

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.03.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.Nos.6809 to 6813 & 6882 of 2020
and
W.M.P.Nos.8110 to 8114 & 8206 of 2020

Karthick ... Petitioner
in W.P.No.6809/2019

Gokulan. J ... Petitioner
in W.P.No.6810/2019

Vigneshwaran .V ... Petitioner
in W.P.No.6811/2019

Lokesh .K ... Petitioner
in W.P.No.6812/2019

Purushothaman .A ... Petitioner
in W.P.No.6813/2019

Chandrasekar .K ... Petitioner
in W.P.No.6882/2019

Vs.

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

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

... Respondents
in all W.Ps.

Common Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorarified mandamus, directing the respondents to call for the records in connection with the impugned order Lr. No. TVUCAS / Akm / 2020 / 1257(D), Lr. No. TVUCAS / Akm / 2020 / 1257 (F), Lr. No. TVUCAS / Akm / 2020 / 1257(H), Lr. No. TVUCAS / Akm / 2020 / 1257(E), Lr. No. TVUCAS / Akm / 2020 / 1257(C), Lr.No.TVUCAS/Akm/2020/1257(J) respectively dated 13.01.2020

passed by the second respondent and the same may be quash the same and consequently direct the second respondent to permit the petitioner to write the final year B.A.(Tamil) examination which is to be schedule on 04.04.2020.

For Petitioners : Mr. T. Arul

O R D E R

The subject matter in the present writ petitions are the suspension orders passed by the second respondent and consequently for a direction to the second respondent to permit the petitioners to write the final year examination.

2. A connected case came up for hearing in W.P.No.6773 of 2020 dated 17.03.2020 and this Court disposed of the said writ petition by passing a final order, which reads as follows:

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.

3. Reasoning given in the above order will equally apply to the facts of the present case also. This Court is not inclined to interfere with the suspension order passed by the second respondent. It is left open to the second respondent to consider the representations made by the petitioners on 17.01.2020 and take a decision on its own merits and in accordance with law.

4. In the result, all the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/
Sub Asst. Registrar

at
To

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

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

+1 cc to Mr.T.Arul Advocate sr23888

W.P.Nos.6809 to 6813 & 6882 of 2020
and
W.M.P.Nos.8110 to 8114 & 8206 of 2020

ks(co)
aa23/03/2020