

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8734 of 2020

Olugu Olisaemeka Emmanuel,
S/o.Emmanuel Olugu.

...Petitioner

Vs.

1.The Registrar,
SRM Institute of Science and Technology
(formerly known as SRM University)
SRM Nagar,
Kattankulathur 603 203.
Chengalpattu District.

2.The Director,
International Relations,
SRM Institute of Science and Technology,
SRM Nagar, Kattankulathur-603203
Chengalpattu District.

3.The Dean,
SRM Medical College Hospital and
Research Centre,Kattankulathur,
SRM Nagar, Kattankulathur-603 203.
Chengalpattu District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 20.05.2020, and allow the petitioner to continue his IIInd year B.Sc.Degree Course (MIT) Medical Imaging Technology 2019-2020 academic year course.

For Petitioner : Mr.P.K.Ganesh

For Respondents: Ms.Saraswathi

O R D E R

This writ petition has been filed for the issuance of writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 20.05.2020 and allow the petitioner to continue with his second year B.Sc.Degree course.

2.The grievance of the petitioner is that he was roped in a criminal case and he was arrested on by the Police. Subsequently, the petitioner was granted bail by the Special Court by an order dated 22.01.2020. The grievance of the petitioner is that the 1st respondent is not allowing the petitioner to continue with the course. Therefore, the petitioner made a representation on 20.05.2020 in this regard. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3.The 3rd respondent has filed a counter affidavit. The relevant portion in the counter affidavit is extracted hereunder:

"3.I humbly submit that the details given by the petitioner from paragraph 3 to 15 of the affidavit under reply is not within the knowledge of this respondent, he came to know only through the newspaper and media about the incident which involved him into drug trafficking, his arrest and his getting into jail. It is normal practice for international students to show visa and college ID cards when requested by the authorities. No copy of the bail order was sent to SRM. The petitioner/student was absent for a long period and did not report, missing out on minimum attendance, and physical presence to conduct any enquiry.

4.In respect of paragraph 16 to 18, I humbly submit that the respondent can only sympathize but is helpless in the present circumstances, unless the case is resolved and student is acquitted and proved innocent of all charges, the University cannot consider readmitting as per the rules, notwithstanding the fact if readmitted what is the guarantee that the candidate will not carry out undesirable activities that are prejudicial to the working of an educational institution with several thousand students on its rolls.

5.In respect of Paragraph 19 to 22, this Respondent submits that they were not aware of the case details until now. He had only sent a representation dated 20.05.2020 for which this respondent could not reply since the institution was closed due to corona pandemic.

6.The Petitioner's request cannot be considered to continue his studies, before he is acquitted of the serious charges of possessing Narcotics Drug, as he may continue to carry out the undesirable activity which is harmful for the welfare of the student community at large."

4.Heard Mr.P.K.Ganesh, learned counsel appearing on behalf of the petitioner and Ms.Saraswathi, learned counsel appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and also the representation made by the petitioner which is pending consideration before the respondents, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 20.05.2020 and deal with the same in accordance with rules and regulations and take a decision within a period of two weeks from the date of receipt of copy of this order.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS Mdu)

//True Copy//

Sub Assistant Registrar

Rm

To

1.The Registrar,
SRM Institute of Science and Technology
(formerly known as SRM University)
SRM Nagar, Kattankulathur 603 203.
Chengalpattu District.

W.P.No.8734 of 2020

A.SK(09/09/2020)

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