

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.01.2019

CORAM
THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.34216 of 2018

P.Bishak

..Petitioner

-vs-

1. Kumararani Meena Muthiah College
of Arts and Science
(affiliated to University of Madras)
rep. by its Principal
No.4, Crescent Avenue Road
Gandhi Nagar, Adyar
Chennai 600 020

2. University of Madras
rep.by its Registrar
Chepauk
Chennai 600 005

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent herein to admit the petitioner in order to pursue his final year B.B.A. (Business Administration) Course (Reg.No.411602717) in the first respondent college and to direct the respondents to issue hall ticket to the petitioner for the 5th Semester and 6th Semester which are going to be held in March 2019.

For Petitioner :: Mr.K.Shivakumar

For Respondents:: Ms.Dakshayani Reddy for R1
Mr.L.P.Shanmughasundaram
Standing Counsel for R2

ORDER

The petitioner has come to this Court seeking a direction to the first respondent to admit him in the first respondent college in order to pursue his final year B.B.A. Degree Course and also issue the hall ticket for the 5th and 6th Semesters examinations which are going to be held in March, 2019.

2. Learned counsel appearing for the petitioner submitted that the petitioner has been studying III year B.B.A degree course in the first respondent institution and now he has to

write the 5th and 6th semesters examinations for completion of the said course, which is going to be held in March, 2019. While so, at the time of writing the 5th semester, in view of registration of F.I.R., the petitioner was arrested by the Inspector of Police, CBCID, Chennai on 12.09.2018 in connection with Crime No.02 of 2018 on the ground that he had a role in the commission of offence, subsequent to the release of his mother, and thereafter, he was granted bail by order dated 06.12.2018. According to the learned counsel for the petitioner, the petitioner, after his release, went to the first respondent college on 17.12.2018, but he was asked to get Transfer Certificate citing a reason that he was involved in the alleged offence. The learned counsel further submitted that as the petitioner is an outstanding student, who has secured 429 marks out of 500 marks in Plus Two and he was awarded with a certificate of appreciation by the first respondent college in appreciation of the altruistic service rendered to the community on 23.07.2016, the first respondent cannot prevent the petitioner from attending the classes. The learned counsel also pleaded that when the petitioner was not implicated in the F.I.R., the first respondent cannot pre-judge the issue and refuse permission for attending the classes.

3. Ms.Dakshayani Reddy, learned counsel for the first respondent submitted that so far as the first part of the prayer for a direction to the first respondent to admit the petitioner in order to pursue his final year B.B.A. (Business Administration) Degree Course (Reg.No.411602717) in the first respondent college is concerned, there is no difficulty and the same is acceded to by the first respondent college. With regard to the second part of the prayer for a direction to the respondents to issue hall tickets to the petitioner for the 5th and 6th Semester examinations which is going to be held in March, 2019 is concerned, she stated that since the petitioner has already completed the 5th semester during November, 2018, he is entitled to write the 5th semester examination in March, 2019 and the first respondent has no objection for the same. However, for the 6th semester period, which is from November, 2018 to March, 2019, unless the petitioner secures the requisite attendance of 75%, he cannot be permitted to write the 6th semester examination in March, 2019.

4. When the name of the petitioner was neither shown in the FIR nor there is any finding of guilt by any competent Court of law against the petitioner, it is wholly unjustifiable on the part of the respondent college not permitting the petitioner to continue his studies, inasmuch as, if the petitioner is able to prove his innocence before the competent Court that at no point of time he was in any way connected to the alleged incident, then, at that stage, the petitioner cannot be compensated. Moreover, it is a well settled legal position that no one should

be condemned before being heard. Therefore, in the light of such a golden principle, without there being any finding of guilt reached by any competent Court of law, the petitioner cannot be denied the benefit of education.

5. In view thereof, this Court hereby directs the first respondent to permit the petitioner to attend the classes for the 6th semester from tomorrow on production of a copy of this order and only if he secures the requisite attendance, he will be permitted to write the 6th semester examination, although he is permitted to write the 5th semester examination in March, 2019. With this observation, the writ petition stands allowed. Consequently, W.M.P.No.39753 of 2018 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Registrar
University of Madras
Chepauk
Chennai 600 005

+lcc to Mr.K.Shivakumar, Advocate, S.R.No.7431

+lcc to Mr.S.Sithirai Anandam, Advocate, S.R.No.7694

W.P.No.34216 of 2018

rrs 30/01/2019

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