



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.534 OF 2022

Rajkumar

...Petitioner

Vs.

1.The Director of Medical Education,
No.162, Kilpauk,
Poonamalee High Road,
Chennai 600 010.

2.The Dean,
Government Dharmapuri Medical College,
Dharmapuri.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to Call for the records relating to the impugned order dated 06.12.2021 made in reference No. 9367 / ME1 / 2021 and the consequential order of extension dated 11.12.2021 made in the Reference No. 10025 / ME1 / 2021 passed by the second respondent and to quash the same consequently direct the second respondent permit the petitioner to attend the class and to pursue the study of 3rd year MBBS course.

For Petitioner : Mr.C.Prabakaran

For R1 & R2 : Mr.D.Ravichandran,
Special Government Pleader
Mr.A.Sakthivel for Victim boy

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to Call for the records relating to the impugned order dated 06.12.2021 made in reference No. 9367 / ME1 / 2021 and the consequential order of extension dated 11.12.2021 made in the Reference No. 10025 / ME1 / 2021 passed by the second respondent and to quash the same consequently direct the second respondent permit the petitioner to attend the class and to pursue the study of 3rd year MBBS course.



2. The case of the petitioner is that the petitioner has successfully completed his higher secondary and secured good marks and pursuant to which, he appeared for counseling and joined the second respondent college for the MBBS Course and studying for the past three years and he was also elected as the President of the student council and he used to redress the grievances of the student. While being so, on 22.11.2021, the petitioner was informed by the students that one Saravanan and others have committed certain misconduct with the girl students and when it was enquired with them and intended to report before the Hostel Warden on the next day morning, the said Saravanan has given a complaint to the second respondent, who in turn lodged a complaint before the Inspector of Police, B-1 Police station, Dharmapuri, alleging that the petitioner and three other persons have ragged the said Saravanan in the hostel, due to which he had made an attempt to commit suicide by way of taking sleeping tablets and the said complaint was registered as Cr.No.1619 of 2021 under Section 4 of the Tamil Nadu prohibition of Ragging Act, 1997. Accordingly, the petitioner and others have obtained an anticipatory bail before the Lower Court. In the meantime, the 2nd respondent has issued an order of suspension dated 06.12.2021 to the petitioner along with three other students for a week. Thereafter, the petitioner had made representation to the 2nd respondent on 28.12.2021 requesting to revoke the suspension. Despite which the 2nd respondent has passed the impugned order by way of extension of suspension period from 13.12.2021 till the court direction. Aggrieved over the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that it is a simple dispute between the co-students, for which passing suspension order and extended it until court orders, is not sustainable and the petitioner has submitted representation dated 28.12.2021 for revocation of the said Suspension Order, however till date his request was not considered and hence this Court may issue direction to consider the representation dated 28.12.2021.

4. The learned counsel appearing for the Special Government Pleader submitted that if any such incident is happened, immediately after the incident, a duty is cast upon the 1st respondent to register a criminal case against the erring student before the law enforcing agency, in terms of Section 6 of the Ragging Act and Regulation 7 of the UGC Regulations, which were passed to curb the menace of ragging in higher educational Institutions. Therefore, the respondent have done their duty in accordance with law and if at all the petitioner is having grievances, he has to redress his grievance only before the Criminal Court, where criminal case is pending and shall prove his innocence and hence prays for dismissal of this petition.



5. Considering the above facts and circumstances of the case, this Court is of the view that though the petitioner claims that he is from the poor background and obtained decent marks to secure MBBS Course and inadvertently committed mistake and prays for leniency of this Court, as per Regulation 7, unless the competent Court decides that the petitioner did not commit mistakes, his suspension order will not be revoked. Contrary to the same, this Court cannot issue positive direction for revoking suspension order. Further this Court has also perused the report filed by the respondents and the said report is against the case of the petitioner.

6. For the reasons aforesaid, this Court cannot issue affirmative direction in favour of the petitioner. In the result, this Writ Petition is dismissed and the liberty is granted to the petitioner to work out his remedy in the manner known to law. No costs.

7. After the dismissal of this petition, it is informed by Mr.A.Sakthivel, learned counsel who assisted the victim boy, namely, Saravanan, that he is not allowed to stay in the hostel premises in order to prevent any further incident.

8. Considering the academic carrier of the victim boy, this Court directs the 2nd respondent to give better accommodation to the victim namely Saravanan in the hostel premises and shall allow him to pursue the MBBS Course and the same shall be reported before this Court by the learned Special Government Pleader, failing which, liberty is granted to the victim Saravanan to mention before this Court in person or through his counsel, if he is not allowed to stay in the hostel premises.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

sk

To

1.The Director of Medical Education,
No.162, Kilpauk,
Poonamalee High Road, Chennai 600 010.

2.The Dean,
Government Dharmapuri Medical College,
Dharmapuri.

W.P.No.534 of 2022

GPL(CO)

RVM(09/02/2022)