

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.12301 of 2020

and WMP.Nos.15105,15106 & 15107 of 2020

Nandhinisai

... Petitioner

Vs.

1. The Principal
Saveetha School of Law,
VND Nagar, Poonamallee,
Chennai-77.

... Respondents

2. The Registrar,
Saveetha Institute of Medical and Technical Science (SIMATS)
(Deemed University)
No.162, Poonamallee High Road,
Velappanchavadi, Chennai-600 077.

3. The Secretary,
The Bar Council of Tamil Nadu,
NSC Bose Road,
Chennai-600 104.

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent No.1, bearing the reference No.SU/SSL/PO/SO/2020/02 dated 18.08.2020 and quash the same with further direction to receive the 40% fee for the academic year 2020-2021 installments and provide continuous online and physical classes to the petitioner as applicable to those of the students who have paid full annual fee.

For Petitioner : Mr.S.Senthil Nathan

For Respondents : Mr.S.Saravanan R1 & R2
Mr.M.R.Jothimanian R3

ORDER

This Writ Petition has been filed challenging the impugned suspension order issued by the first respondent dated 18.08.2020.

2. The case of the petitioner is that she joined the first respondent College during the academic year 2019-2020 in

the five year integrated Law Course. The further case of the petitioner is that she has already paid the entire fees for the first year and due to the pandemic situation, the first respondent commenced virtual classes from April-2020. The first respondent had demanded the payment of fees for the second year Course and it is stated by the petitioner that she requested for payment of the fees in installments due to financial constrains.

3. The further case of the petitioner is that the first respondent, all of a sudden, issued a suspension order as if the petitioner entered the college along with her father accompanied by armed persons and created a ruckus and also abused and manhandled the staff of the College. According to the petitioner, the suspension order has been issued without any basis and only on the ground that the petitioner had insisted for the payment of the second year fees in installments.

4. Heard Mr.S.Senthil Nathan, learned counsel for the petitioner and Mr.S.Saravanan appearing on behalf of the respondents 1 and 2.

5. In the considered view of this Court, very serious allegations have been made against the petitioner in the suspension order issued by the first respondent. The suspension order reads as if the petitioner entered into the College premises with armed gunmen and outsiders without any prior permission and created a ruckus inside the college by misbehaving with the faculty and administrative staff by using abusing and threatening language and it is also stated that there was manhandling of the staff.

6. The learned counsel for the petitioner completely denies any such incident that is alleged to have taken place in the College premises. The learned counsel for the petitioner further submitted that if at all any such incident had taken place, the same will be readily available in the CCTV footage that is available in the College premises. The learned counsel submitted that the petitioner has been victimised by making serious allegation and the petitioner is not shying away from subjecting herself for an enquiry. The learned counsel submitted that sometime limit can be fixed for the conclusion of the enquiry and in the meantime, the petitioner should not be prevented from attending the online classes and the petitioner must also be allowed to participate in the examinations conducted by the first and second respondents.

7. The law with regard to the judicial review that can be exercised by this Court under Article 226 of Constitution of India against a suspension order is well settled. This Court has to necessarily go by the allegations made in the suspension order and will have to see whether it has been

issued by an authority without any jurisdiction or if suffers from any other patent illegality.

8. In the considered view of this Court, the suspension order does not suffer from any illegality. In fact going by the serious allegations made in the suspension order, this case definitely warrants a detailed enquiry in order to establish the truth and the actual incident that took place on the fateful day. Therefore, this Court is not inclined to interfere with the suspension order issued by the first respondent.

9. In view of the above, there shall be a direction to the first and second respondents to issue a charge memo against the petitioner by specifically indicating the charges and the materials relied upon to substantiate the charges. The petitioner, on receipt of the memo, shall give a reply. The first and second respondents shall thereafter appoint an Enquiry Officer to enquire into the charges by giving sufficient opportunity to the petitioner. Based on the report of the Enquiry Officer, the first and second respondents can proceed further in accordance with law. This exercise shall be completed by the first and second respondents within a period of four weeks from the date of receipt of a copy of this order.

10. This Writ Petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are also closed. No costs.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

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To

The Secretary,
The Bar Council of Tamil Nadu,
NSC Bose Road,
Chennai-600 104.

+3 C.C. to MR.S.SENTHILKUMAR Advocate SR.NO.37704

+1 C.C. to MR.S.SARAVANAN Advocate SR.NO.38075

W.P.No.12301 of 2020
and WMP. Nos.15105,15106
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SR(CO)

UM (15.12.2020)

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