)
Rep. by his father
and natural guardian Abdul Kareem
Perumbavoor Village,
Perubavoor Kara Kunnathunadu Taluk,
Ernakulam District, Kerala State. Petitioner

Vs.

- 1.The Principal,
Bharathiyar College of
Engineering & Technology,
Thiruvettakkudy, Karaikal,
Union Territory of Pondicherry.
- 2.The Chairman,
Bharathiyar College of
Engineering & Technology,
Thiruvettakkudy, Karaikal,
Union Territory of Pondicherry.
- 3.The Registrar
University of Pondicherry
Pondicherry.
- 4.The Secretary,
Higher Education Department,
Government of Pondicherry.
- 5.Prof.R.A.Yadav, Chairman
All India Council for Technical Education,
7th Floor, Chanderlok Building, Janpath,
New Delhi - 110001 ..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 & 2 to forward the complaint to the concerned police station against the culprits as per the guidelines of the

Supreme Court and consequently pay a compensation of a sum of Rs.5,00,000/- for the physical and mental agony suffered by the petitioner and for having prevented him from attending the semester examination and complete the course and thereby made him to waste one year career and refund the entire money of Rs.2,90,000/- paid by the petitioner in entirety.

For petitioner : M/s.C.R.Rukmani

For respondents : M/s.Muthumani Duraisamy - R1 & R2
M/s.A.V. Bharathi - R3
Mr.C.T.Ramesh, AGP(P) - R4
Mr.P.R.Gopinathan - R5

ORDER

The petitioner has come forward with the above Writ Petition praying to issue a Writ of Mandamus directing the respondents 1 & 2 to forward the complaint to the concerned police station against the culprits as per the guidelines of the Supreme Court and consequently pay a compensation of a sum of Rs.5,00,000/- for the physical and mental agony suffered by the petitioner and for having prevented him from attending the semester examination and complete the course and thereby made him to waste one year career and refund the entire money of Rs.2,90,000/- paid by the petitioner in entirety.

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

3. It is unfortunate that there was a ragging incident on the petitioner, wherein the petitioner's stomach was burnt with an iron box and cigarettes. According to the college, the incident had taken place outside the college campus and therefore, the college is not responsible.

4. By considering the fact that only due to above incident, the petitioner could not pursue his engineering course, this Court suggested the college that the fees received from the petitioner may be refunded along with interest.

5. The learned counsel for the petitioner submitted that apart from the fees, they have also paid capitation fees. This Court does not know whether the capitation fees was paid or not, since no receipt has been produced before this Court.

6. As per the records, the petitioner has paid Rs.1,15,000/- (Rupees One Lakh Fifteen Thousand Only) and therefore, the petitioner would be entitled to receive only Rs.1,15,000/- along

with simple interest at 8% per annum from the date of joining the college i.e from 30.12.2008.

7. Accordingly, the respondents 1 &2 /College are directed to pay the said amount to the petitioner after obtaining necessary documents viz., bank account details, address proof and Aadhar Card and transfer the money through RTGS or NEFT within 45 days from the date of this order made ready.

With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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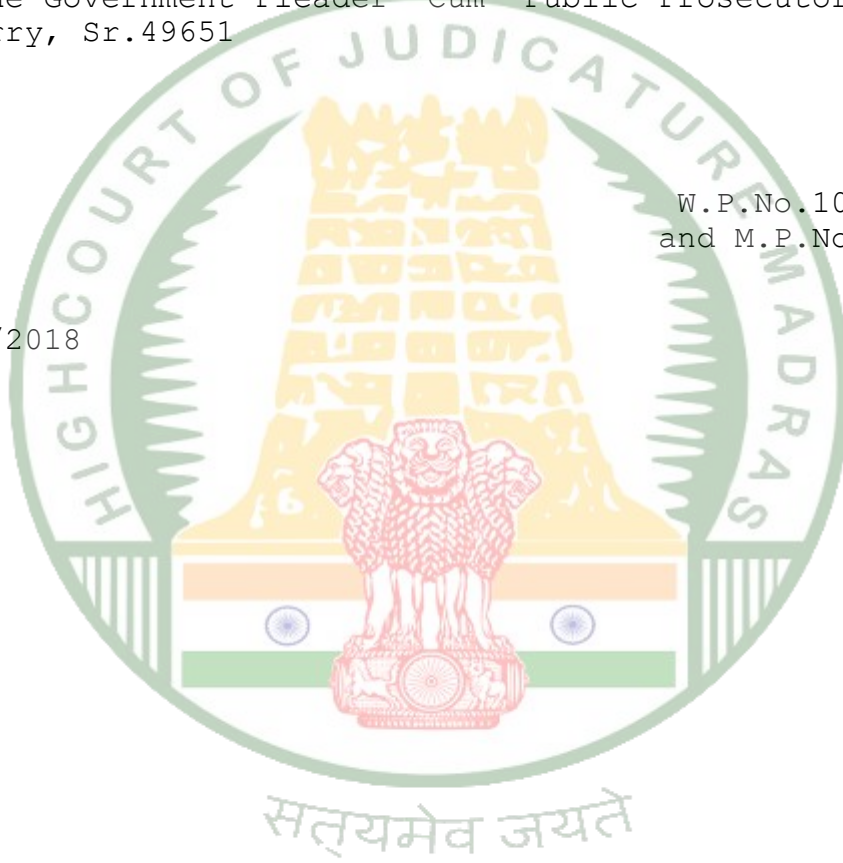
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- 3.The Registrar
University of Pondicherry
Pondicherry.

4.The Secretary,
Higher Education Department,
Government of Pondicherry.

+lcc to M/S.C.R.Rukmani, Advocate Sr.50060
+lcc to Mr.A.V.Bharathi, Advocate Sr.49212
+lcc to M/S.Muthumani Doraisami, Advocate sr.49306
+lcc to the Government Pleader -Cum -Public Prosecutor,
Puducherry, Sr.49651

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srg 21/08/2018



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