



W.P.(MD)No.22895 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.22895 of 2022

and

W.M.P.(MD).Nos.18683 and 17011 of 2022

1.A.Selvakumar

2.M.Mahadevan

3.M.Ajay

... Petitioners

vs.

1.The Principal,

Ayya Nadar Janaki Ammal College,

(Autonomous, Affiliated to Madurai Kamaraj University),

Sivakasi 626 124,

Virudhunagar District.

2.The Registrar,

Madurai Kamaraj University,

Palakalai Nagar,

Madurai 625 021.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to impugned order dated 19.09.2022 of the first respondent herein and quash the same.

For Petitioners : Mr.T.Pon Ramkumar

For R1 : Mr.M.Senthil Kumar

For R2 : Ms.Rooshimaas

for M/s. Isaac Chambers



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ORDER

This Writ Petition has been filed challenging the impugned order passed by the first respondent dated 19.09.2022 and to quash the same.

2. This Court, by an order dated 29.09.2016 in W.M.P.(MD).No.17011 of 2022 in W.P.(MD).No.22895 of 2022, granted interim stay and issued notice to the respondents.

3. The Principal of Ayya Nadar Janaki Ammal College, Sivakasi, Virudhunagar District, the first respondent herein has filed the vacate stay petition in W.M.P.(MD).No.18683 of 2022.

4. The learned counsel appearing for the first respondent College would submit that the students of the College are expected to maintain discipline, decorum and maintain decency in the College, mere scoring good marks cannot absolve the serious acts of indiscipline committed by the petitioners. The paramount object of the NCC is to maintain self discipline and dignity. No permission is given to the petitioners or senior NCC students to give severe punishment to junior NCC students. The petitioners are making false allegations in order to escape from their acts of brutality. The petitioners have



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not only beaten one student Mr.Arunpandi, but also beaten another six students viz., M.Ganeshpandi, K.Arunkumar, K.Saravanakumar, R.Maheswaran, R.Manojkumar and A.Vijayan, on 08.09.2022. They have beaten the junior students severely and inflicted severe injuries also.

5. He would further submit that no master or authority of the College have permitted the petitioners to punish the junior students. An enquiry was conducted on 13.09.2022 and the complainant Mr.Arunpandi was present along with his mother, father and uncle, the other six victims were also present and the petitioners were also present along with their respective mothers. The complainant and the petitioners were enquired by the Committee. Since the allegations against the petitioners were confirmed, the first respondent College has suspended the petitioners at the first instance on 14.09.2022, in order to avoid any untoward incident in the hostel and the College. Subsequently, after considering the statements and the enquiry report, the first respondent College has passed the order of dismissal on 19.09.2022. He also submitted that around 4,500 students are studying in the College, out of that 60% are girls and if the petitioners are permitted to enter into the College, the first respondent will not be able to enforce discipline in the college. Hence, he prayed to vacate the interim stay granted by this Court on 29.09.2016.



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6. Heard the learned counsel for the petitioner, learned counsel appearing for the first respondent College and the learned counsel appearing for the second respondent University.

7. The photographs shown by the College authorities would show that the said children were beaten with sticks all over the body by the petitioners. This is really shocking and violation of rules and regulations of the College committed by the petitioners. This Court is not inclined to accept the prayer sought for by the learned counsel for the petitioner that the petitioners have to be pardoned and they should be inducted into the College and the order of dismissal of the petitioners from the college should be set aside. Though punishment should be given to them, if they are sent out of the College in the final year, which is an autonomous institution, they cannot join any other college at this stage. Hence, this Court directs the College authorities to allow the petitioners to participate in the practical classes and to write the examinations, because since they are an autonomous college, the students cannot be transferred to any other College. This Court is taking a sympathetic view taking into consideration the future of the petitioners and directs the College authorities to allow them to participate in the practical classes and if



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the College authorities is of the view that they would conduct separate practical classes, they can do so and further they can supply all the study materials to the students to enable them to study at home and send assignment papers and write their examinations in the same College, after paying necessary examination fees, so as to enable the said 3rd year students to pass out of the college.

8. All the three students have to file an affidavit of undertaking that they will not indulge in any kind of violations hereinafter in the campus, while attending the practical classes or the examinations. It is made clear that the petitioners should not indulge in such inhuman activities and if they want to obtain a degree and return all other certificates, the petitioners have to follow the rules and regulations of the College, which would be imposed by them.

9. In order to mend their ways, this Court finds it appropriate and directs the petitioners to go and serve in a Home for Mentally Retarded Children at Sivakasi for a week (Monday to Saturday) from morning 9.00 a.m. till evening 6.00 p.m., by taking part in care of the mentally retarded children and to assist the home and to produced a *bona fide* certificate from the Home and submit the same to the College before writing their exams.



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10. With the above directions, this Writ Petition is disposed of. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

24.11.2022

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Note: Issue order copy on 29.11.2022.

To

The Registrar,
Madurai Kamaraj University,
Palakalai Nagar,
Madurai 625 021.



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V.BHAVANI SUBBAROYAN, J.

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