

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN  
and  
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.2904 of 2019  
and  
C.M.P.No.18705 of 2019

1.The Law Secretary,  
Government of Tamil Nadu,  
Secretariat, St.George Fort,  
Chennai - 600 009.

2.Director of Legal Studies,  
No.198, Purasaiwalkam High Road,  
Pavapuri Colony, Lumbini Square,  
Chennai - 600 010.

3.Controller of Examinations,  
Dr.Ambedkar Law University,  
Near Taramani Railway Station,  
Perungudi,  
Chennai - 600 096.

4.The Principal,  
Government Law College,  
Chengalpattu - 603 001.

... Appellants/Respondents

Vs

P.Prithvirajan

...Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters patent against the order dated 11.12.2018 passed in W.P.No.8806 of 2018 on the file of this Court.

W.P.NO.8806/2018:

This Writ Petition filed Under Article 226 of the Constitution of India, praying to Calling for the records on the file of the 3rd respondent in connection with the proceedings in No.255/COE/ CI/2018 dated 22.03.2018 and quash the same as

illegal arbitrary and Non-Est in law and consequently direct the 3rd respondent to provide an opportunity to the petitioner to write the papers in arrears if any after the results are published.

For Appellants : Mr.V.M.G.Ramakannan

For Respondent : Mr.D.Alexis Sudhakar

#### J U D G M E N T

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been preferred by the Principal of Government Law College, Chengalpattu and other Government officials against the order passed by the learned Single Judge quashing the impugned proceedings dated 22.03.2018 by which the respondent was de-barred from writing examinations for four semesters.

2.Heard Mr.V.M.G.Ramakannan, learned Counsel for the appellants and Mr.D.Alexis Sudhakar, learned Counsel for the respondent.

3.The main contention is that the respondent had misbehaved in the examination hall with the invigilator and he has not followed the instructions of the invigilator and therefore, based on complaint, disciplinary proceedings have been initiated and an order has been passed vide proceedings dated 22.03.2018 by which all the papers written by the respondent in November 2017 were cancelled and for four sessions, he was not allowed to participate in the examination.

4.After hearing all the parties, the learned Single Judge came to the conclusion that the nature of misbehaviour was not explained and was also not informed to the respondent. Without giving details of the misbehaviour, it is simply said that the respondent misbehaved in the examination hall. Noting that the allegation must be precise and unambiguous, the learned Single Judge set aside the punishment imposed on the respondent. The learned Single Judge has also observed that the respondent is fatherless and his mother is taking care of his son by doing house maid work.

5.As rightly observed by the learned Single Judge, there is no precise statement regarding the misbehaviour of the respondent and mere statement that he misbehaved with the

invigilator and failed to follow the instructions of the invigilator are not enough to pass such a harsh order. The learned Single Judge also took note of the circumstances and family of the respondent and had set aside the order passed by the third appellant and directed the appellants to declare the result of the three arrear papers written by the respondent during November 2017 within a period of two weeks from the date of receipt of the copy of the order.

6.This Court confirms the said order by agreeing with the findings of the learned Single Judge while quashing the impugned order. It is seen that so far, the respondent was not allowed to write three examinations. If at all, he had committed misbehaviour, he had already undergone the punishment of not writing examinations for three semesters and therefore, this Court directs the appellants to declare the results of the papers written by the respondent and to permit the respondent to write examination further including arrear papers if any commencing from November 2019 onwards. It is made clear that the punishment undergone by the respondent is sufficient and hence, no further order is necessary in this appeal.

7.In the result, this appeal is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- सत्यमेव जयते
- 1.The Law Secretary,  
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  - 2.The Director of Legal Studies,  
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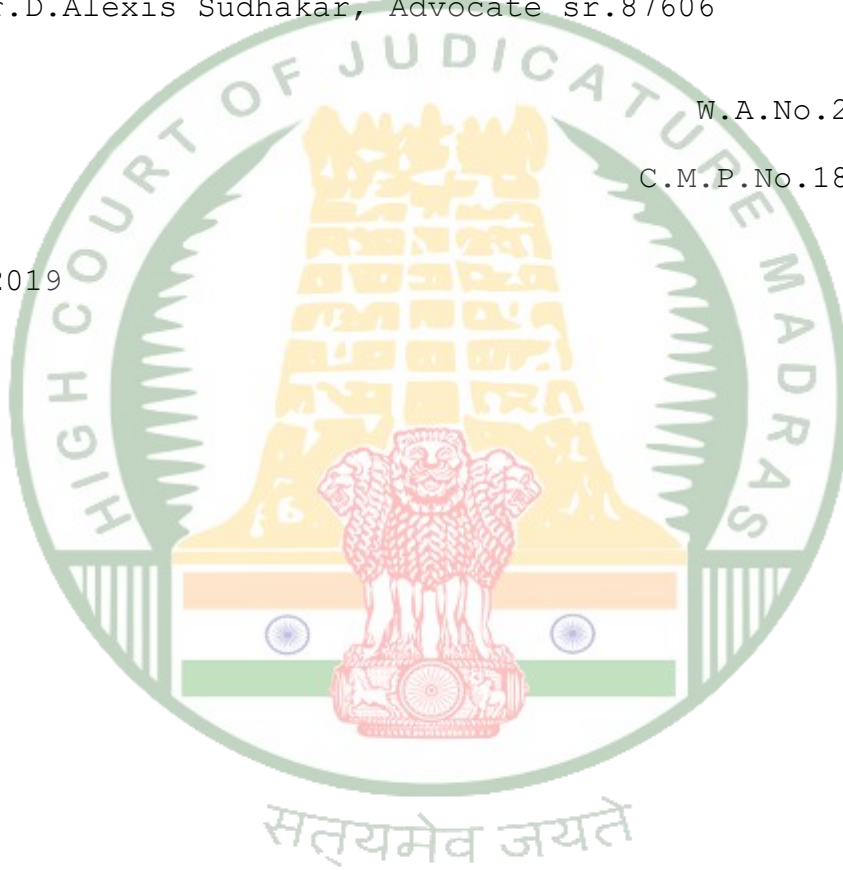
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+1cc to Mr.V.M.G.Ramakannan, Advocate sr.87645  
+4cc to Mr.D.Alexis Sudhakar, Advocate sr.87606

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