



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.875, 877, 880, 908, 949, 954, 966, 1019, 1023 & 1025 of
2022
and W.M.P.Nos.956, 957, 959, 964, 965, 966, 993, 994, 1014,
1016, 1018, 1020, 1031, 1083, 1084, 1085, 1086 and 1089 & 1093
of 2022

1	ABHIVAD M S	... PETITIONER in WP No.875 of 2022
1	VISWAJITH V VINOD	... PETITIONER in WP No.877 of 2022
1	SHAHID K	... PETITIONER in WP No.880 of 2022
1	ABHIJEET S.PANICKER	... PETITIONER in WP No.908 of 2022
1	NITHIN KRISHNA	... PETITIONER in WP No.949 of 2022
1	MOHITH S	... PETITIONER in WP No.954 of 2022
1	ARAVIND.G	... PETITIONER in WP No.966 of 2022
1	TOM K JOHN	... PETITIONER in WP No.1019 of 2022
1	AMITH V	... PETITIONER in WP No.1023 of 2022
1	AJMAL V R	... PETITIONER in WP No.1025 of 2022

Vs.

1.PONDICHERRY UNIVERSITY
REP.BY ITS REGISTRAR,
PONDICHERRY UNIVERSITY,
KALAPET, PUDUCHERRY.

2.THE VICE CHANCELLOR,
CUM THE CHAIRPERSON,
EXECUTIVE AND ACADEMIC COUNCIL,
PONDICHERRY UNIVERSITY,
KALAPET, PUDUCHERRY.



3.THE DEPUTY REGISTRAR (ACADEMIC)
PONDICHERRY UNIVERSITY,
KALAPET, PUDUCHERRY.

...RESPONDENTS IN ALL WPS

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Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to

WP Nos.875 and 880 and 966 of 2022:

calling for the records of the 3rd respondent in his proceedings in No.PU/AS/Aca-7/Disciplinary Action / 2021-22/410 dated 17.12.2021 quash the same.

WP No.877 of 2022:

calling for the records of the 3rd respondent in his proceedings in No.PU/AS/Aca-7/Disciplinary Action / 2021-22/410 dated 17.12.2021, quash the same and consequently direct the respondents to release the Course Completion Certificate, Degree Certificate and all other relevant certificates due to the petitioner in view of his completion of M.Com.Business Finance (2018 to 2020 batch).

WP No.908 of 2022:

calling for the records of the 3rd respondent in his proceedings in No.PU/AS/Aca-7/Disciplinary Action / 2021-22/410 dated 17.12.2021 quash the same and consequently direct the respondents to release the course completion certificate, Degree certificate and all other relevant certificates due to the petitioner in view of his completion of M.A. South Asian Studies (2018 to 2020 batch).

WP No.949 of 2022:

calling for the records of the 3rd respondent in his proceedings in No.PU/AS/Aca-7/Disciplinary Action / 2021-22/410 dated 17.12.2021 quash the same and consequently direct the respondents to release the course completion certificate, Degree certificate and all other relevant certificates due to the petitioner in view of his completion of M.A. History (2018 to 2020 batch)..

WP No.954 of 2022:

calling for the records of the 3rd respondent in his proceedings in No.PU/AS/Aca-7/Disciplinary Action / 2021-22/410 dated 17.12.2021 quash the same and consequently direct the



respondents to release the course completion certificate, Degree certificate and all other relevant certificates due to the petitioner in view of his completion of M.A. South Asian Studies (2018 to 2020 batch).

WEB COPY

WP No.1019 of 2022:

calling for the records of the 3rd respondent in his proceedings in No.PU/AS/Aca-7/Disciplinary Action / 2021-22/410 dated 17.12.2021 quash the same and consequently direct the respondents to release the course completion certificate Degree certificate and all other relevant certificates due to the petitioner in view of his completion of Integrated M.A History (2015 to 2020 batch).

WP No.1023 of 2022:

calling for the records of the 3rd respondent in his proceedings in No.PU/AS/Aca-7/Disciplinary Action / 2021-22/410 dated 17.12.2021 quash the same and consequently direct the respondents to release the course completion certificate Degree certificate and all other relevant certificates due to the petitioner in view of his completion of M.com business Finance (2018 to 2020 batch).

WP No.1025 of 2022:

calling for the records of the 3rd respondent in his proceedings in No.PU/AS/Aca-7/Disciplinary Action / 2021-22/410 dated 17.12.2021 quash the same as unconstitutional and consequently direct the respondents to release the Course Completion Certificate, Degree Certificate and all other relevant certificates due to the petitioner in view of his completion of M.B.A. International Business (2018 to 2020 batch).

For Petitioners in all petitions

: Ms.Vaigai, Senior Counsel
for Mr.Stalin Abimanyu

For Respondent in all petitions

: Mr.P.H.Aravind Pandian
Senior Counsel
for Mr.M.Ravi

COMMON ORDER

The petitioners have filed these petitions to call for the records of the 3rd respondent in his proceedings dated 17.12.2021 and quash the same.



2. The case of the petitioners is that the petitioners were the students of the respondent University and have completed the course in October 2020 and the Pondicherry University Students' Council is the legitimate student body representing the interest of the students of Pondicherry University. It is the grievance of the petitioners that the respondents constituted a committee for revision of fee for PG degree Courses and Ph.D. Courses and also published the new fees structure in its prospectus for admissions for the academic year 2019-2020, with an exorbitant fee hike of 200% and therefore, the students' council undertook an indefinite Hunger Strike and aggrieved by the same, the respondent University had filed W.P.No.6016 of 2020 before this Court and this Court after hearing both the parties had suggested the students to withhold the protest and participate in negotiation with the University to resolve the issue, however the respondents have not conducted any negotiations as directed by this Court. Thereafter, the 1st respondent herein had issued a circular inviting the Students' Council for negotiations on 23.03.2020 as per the order of this Court, however it is alleged that the impugned Circular dated 17.03.2020 was issued against the petitioners, immediately the day after circular to evacuate the students from the Campus, was circulated. Aggrieved by the said impugned order, the present petitions are filed by the petitioners.

3. The learned counsel appearing for the petitioners submitted that when more than 1000 students have participated in the agitation against an exorbitant fee hike of 200%, only the petitioners are being singled out by the respondents. Further no notice was issued that the petitioners' case was referred to the disciplinary committee and they should appear before the Committee. Without even framing a charge, the Disciplinary committee, after two months of silence, has passed the impugned order dated 17.12.2021, debarring the petitioners from admission to any courses / programmes offered by the Pondicherry University for the next five years commencing from the Academic Year 2021-2022 and also with a fine of Rs.10,000/-. Hence prays for quashment of the same.

4. The learned Senior Counsel appearing for the petitioner further submitted that except for the petitioners in WP Nos.835, 966 and 880 of 2022, all the other petitioners had completed their studies in the present University and if they were debarred for five years, they would be put to irreparable loss in their future life. However, all the petitioners are ready to pay Rs.10,000/- for the alleged damage caused to the



respondent University, without prejudice to their rights and insofar as the petitioners in WP Nos.835, 966 and 880, are concerned, they are having arrears in the examinations and therefore, this Court may permit the petitioners in WP Nos.835, 966 and 880 /2022 to pursue their arrear examination. It is further submitted that insofar as all other students, they undertake not pursue their studies in the respondent University for five years.

5. The learned Senior Counsel appearing for the respondent University submitted that on payment of Rs.10,000/-, original certificates will be issued to the petitioners and also undertakes that conduct certificate will be issued in favour of the petitioner without any remarks. Since the petitioners agreed that they are not going to pursue their studies in the respondent University and are ready to pay the amount of Rs.10,000/- imposed on each of them, this Court may set aside the debarment inflicted on the petitioners. Learned senior counsel also fairly submitted that insofar as the students who are having arrears, they would be permitted to write the arrear examination and complete their course in the respondent University.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. In view of the fair submission made by the learned counsel appearing on either side, without going into the merits of the issue, this Court, while sets aside the order of debarment imposed vide the impugned order by recording the undertaking of the petitioners that they will not continue any course in the respondent University, however, directs each of the petitioner to pay a sum of Rs.10,000/- each (Rupees Ten Thousand only), within a period of one week from the date of receipt of a copy of this order. On such payment, the respondents are directed to issue/return all original certificates and conduct certificate to the petitioners, to enable them to pursue higher studies in some other University and the respondents are also directed to issue satisfactory Conduct Satisfactory without any remarks. Insofar as the petitioners in WP Nos.835, 966 and 880/2022 are concerned, in addition to the aforesaid directions, this Court permits the said petitioners to pursue their arrear examination/(s) and they are also allowed to continue their studies till completion of the Course.



8. These Writ Petitions are disposed of with the aforesaid observations and directions. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Registrar,
Pondicherry University
Kalapet, Puducherry.
- 2.The Vice Chancellor,
cum the Chairperson,
Executive and Academic Council,
Pondicherry University,
Kalapet, Puducherry.
- 3.The Deputy Registrar (Academic)
Pondicherry University,
Kalapet, Puducherry.

W.P.Nos.875, 877, 880, 908, 949, 954,
966, 1019, 1023 & 1025 of 2022

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