

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 6773 of 2020
and
W.M.P. No. 8058 of 2020

Elavarasan. V

... Petitioner

Vs.

1.The Registrar,
Thiruvalluvar University,
Serkadu, Vellore - 632 115.

2.The Principal,
Thiruvalluvar University College of
Arts and Science,
Senthamangalam to Nemili Road,
Near Sayanapuram,
Attupakkam, Arakkonam - 631 051,
Ranipet District.

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in connection with the impugned order Lr.No.TVUCAS/Akm/2020/1257(B) dated 13.01.2020 passed by the second respondent and the same may be quashed and consequently direct the second respondent permit the petitioner to write final year B.A.(Tamil) examination which is to be scheduled on 04.04.2020.

For Petitioner : Mr. T.Arul

O R D E R

This Writ Petition has been filed challenging the impugned proceedings of the second respondent suspending the petitioner from college pending investigation in criminal case in Crime No. 12 of 2020.

2. It is seen from records that there was a group clash between two groups of students which resulted in FIR being registered by the Police in Crime No. 12 of 2020 on 11.01.2020 for an offense under Sections 147, 341, 323, 506(1) and 307 IPC. A reading of the FIR shows that the petitioner has been arrayed

as A2 and the reading of the complaint also shows that specific overt act has been attributed against the petitioner.

3. In view of the above, the second respondent took a decision to keep the petitioner under suspension pending investigation in the criminal case. This decision was taken after a meeting that was held at the second respondent University. This suspension order has been made a subject matter of challenge in the present Writ Petition.

4. The petitioner has given a representation to the second respondent in this regard on 17.01.2020 requesting for permission to the petitioner to write the examinations which is scheduled to be held from April 2020. Since the representation was not considered, the present Writ Petition has been filed before this Court.

5. The learned counsel for the petitioner submitted that in view of the suspension order passed by the second respondent, the petitioner who is in his third year is not allowed to write the examination that is scheduled to be held from 04.04.2020. Learned counsel further submitted that the petitioner has already given a representation to the second respondent in this regard.

6. In the considered view of this Court, the second respondent has taken a conscious decision to suspend the petitioner pending investigation in Crime No.12 of 2020. The educational institution is expected to maintain peace among the students and the students involving in such criminal activities is on the raise and the Courts cannot be a mute spectator for such activities. If the Courts starts showing indulgence and grant reliefs to the students who are involving in criminal activities, there will be no control over the activities of the students and the educational institutions will find it very difficult to run the institutions. The second respondent has rightly taken a decision to keep the petitioner under suspension pending the criminal case.

7. In view of the above, till the suspension is revoked, the petitioner will not be allowed for final year examination. A reading of the FIR shows that there was a very serious group clash that happened between the students and the petitioner has been arrayed as A2 in the FIR.

8. This Court does not find any ground to interfere with the order of suspension passed by the second respondent. It is left open to the second respondent to consider the representation made by the petitioner on 17.01.2020 and take a decision on its own merits and in accordance with law.

9. In the result the Writ Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

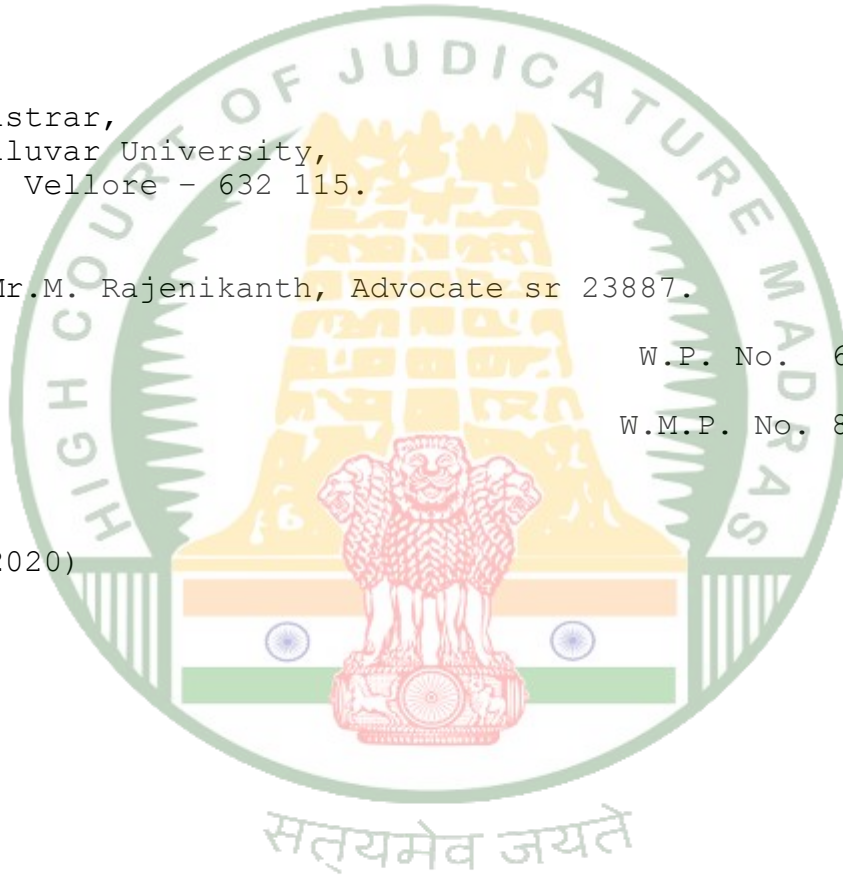
To

1.The Registrar,
Thiruvalluvar University,
Serkadu, Vellore - 632 115.

+1 CC to Mr.M. Rajenikanth, Advocate sr 23887.

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PP(CO)
SP(19/03/2020)



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