

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30519 of 2019
and WMP No.30556 of 2019

K.Sivakatacham ... Petitioner

-vs-

1. The Tamil Nadu Dr.Ambedkar Law University
rep.by its Registrar
5, Dr.DGS Dinakaran Salai
State Bank of India Colony
R.A.Puram, Chennai 600 028
2. The Principal
Saraswathy Law College
Olakkur, Tindivanam 604 305 ... Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling upon the records pertaining to the letter of termination dated 26.4.2019 issued by the second respondent against the petitioner and quash the same as ultra vires and further direct the second respondent to readmit the petitioner and permit him to continue the LLB course.

For Petitioner :: Mr.Stalin Abhimanyu

For Respondents :: Mr.V.Vasanthakumar
Standing Counsel for R1

ORDER

The petitioner, who is pursuing the first year of the three-year L.L.B. Course at Saraswathy Law College, Olakkur, Tindivanam, the second respondent herein, which is also affiliated with the Tamil Nadu Dr.Ambedkar Law University, the first respondent herein, has come to this Court questioning the impugned order dismissing the petitioner from the college.

2. Learned counsel for the petitioner submitted that the petitioner, while working as Advocate Clerk at Kumbakonam for about five years, secured admission in the second respondent

college. While he was pursuing his studies, on 4.4.2019, the students from Saraswathy Engineering College, namely, Kesavan, Mahendran, Ranjith, Janarthanan, Ajith verbally abused the girl students studying in the second respondent college using their caste name. Therefore, the girl students made a complaint of eve teasing on 4.4.2019 to the Principal of the second respondent college. But no action was taken by the management. The said complaint was also filed by a group of girl students narrating the entire facts and the incidents. But only due to the inaction of the college with regard to the complaint, on the next day, the same sort of misbehaviour was repeated by nearly 30 students of the Saraswathy Engineering College. One of the students Mr. Pachaiyappan from the second respondent college raised his voice against this incident. But one Mahendran studying in the engineering college verbally abused and attacked Pachaiyappan severely causing damage to the book held by him and one Ranjith also threatened to kill and burn him along with the book. On the same day of incident, the management of Saraswathy Engineering College suspended the above mentioned students. But they refused to obey the order. Therefore, all the aforementioned students and their friends, namely, Radhakrishnan, Jayakumar, Tamilselvan, Kalaiarasan along with some other students from the engineering college and few others from Konerikuppam threatened the petitioner and his friends, namely, Arunkumar, Pachaiyappan and Subash with dangerous weapons and attacked them. Hence, the petitioner and others filed a complaint before the Olakkur Police Station. But the police refused to register the complaint and they were also prevented from filing a complaint before the Director of the college. Finally, a complaint was made before the Principal of the second respondent college and again no action was taken. In the meanwhile, on the basis of the complaint given against the petitioner, the second respondent college issued a show cause notice dated 9.4.2019 calling for explanation as to why the petitioner should not be removed permanently from the college. Immediately the petitioner submitted a reply on 15.4.2019 explaining the true facts and circumstances. Despite the said explanation, the second respondent issued the impugned order.

3. Attacking the impugned order, the learned counsel for the petitioner submitted that the petitioner, while pursuing his first year law course in the second respondent college, cannot be disturbed from pursuing his studies without holding any enquiry. Therefore, he is entitled to come to this Court, as the order passed against him is putting a full stop to his studies. It is also admitted that when the petitioner was working as Advocate Clerk at Kumbakonam, he has been advised to pursue the law course and when he has secured admission, he should not be debarred or dismissed from the second respondent college.

4. But, this Court is unable to find any reason to entertain the writ petition, for the following reasons. Firstly, when the petitioner was issued with the show cause notice for the incident that took place on 8.4.2019 on the allegation that he has barged into the hostel attached with Saraswathy Engineering College with deadly weapons and attacked and caused injuries to the other students, the petitioner gave his explanation on 15.4.2019. A reading of the explanation also shows that the students pursuing engineering course were also subjected to some enquiry, for the reason that there was a clash between the students pursuing the law course in the second respondent college and the students of Saraswathy Engineering College. It is also seen that based on the complaint preferred by the Principal of Saraswathy Engineering College, FIR No.78 of 2019 came to be registered against the petitioner and pursuant thereto, the petitioner also filed Crl.O.P.No.10494 of 2019 seeking anticipatory bail and this Court by order dated 24.4.2019 granted anticipatory bail to the petitioner and other students, namely, Shanmuganathan and Pachaiyappan. The explanation offered by the petitioner clearly shows that although the petitioner has been given a chance to mend his ways, he has not improved to the expectation of the college, therefore, the present impugned order has been passed. A reading of the impugned order and the explanation given by the petitioner would clearly show that the students pursuing their studies are carrying on the weapons, instead of carrying books and a good pen which is more powerful than the weapons. Therefore, they were given notice dated 09.04.2019 as to why they were carrying deadly weapons while visiting the college and the explanation was offered on 15.04.2019 and the second respondent, after considering the explanation dated 15.04.2019, having found that there was no satisfactory explanation for carrying deadly weapons, passed the impugned order. The notice given to the petitioner dated 09.04.2019, was referred in the explanation given by the petitioner dated 15.04.2019, which clearly shows that the second respondent college has followed the procedure. The allegation made against the petitioner is that the petitioner took the other students and trespassed into Saraswathi Engineering College and attacked the students therein with deadly weapons and caused injuries. This Court finds no justification at all as to how the students of the Law College can behave like irresponsible miscreants. Therefore, this Court finds no merit in the Writ Petition.

5. Secondly, when all the students are obedient, with great responsibility and devotion, going to the college to obtain degrees to pursue their higher studies, it is not known why certain students like the petitioner are carrying deadly weapons. Hence, looking at the conduct and character of the petitioner and the serious allegation levelled against him, this

Court is not inclined to entertain the writ petition. Accordingly, finding no merits whatsoever to interfere with the impugned order, the writ petition stands dismissed. Consequently, W.M.P.No.30556 of 2019 is also dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Registrar
Tamil Nadu Dr.Ambedkar Law University
No.5, Dr.DGS Dinakaran Salai
State Bank of India Colony
R.A.Puram, Chennai 600 028.

+1cc to M/s.V.Vasanthakumar, Advocate Sr.90050

W.P.No.30519 of 2019

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srg 11/02/2020

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