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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.2887 of 2019

and

W.M.P (MD) .Nos.2173 and 2174 of 2019

V.Paramaguru

... Petitioner

Vs

1.The Principal

Director & Head,
CIPET Centre for Skilling and
Technical Support (CSTS)
Thiruvavatavur, Govt of India,
Madurai 625 110.

2.Director General,

Director General Head Office,
Department of Chemicals & Petrochemicals
Ministry of Chemicals & Fertilizers,
Govt of India, Guindy, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned suspension order dated 10.10.2018 CIPET:CSTS/MDU/DIS/18-19/2780 & impugned Expulsion order dated 30.11.2018 CIPET/CSTS/MDU/DISC/2018 passed by respondents 1 and 2 respectively and quash the same as completely arbitrary illegal and contrary to the provisions of the Constitution of India being transgressing Article 21 of the Constitution of India and consequently direct the respondents to return the suspension and expulsion or the value of the same.

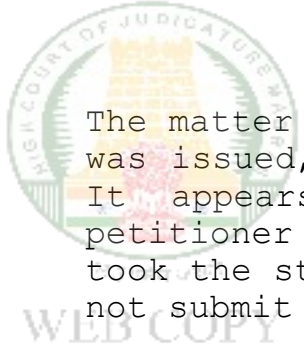
For Petitioner : Mr.K.Guruchev
For R1 : Mr.K.Sivabalan
For R2 : G.Rajaraman

ORDER

Heard the learned counsel on either side.

2. The writ petitioner joined the first respondent institution to pursue DPMT course in the year 2017-2018. The course comprises six semesters. When the petitioner was undergoing third semester, certain issues arose.

3. One Thiru.R.Jeevan Ram, Senior Technical Officer and Training Incharge, gave a complaint to the Director on 09.10.2018 and another teaching Staff one Thiru.J.Balu also gave a complaint.



The matter was summarily enquired into and an order dated 10.10.2018 was issued, suspending the writ petitioner for a period of 20 days. It appears that the Management was insisting that the writ petitioner should submit a letter of apology. The writ petitioner took the stand that since he has not committed any mistake, he would not submit any such letter of apology.

4. The writ petitioner also caused to issue notices to the institution.

5. The first respondent by a communication dated 12.11.2018 called upon the writ petitioner to clarify the following points:-

"1.The reason for not giving parent's undertaking (apologies letter) to the CIPET for revoking the same.

2.The reason for sending letter against CIPET by giving false information. Why the same was not informed to Director & Head on 05.10.2018 during your visit.

3.The reason for your son disturbing the CIPET officials from the day-to-day activities by sitting in-front of the gate on 02.11.2018 during suspension period, which is highly in-disciplinary."

6. The writ petitioner through his counsel sent legal notice dated 17.11.2018 in response thereto. The mother of the student also submitted a letter dated 19.11.2018. In these circumstances, the impugned order dated 30.11.2018 expelling the writ petitioner from the institution came to be issued. These orders are under challenge in this writ petition.

7. I am of the view that the impugned orders will have to be set aside on a short ground that the communication dated 12.11.2018 merely called upon the mother of the student to clarify certain points. This communication was followed by the impugned order expelling the student from the institution. Before issuance of such an expulsion order, no notice was issued, no enquiry was conducted. There has been a grave violation of the principle of natural justice. Expelling a student from an institution is a serious matter, of course, one need not follow any elaborate procedure. But then the principle of natural justice will have to be necessarily complied with. It is seen that even the order dated 10.10.2018, which handed out suspension as a measure of punishment for a period of 20 days was also not preceded by any notice. Enquiry report proceeds on the premise that the writ petitioner accepted the allegations made against him. It would be most unsafe to proceed on such basis. Therefore, the orders impugned in this writ petition stand set aside and the Writ Petition stands allowed. Since this Court has allowed the writ petition only on the ground of violation of the principles of natural justice, the order allowing this writ petition will not come in the way of the respondent from



taking action against the writ petitioner in the manner known to law.

8. With this liberty, the Writ Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar(cs-II)

/True Copy/

Sub Assistant Registrar

TO

1.The Principal

Director & Head,
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Technical Support (CSTS)
Thiruvavatavur, Govt of India,
Madurai 625 110.

2.Director General,

Director General Head Office,
Department of Chemicals & Petrochemicals
Ministry of Chemicals & Fertilizers,
Govt of India, Guindy, Chennai.

+1cc to Special Government Pleader, SR.No.52223

+1cc to Mr.G.Rajaraman, Advocate, SR.No.52211

+2cc to Mr.K.Guruchev, Advocate, SR.No.52124

+1cc to Mr.K.Sivabalan, Advocate, SR.No.52723

W.P. (MD) No.2887 of 2019
06.03.2019

SP/08.03.2019/ 3P/7C