



WP(MD). No.12669 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 20/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.12669 of 2024
and WMP(MD) Nos.11274 and 11275 of 2024**

S.Balamurugan

... Petitioner

Vs

1. The Principal Secretary,
Health and Family Welfare Department,
Fort St. George, Secretariat,
Chennai - 600 009..

2. The Director,
Director of Medical Education,
No.162, Evr Periyar Salai,
Kilpauk, Chennai - 600 010..

3. The Registrar,
Dr. Mgr Medical University,
Guindy, Chennai - 600 032..

4. The Principal,
Velammal College of Nursing,
Thoothukudi Ring Road, Anuppanadi,
Madurai - 625 009..

... 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 records of the 4th respondent pertaining to the impugned



WP(MD). No.12669 of 2024

order made in proceedings No. Nil dated 06.06.2024 and quash the same as illegal and arbitrary and consequently direct the respondents to readmit the petitioner in the 3rd Year B.Sc., Nursing Course at the 4th respondents College for the Academic Year 2024-2025 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.E.Chelliah
Senior counsel for
Mr.A.D.Ganeshamoorthi,
For Respondents : Mr.T.Amjad Khan for R1 & R2
Government Advocate
Mr.A.S.Vaigunth for R3
Mr.L.ShajiChellan for R4

ORDER

The petitioner has challenged the impugned order dated 06.06.2024 whereby the 4th respondent refused to re-admit the petitioner in their college.

2. The case of the petitioner in nutshell is as follows:

After completing Higher Secondary Course, the petitioner joined B.Sc., Nursing in the 4th respondent College and had completed first year. He has also paid the necessary fees. While so, on 21.08.2023, due to a road accident, someone got injured and the injured was also admitted in the hospital and subsequently the injured was discharged from the



WP(MD). No.12669 of 2024

hospital. Thereafter on 29.08.2023, the mother of the injured had given a complaint against the petitioner and others, but prayed for not to take action. However, based on the said complaint, action has been taken by the 4th respondent by suspending the petitioner and subsequently, the petitioner was allowed to continue the course.

3. While so, due to the physical attack made to some of the students and there were wordy altercations among the students. Therefore, the petitioner was forced to get back the Transfer Certificate from the college, as if the petitioner voluntarily received the Transfer Certificate from the college. The petitioner was not allowed to continue his education and in this regard, the petitioner has also sent a representation on 15.05.2024 to the respondents 1 to 3. Therefore, the petitioner filed a representation before this Court in WP(MD) No. 11290/2024 and this Court directed the 4th respondent to consider the representation of the petitioner. Pursuant to the said order, the impugned order came to be passed, against which, the petitioner is before this court with this writ petition.



WP(MD). No.12669 of 2024

4. Counter affidavit has been filed by the respondent College, wherein, it is contended that on the request made by the mother of the petitioner on 13.03.2024, the college had issued the Transfer Certificate. Along with the said certificate, all other documents were collected by them. The petitioner was also discharged from the college and there is no provision for re-allotment available in the Regulations. It is their further contention that the petitioner had involved in rash driving on 21.08.2023, which resulted in injury of other person. On 12.03.2024, during college hours, the petitioner along with others have wordy altercation with other students and inmates of the hostel. Hence, it is their case that the petitioner did not maintain good conduct and character and hence, the impugned order does not require any interference.

5. I have considered the rival submissions and perused the materials available on record.

6. Though minutes of the meeting dated 12.03.2024 also placed before me, there was some verbal abuse between the petitioner and other students and no further action is taken. According to the respondents,



WP(MD). No.12669 of 2024

only after disciplinary committee initiated action, the petitioner voluntarily received the transfer certificate. However, the learned Senior counsel would submit that the petitioner was forced to send an application as if he is receiving the transfer certificate voluntarily.

7. Be that as it may. Now, an affidavit of undertaking has been filed by the petitioner, wherein, he has given an undertaking that he will not indulge in any activities prejudicial to the interest of the institution and also other students and the nature of the charges alleged against him is only trivial in nature.

8. No doubt, every student is expected to maintain utmost discipline while pursuing their academic career and their attitude should not prejudice the other students. Taking note of the nature of the allegations raised against him and having completed two years of the course, only two more years are left to be completed, this Court is of the view that even assuming that the transfer certificate has been voluntarily received by the petitioner and his mother, that will not take away the right of the petitioner to continue his studies. In view of the affidavit of



WP(MD). No.12669 of 2024

undertaking filed and considering the future of the petitioner, the respondents are directed to readmit the petitioner to continue his education. However, it is made clear that the petitioner shall show his utmost discipline in the college in the upcoming years and shall not indulge/involve in any other indiscipline activities, which cause prejudicial to the interest of either the students or the faculties. The petitioner shall make his own arrangements for stay ie., outside the campus and he shall attend the college and return back after college hours immediately.

9. With the above observation and direction, the writ petition is disposed of. The undertaking given by the petitioner shall form part of the record. No costs. Consequently connected Miscellaneous Petitions are closed.

20.09.2024

NCC : Yes/No
Index : Yes/No
RR



WP(MD). No.12669 of 2024

TO

1. The Principal Secretary,
Health and Family Welfare Department,
Fort St. George, Secretariat,
Chennai - 600 009..

2. The Director,
Director of Medical Education,
No.162, Evr Periyar Salai,
Kilpauk, Chennai - 600 010..



WEB COPY



WP(MD). No.12669 of 2024

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.12669 of 2024**

Date : 20/09/2024