

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34953 of 2019

P.RamaKrishnan

... Petitioner

Vs.

The Vice Chancellor,
Madras University,
Chepauk,
Chennai 600 005.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the Respondent to consider the representation dated 07.11.2019 and to take necessary steps to continue his studies B.A., 2 year history.

For Petitioner : Mr. K.Bharathi

For Respondent : Mr.L.P.Shanmugasundaram
Standing Counsel

ORDER

Heard Mr. K. Bharathi, Learned Counsel for the Petitioner and Mr. L.P.Shanmugasundaram, Learned Standing Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is studying in second year of B.A. History course at Government Arts College, Nandhanam, Chennai (hereinafter referred to as 'College' for short). According to him, while travelling to the College in the bus route 60-D of the State Transport Corporation on 20.03.2019, there was a wordy duel between him and the conductor of that bus and a First Information Report was filed against him under Sections 294(b), 341, 323, 506(i) and 353 of IPC for which he had been granted anticipatory bail in CrI.OP.No.8542 of 2019 by this Court. As he was not permitted to attend classes thereafter in the College, he claims to have made a representation dated 07.11.2019 to the Vice Chancellor of the University of Madras who is the Respondent in this Writ Petition in that regard. As no action

had been taken for the same, this Writ Petition has been filed to direct the Respondent to consider the said representation dated 07.11.2019 and take necessary steps for the Petitioner to continue his studies.

3. The affidavit filed in support of the Writ Petition is conspicuously silent as to why the Petitioner has not impleaded the College in which he is studying, which had not permitted to attend classes. That apart, there is no reference to any legal provision casting any obligation on the Respondent to consider his representation for permitting him to attend classes in the College.

4. In this context, it would be necessary to refer to the judgment of the Hon'ble Supreme Court of India in Director of Settlements, A.P. Vs. M.R.Apparo [(2002) 4 SCC 638], in which it has been held as follows :-

"17.One of the conditions for exercising power under Article 226 for issuance of a mandamus is that the Court must come to the conclusion that the aggrieved person has a legal right, which entitles him to any of the rights and that such right has been infringed. In other words, existence of a legal right of a citizen and performance of any corresponding legal duty by the State or any public authority, could be enforced by issuance of a writ of mandamus. "Mandamus" means a command. It differs from the writs of prohibition or certiorari in its demand for some activity on the part of the body or person to whom it is addressed. Mandamus is a command issued to direct any person, corporation, inferior courts or Government, requiring him or them to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty. A mandamus is available against any public authority including administrative and local bodies, and it would lie to any person who is under a duty imposed by a statute or by the common law to do a particular act. In order to obtain a writ or order in the nature of mandamus, the applicant has to satisfy that he has a legal right to the performance of a legal duty by the party against whom the mandamus is sought and such right must be subsisting on the date of the petition (Kalyan Singh vs. State of U.P. [AIR 1962 SC 1183]). The duty that may be enjoined by mandamus may be one imposed by the Constitution, a statute, common law or by rules or orders having the force of law...."

Having regard to this legal position coupled with the facts of this case, this Court does not find any justification to

entertain this Writ Petition in the exercise of the discretionary powers under Article 226 of the Constitution of India.

5. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

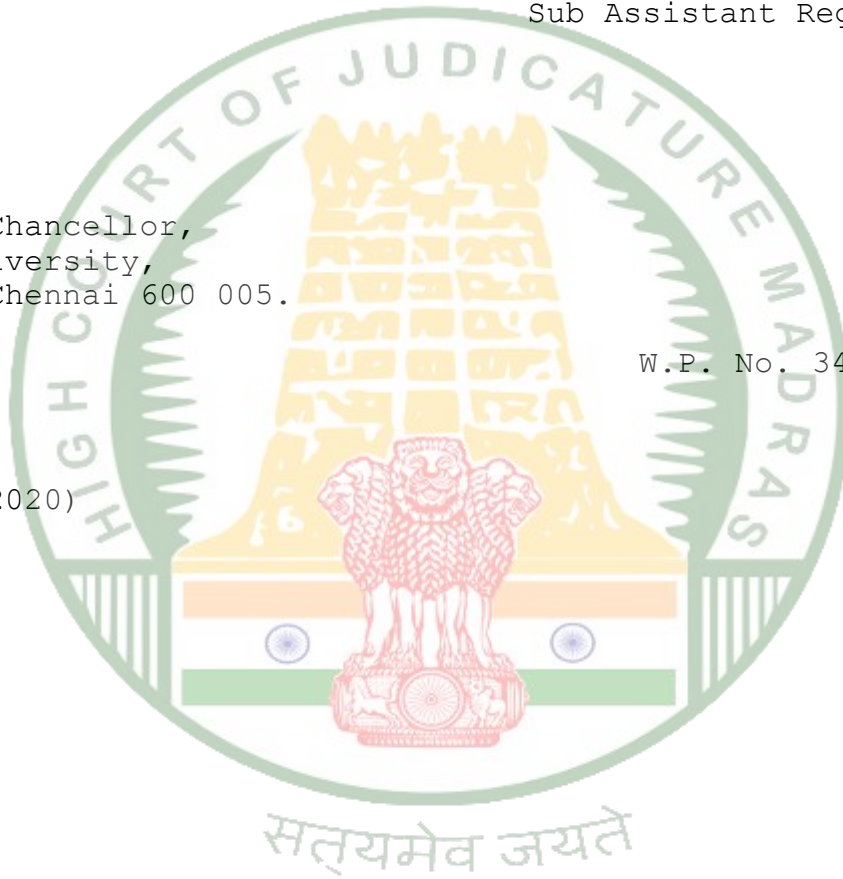
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To

The Vice Chancellor,
Madras University,
Chepauk, Chennai 600 005.

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PM(CO)
GN(21/02/2020)



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