



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.22479 of 2019

and

W.M.P(MD)No.19270 of 2019

WEB COPY

A.Manikandan

... Petitioner

vs.

1.The Principal,
Mass Polytechnic College,
Chennai Salai, Kallapuliur Village & Post,
Kumbakonam,
Thanjavur District.

2.The Director of Technical Education,
Guindy,
Chennai.

3.The Registrar,
Anna University, Chennai.

... Respondents

(R - 1 cause title amended vide order dated 11.11.2019
made in W.M.P(MD)No.20268 of 2019)

(RR 2 & 3 are *suo motu* impleaded vide order
dated 23.10.2019)

(R - 3 is deleted from array of parties vide order
dated 12.11.2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent herein to permit the petitioner to attend the classes in the first respondent College in the final year EEE Diploma course on the basis of petitioner's representation dated 10.10.2019.

For Petitioner : Mr.S.Ramakrishnan

For R - 1 : Mr.R.Manickam

For R - 2 : Mr.K.Mu.Muthu,
Additional Government Pleader.

ORDER

Mr.S.Ramakrishnan, learned counsel on record for writ

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petitioner, Mr.R.Manickam, learned counsel for first respondent and Mr.K.Mu.Muthu, learned Additional Government Pleader on behalf of second respondent are before this Court.

2.To be noted, third respondent namely Registrar, Anna University, Chennai was impleaded *suo motu* by this Court by order dated 23.10.2019, as this Court was informed that first respondent is an Engineering College and as it is not the case now, as first respondent is a Polytechnic, this Court is informed that third respondent has no role and therefore, third respondent is deleted from array of parties.

3.In the above scenario, with consent of aforementioned counsel ie., counsel for writ petitioner, counsel for first respondent / Polytechnic and State Counsel for second respondent / Additional Government Pleader, main writ petition is taken up, heard out and is being disposed of.

4.From the case file and from the records produced by learned State Counsel, it comes to light that there was an alleged occurrence on 27.07.2019, that occurrence is, a stone was allegedly hurled at a State Transport Corporation bus for allegedly not stopping in a given bus-stand on that day. On a complaint from the driver of said State Transport Corporation bus, a 'First Information Report' (hereinafter referred to as 'FIR' for brevity) being F.I.R.No.258 of the year 2019 dated 27.07.2019 came to be registered *inter alia* under Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (hereinafter referred to as 'TNPPDL Act' for brevity) in the jurisdictional police station. To be noted, FIR has been registered against unknown persons as column No.7 of FIR does not mention any name.

5.Learned State Counsel, on instructions, submitted that further enquiry has led to the police version that writ petitioner was involved, but this Court refrains itself from expressing any opinion on this aspect of the matter as the same has to be decided by the jurisdictional criminal Court.

6.Therefore, it emerges clearly that as of today, there is only an allegation against writ petitioner.

7.It is submitted that writ petitioner is pursuing in the first respondent / Polytechnic a three years course consisting of six semesters and writ petitioner is in fifth semester. It is also submitted that writ petitioner has four arrears and that supplementary examinations for the examination for first out of four arrear papers commences tomorrow (13.11.2019, Wednesday) and examination for three other papers are on various subsequent dates.



8.This Court has repeatedly held that mere pendency of FIR or a mere allegation (in this case writ petitioner is not named in FIR) cannot be an impediment for a student to pursue his education. This Court is informed that writ petitioner has approached this Court urgently as writ petitioner was not given hall ticket for writing aforementioned supplementary examinations as well as fifth semester examinations, but fifth semester examinations are over.

9.It is submitted by learned counsel for first respondent / Polytechnic that there is a suspension order owing to the aforesaid alleged occurrence on 27.07.2019, but it is submitted by writ petitioner's counsel that no order has been served on writ petitioner. These issues are left open.

10.In the light of the aforesaid trajectory, following order is passed:

a) Second respondent shall forward the hall ticket to the first respondent institution forthwith (as the next examination is scheduled to be held tomorrow ie., 13.12.2019) for ensuring that writ petitioner is able to write supplementary examinations;

b) Suspension order said to have been served (but denied by writ petitioner) shall take its own course and it is open to the parties to take recourse to law with regard to suspension order said to have been served on writ petitioner. Such recourse to legal proceedings if taken shall be uninfluenced by this order;

c) The aforesaid FIR shall also proceed in accordance with law without being influenced by this order in any manner.

11.The above order is passed in the peculiar facts and circumstances in this case as there is no demonstrable ground for not permitting writ petitioner to write the examinations.

12.Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal,
Mass Polytechnic College,
Chennai Salai, Kallapuliyur Village & Post,
Kumbakonam,
Thanjavur District.

2.The Director of Technical Education,
Guindy,
Chennai.

3.The Registrar,
Anna University,
Chennai

+1cc to MR.B.JAMEEL ARASU, ADVOCATE, SR.NO.97563

+1CC TO M/S.SPL GOVERNMENT PLEADER, SR.NO.97718

**W.P (MD) No.22479 of 2019
12.11.2019**

KK/SAR/12.11.2019/4P-6C/