



W.P.(MD)No.8154 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8154 of 2024

and

WMP(MD)Nos.7358, 7359 & 7361 of 2024

K.Pon Dhanush Prasanna

... Petitioner

Vs.

1.The Chairman,
The University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

2.The District Collector,
Office of the District Collector,
Sivagangai District.

3.The Registrar,
PRIST Deemed to be University,
Thanjavur – Trichy Highway,
Vallam, Thanjavur – 613403.

4.The Director,
PRIST Deemed to be University,
(Madurai Campus),
Arasanoor Village,
Sivagangai District.

5.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned suspension order dated 28.4.2023 passed by the 4th respondent and to quash the same as illegal and permit the petitioner to complete the B.B.A., LL.B Law integrated course and allow him to writ the present and all the past unwritten examinations for the year of 2023 to 2024 whereby, enabling him to complete his degree course by considering representation dated 26.02.2024.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.P.Karthick for R1

Mr.M.Sarangan,
Additional Government Pleader for R2

Mr.O.S.Thilak Pasumbadiyar for R3

Mr.A.Albert James,
Government Advocate (crl.side) for R5

ORDER

Heard both sides.

2.The petitioner is a student pursuing law degree course in the fourth respondent university. The petitioner was suspended on 28.04.2023. Challenging the same, this writ petition has been filed.



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3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and wanted this Court to set aside the impugned order and grant the relief sought for.

4.The college management has filed counter affidavit and also the typed set of papers. The learned standing counsel for the university took me through their contents. The stand of the learned counsel for the management is that the petitioner is on the wrong side of law and such a person has to be kept away from the campus. He pointed out that the petitioner was involved in a series of criminal cases. He also would point out that the petitioner has not mended his ways. The petitioner as well as his mother threatened the principal and complaint was lodged against them. The petitioner is running a YouTube channel and he has been abusing the university in his channel. According to the learned standing counsel for the management, the petitioner is not entitled to any indulgence at the hands of this Court. The respondents prayed for dismissal of this writ petition.

5.I carefully considered the rival contentions and went through the materials on record. In paragraph 14 of the counter affidavit, the following averments are found :



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“14.Without prejudice to the above, I submit that the management would instruct the Members of the Disciplinary Committee to conduct the enquiry proceedings against the petitioner and other students and submit the findings to the University Managements within a period of 60 days and thereupon the University Management would pass final orders within a period of 30 days.”

The aforesaid stand does not impress me at all. The petitioner joined the law course in the year 2019. When he was about to enter the final year, he was suspended. The suspension order was passed on 28.04.2023. It is well settled that unless a student is having requisite attendance, he cannot be allowed to sit for the examination. I have held in one case that college management cannot prolong the suspension of a student indefinitely and thereafter cite lack of attendance against the student. In this case, no doubt the petitioner was shown as first accused in Crime No.55 of 2023 on the file of the Poovanthi Police Station for the offences under Sections 294(b), 341, 324 and 506(ii) of IPC. The college management should have concluded the disciplinary proceedings within a maximum period of three months. Without doing so, after the writ petition was filed, the college management cannot take the convenient stand that they would conclude the enquiry within a period of sixty days and that final order will be passed within 30 days thereafter. While the writ court cannot dictate the college management as to



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how they should deal with their students, at the stage of enquiry proceedings, the writ court can definitely mandate that the college management cannot keep the disciplinary proceedings pending for more than a year. In this case, almost 16 months have elapsed. The prolonged suspension has acquired punitive colour. I am not setting aside the impugned suspension order. I am only holding that continuance of the suspension order is illegal and violative of the fundamental rights of the petitioner. The petitioner will have to work out his rights in the manner known to law. It is of course open to the college management to take such action as it deem fit.

6.This writ petition is allowed on these terms. No costs. Connected miscellaneous petitions are closed.

08.07.2024

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To

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- 3.The Registrar, PRIST Deemed to be University,
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(Madurai Campus), Arasanoor Village, Sivagangai District.
- 5.The Inspector of Police, Poovanthi Police Station, Sivagangai District.



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G.R.SWAMINATHAN, J.

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