

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.6338 of 2019
and
W.M.P.No.7173 of 2019

Gaurav Dalal

.. Petitioner

Vs.

- 1.The Registrar,
Karunya Institute of Technology and Sciences,
(a Christian Minority Residential Institution),
Karunya Nagar,
Coimbatore.
 - 2.The Director (Student Affairs),
Karunya Institute of Technology and Sciences,
(a Christian Minority Residential Institution),
Karunya Nagar,
Coimbatore.
- .. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to proceedings of the respondents dated 11.02.2019 in KITS/DIR-SA/254/2019, quash the same and consequently direct the respondents herein to permit the petitioner to pursue his course for this academic year 2018-19.

For Petitioner : Mr.N.Elumalai

For Respondents: Mr.P.Ebenezer Paul

O R D E R

The writ petition has been filed challenging the proceedings of the respondents dated 11.02.2019 in KITS/DIR-SA/254/2019 and consequently direct the respondents to permit the petitioner to pursue his course for this academic year 2018-19.

2. Heard both sides.

3. The petitioner, who is the native of Haryana State had joined the respondents-University to pursue his Bachelor of Computer Applications and was accommodated in hostel. The petitioner had developed friendship with another girl student and had misbehaved inside the campus violating the code of conduct of the University. The petitioner was got red handed along with the other student and after due enquiry and giving them an opportunity of hearing, the respondents suspended the petitioner and the other student from 11.02.2019. Thereafter, there was a detailed enquiry conducted by the respondents. The present writ petition is filed challenging the order of suspension in KITS/DIR-SA/254/2019 dated 11.02.2019.

4. The respondents, upon service of notice, had entered appearance and filed their counter and also produced a typed set of papers. A perusal of the typed set would show that the College had conducted an enquiry by committee members, which had found that the petitioner had misbehaved with the girl student and possessing obscene pictures of the girl student and also vulgar video images, etc. It is also stated that the petitioner had admitted the above said acts before the committee. Therefore, the committee had recommended both the petitioner as well as the other student, who also had misbehaved and breached the code of conduct of the college, to be expelled from the institution with immediate effect. It is also stated that the said decision of the expulsion was communicated to the students concerned.

5. As already the respondents have decided to expel the students for their alleged misbehaviour, the petitioner cannot challenge the order of suspension, which is already crystallised into expulsion order after due enquiry. However, in the counter affidavit, the respondents have stated that it is open to the petitioner to collect the Transfer Certificate and join in other institution and pursue his studies. The respondents state that only as a good gesture, this offer is given to the petitioner to take away the Transfer Certificate so that the Conduct Certificate may not reflect the behaviour of the petitioner.

6. As the writ petition is challenged only the suspension order, the same has become infructuous, in view of the subsequent expulsion order. As stated above, it is open to the petitioner to go and collect the Transfer Certificate and Conduct Certificate within a period of two weeks from the date of receipt of a copy of this order from the Registrar of the institution.

7. In view of the above, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

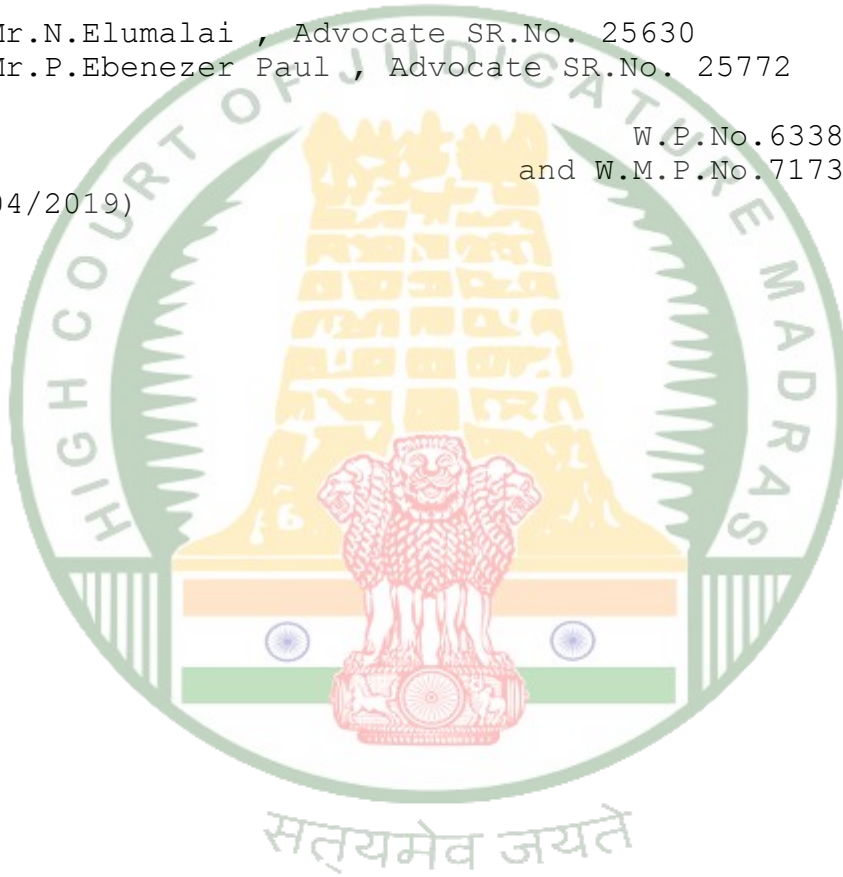
rsi
To

+1cc to Mr.N.Elumalai , Advocate SR.No. 25630

+1cc to Mr.P.Ebenezer Paul , Advocate SR.No. 25772

W.P.No.6338 of 2019
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A.SK(25/04/2019)



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