



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.8203 of 2021

and W.M.P. (MD) Nos.6210 & 6211 of 2021

(Through Video Conference)

M.Sivakumar

... Petitioner

Vs.

1) The Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600 009

2) The Registrar,
Bharathidasan University,
Tiruchirapalli.

3) The Principal,
Government Arts College, (Autonomous)
Karur,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice issued by the 3rd respondent in Na.Ka.No.401/April/2020 dated 9.4.2021 and quash the same and consequently allow the petitioner to write his final semester examination in B.A.(Economics).

For Petitioner : Mr.B.Santhanam Rajeshkumar
For RR-1 & 3 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

For R-2 : Mr.VR.Shanmuganathan,
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned proceedings of the third respondent dated 09.04.2021 wherein the petitioner was informed that he has been removed from the College and he was directed to collect the Transfer Certificate within a period of seven days.



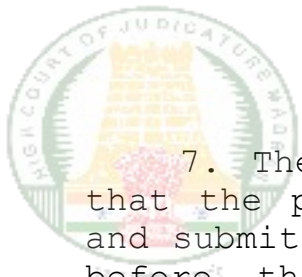
2. The petitioner is studying B.A.(Economics) in the third respondent College. On 15.02.2021, at about 09:30 a.m., the petitioner is said to have indulged in teasing two girl students. This was questioned by some other students, belonging to the same class where the girls students were studying, and they were said to have been attacked by the petitioner and two others.

3. Thereafter, a complaint was given by the girl students on 17.02.2021 and the third respondent on receipt of the complaint, formed a Committee to enquire into the complaint. Notices were issued to the girl students as well as the petitioner. The aggrieved students as well as the witnesses had given their statements before the Committee. The petitioner, inspite of receiving the notice, did not attend the enquiry. Therefore, the Committee based on the statements given by the witnesses, submitted a report to the Principal of the third respondent College on 30.03.2021. Based on the report, the Principal of the third respondent College issued the impugned letter dated 09.04.2021 informing the petitioner that he has been removed from the College and further directed the petitioner to receive the Transfer Certificate. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Heard Mr. B. Santhanam Rajeshkumar, learned counsel for the petitioner, Mr. J. Gunaseelan Muthiah, learned Additional Government Pleader appearing for the respondents 1 and 3 and Mr. V. R. Shanmuganathan, learned Special Government Pleader for the second respondent.

5. The learned Additional Government Pleader relied upon the typed set of papers filed on behalf of the third respondent. It is seen from the typed set of papers that the petitioner had made a representation to the Principal to the effect that he was not able to attend the enquiry along with his mother since he suffered an accident and he was injured. Based on the representation made by the petitioner, the Principal of the third respondent College has taken a decision to give one more opportunity to the petitioner to appear before the Committee along with his parents and give his explanation and thereafter, a decision will be taken by the third respondent College on the report submitted by the Committee.

6. The learned counsel for the petitioner was pressing for an interim order to permit the petitioner to write the final year examinations. This Court is not inclined to issue any interim directions in this case and the petitioner has to first clear himself before the Committee and only based on the decision taken by the third respondent, the petitioner can even think of writing



7. The learned counsel for the petitioner further submitted that the petitioner will appear before the Committee immediately and submit his explanation. The learned counsel, therefore pleaded before this Court to direct the Committee to complete the proceedings and further direct the third respondent to take a decision within a time frame fixed by this Court.

8. The petitioner is directed to appear before the Committee on 30.04.2021 and give his explanation. The petitioner shall attend the enquiry along with his parents and no one else shall accompany the petitioner. The Committee shall submit its report to the third respondent immediately after the enquiry and the third respondent shall take a decision on or before 07.05.2021.

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

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To:

- 1) The Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600 009
- 2) The Registrar,
Bharathidasan University,
Tiruchirapalli.



3) The Principal,
Government Arts College, (Autonomous)
Karur, Karur District.

WEB COPY

+1 CC to M/s.B.SANTHANAM RAJESH, Advocate (SR-17670[F] dated 27/04/2021)

+1 CC to M/s.SPL GP (SR-17711[F] dated 27/04/2021)

Order made in
W.P. (MD) No.8203 of 2021
Dated: **26.04.2021**

SSS (CO)
TR(28.04.2021) 4P 6C