



W.A.(MD)No.1959 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.A.(MD)No.1959 of 2024

and

C.M.P.(MD)No.14464 of 2024

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

: Appellant

Vs.

1.S.Balamurugan

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

3.The Director,
Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai – 600 010.



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4.The Registrar,

Dr.M.G.R. Medical University,

Guindy,

Chennai – 600 032.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 20.09.2024 in W.P.(MD)No. 12669 of 2024 on the file of this Court.

For Appellants : Ms.N.Krishnaveni
Senior Counsel
for Mr.L.Shaji Chellan
For Respondent No.1 : Dr.A.E.Chelliah,
Senior Advocate
for Mr.A.D.Ganeshamoorthi
For Respondents 2 & 3 : Mr.SRA.Ramachandran
Additional Government Pleader
For Respondent No.4 : Mr.A.S.Vaigunth

JUDGMENT

[Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**]

Challenge is to the order of the learned Single Judge made in W.P.(MD)No.12669 of 2024 dated 20.09.2024.

2.Learned Senior Counsel Ms.N.Krishnaveni, would vehemently contend that the Institution was forced to require the first respondent to leave the Institution by taking Transfer



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Certificate because of his continued misbehaviour with other students and the apprehension in the minds of the staff as well as the girl students that he may cause danger to them.

3.Dr.A.E.Chelliah, learned Senior Counsel appearing for the first respondent student would submit that the student had already submitted his undertaking that he will behave properly and abide by all the rules and regulations of the Institution and in the light of the said undertaking, the Management will be free to suspend him or even prohibit him from attending classes if he commits any breach of peace or behaves in an abnormal manner in the college.

4.Legal issued apart, we are more concerned with the future of the first respondent. We find that he is aged about 21 years and has completed two years of nursing course. He has to complete further two years. If he is sent out at this juncture, he will not be able to complete his education and he may have to join again in some other college. He will loose two years of precious time. When we are not for encouraging indiscipline in Institutions, we should also be alive to the fact that students are students and there will be some intolerant behaviour, which will have to be corrected not by imposing a death penalty but by taking appropriate corrective measures. The learned Single Judge has taken care to



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take an undertaking affidavit from the writ petitioner / first respondent and also prohibit him from entering the hostel.

5.We do not want to interfere with the said exercise of discretion which we find is well balanced. We therefore, dismiss this appeal. The student / first respondent shall report to the college within 15 days from today and he will be enrolled in the third year. We are not condoning his absence. He has to secure the minimum attendance required for appearing in the examination. The University will enroll him back. We make it clear that the first respondent shall not indulge in any act of indiscipline during his continuance in the college. If he is found to be indulging in any such activity, the administration will be free to take any action against him and this Court will not lend a helping hand to the first respondent hereafter.

6.Accordingly, the Writ Appeal stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.M.,J.] & [L.V.G.,J.]
23.10.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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and
L.VICTORIA GOWRI, J.

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JUDGMENT MADE IN
W.A.(MD)No.1959 of 2024

23.10.2024