



WP(MD)N.21875 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 12.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21875 of 2022
and W.M.P(MD).Nos.16038 and 16039 of 2022

Thanga Pandian

... Petitioner

Vs

1.The Vice Chancellor,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai District.

2.The Principal,
Sourashtra College,
Vilachery Main Road,
Madurai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the impugned communication dated 11.08.2022 issued by the second respondent and quash the same as illegal and consequently direct the respondents to permit the petitioner to attend the classes and thereby allow him to complete his course in the said college forthwith.



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WP(MD)N.21875 of 2022

For Petitioner :Mr.J.Sankara Pandian

For Respondent :Ms.M.F.Rooshi Maas (for R1)
for M/s.Isaac Chamber
Mr.R.J.Karthick (for R2)
Mr.B.Thanga Aravindh (for intervenor)
Government Advocate (Crl.side)

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus to quash the impugned communication, dated 11.08.2022 issued by the second respondent and for a direction to the respondents to permit the petitioner to attend the classes and thereby, allow him to complete his course in the said college forthwith.

2.The case of the petitioner is that the petitioner is studying B.Com., (CA) Degree (second year) in the second respondent College and he was regularly attending the College. On 02.05.2022, a criminal case was registered against the petitioner and others in Crime No.175 of 2022 for the offences punishable under Sections 447, 294(b), 323 and 506(i) of IPC by the Inspector of Police, Tiruparankundram Police Station, based on the complaint given by the second respondent. After conducting enquiry, a charge sheet has been filed on 08.07.2022 and the same was taken on file in STC.No.4701 of 2022, dated 04.08.2022 and is pending before the learned Judicial Magistrate VI, Madurai.



WP(MD)N.21875 of 2022

In view of the pendency of the criminal case, the petitioner was not permitted to write examination. Aggrieved by the same, the petitioner has filed a writ petition in W.P(MD).No.13127 of 2022 seeking a direction to the second respondent to permit him to write forthcoming examination (4th Semester) proposed to be held on 25.06.2022 forthwith. This Court, by order, dated 23.06.2022, allowed the petition directing the petitioner to give a handwritten apology addressed to the Principal. In the said letter, it is stated that the petitioner would conduct himself properly in future and also requested the respondents to permit the petitioner to write the forthcoming examination. Pursuant to the order of this Court, the petitioner wrote the examination. While so, the second respondent, vide his communication, dated 11.08.2022, addressed to the petitioner's father stating that till the disposal of the criminal case, the petitioner will not be permitted to enter into the college. Challenging the same, the petitioner is before this Court by filing this writ petition.

3.The learned counsel appearing for the second respondent/Sourashtra College submitted that the Committee, after conducting enquiry, had come to a conclusion that the student, whose behavior caused disreputation to the College, should not be permitted to enter into the College, till the criminal case is completed.



WP(MD)N.21875 of 2022

WEB COPY

4.The learned counsel for the petitioner submitted that the petitioner has not involved in such incident and his name has been falsely implicated. He further submitted that the petitioner has already given an undertakes stating that he would conduct himself properly in future. But, the same was not considered by the respondents and consequently, the respondents passed the impugned order, which is arbitrary and illegal. The petitioner now gives an undertaking that if any misconduct that will be found in future on the part of the petitioner, the respondents shall dismiss him. Therefore, the petitioner seeks interference of this Court in the order impugned.

5.Heard the learned counsel on either side.

6.After careful consideration on the submissions of both sides, the undertaking given by the petitioner and taking into consideration the welfare of the petitioner, who has completed two years of B.Com., (CA) Degree Course and he is the first graduate in his family, this Court can show some mercy on him.



WP(MD)N.21875 of 2022

7. In the result, this Writ Petition stands allowed and accordingly, the order impugned in this writ petition is quashed. The respondents are directed to permit the petitioner to attend the classes from 12.10.2022, after getting an undertaking from him that he would abide by the instructions of the principal. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.10.2022

Index : Yes/No

Internet: Yes/No

Rmk

Note : Issue order copy on 14.10.2022

To

1. The Vice Chancellor,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai District.

2. The Principal,
Sourashtra College,
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WP(MD)N.21875 of 2022

V.BHAVANI SUBBAROYAN,J.,

Rmk

W.P(MD)No.21875 of 2022

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