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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.08.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.17641 OF 2021

Sreejith.B.

... Petitioner

Vs.

1.The Vice Chancellor,
Bharathiyar University,
Coimbatore.

2.The Registrar,
Bharathiyar University,
Coimbatore.

3.The Principal,
Hindustan College of Arts and Science,
Coimbatore.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner representation dated 03.03.2021 and consequently direct the 3rd respondent to permit the petitioner to write 6th semester examinations.

For Petitioner : Mr.K.Balasubramaniam

For Respondents: Mr.L.P.Shanmugasundaram
Standing Counsel
for R1 and R2

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the 1st respondent to consider the representation made by the petitioner on 03.03.2021 and consequently direct the 3rd respondent to permit the petitioner to write the 6th Semester examination.



2.The case of the petitioner is that he was studying in the 3rd respondent College B.Sc., (Electronics and Communication System). The petitioner had completed up to five semesters. In the meantime, a criminal case came to be registered in Crime No.19 of 2020 by the Inspector of Police, NIBCID, Coimbatore and the petitioner was arrayed as A2 and he was arrested and remanded to judicial custody on 07.02.2020. As per the FIR, the petitioner is alleged to have been involved for offences under Sections 9A, 22(c), 27A and 29(1) of NDPS Act, 1985.

3.In the meantime, the 3rd respondent is said to have placed the petitioner under suspension pending an enquiry. According to the petitioner, no order of suspension has been served on the petitioner and no enquiry has been conducted so far. While so, the 6th semester examinations have been announced and therefore, the petitioner made a representation to permit him to write the examination. Since, it was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents 1 and 2.

5.In the considered view of this Court, even as per the averments made in the affidavit filed in support of the writ petition, the petitioner has been placed under suspension pending an enquiry. While so, there is no question of allowing the petitioner to write the examination. The learned counsel for the petitioner submitted that the petitioner did not even get a chance to challenge the suspension order since, no orders have been served on the petitioner. The learned counsel therefore, requested this Court to at least issue a direction to the 3rd respondent to issue the suspension order and complete the enquiry within a time limit.

6.Taking into consideration, the request made by the learned counsel for the petitioner, there shall be a direction to the 3rd respondent College to proceed further with the enquiry and take a decision, within a period of four weeks from the date of receipt of copy of this order. It is left open to the petitioner to give his explanation to the 3rd respondent College and put forth his defense. Except issuing this direction, no further orders can be passed in this writ petition.



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7.This writ petition is disposed of accordingly. No Costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr

To

1.The Vice Chancellor,
Bharathiyar University,
Coimbatore.

2.The Registrar,
Bharathiyar University,
Coimbatore.

W.P.No.17641 of 2021

KV (CO)
PM/21/09/2021