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W.P.No.6066 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.6066 of 2025

and

W.M.P.Nos.6666, 6667 and 6669 of 2025

P.Pradeesh

... Petitioner

Vs.

1.The Registrar,
The Tamil Nadu Dr.Ambedkar Law University,
Chennai.

2.The Principal,
The Central Law College,
Yercaud Main Road,
Kannankurichi,
Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certioraified Mandamus, calling for the records pursuant to the impugned letter in Ref.No.10838/Discip.Action/2024 dated 02.12.2024 passed by the 2nd Respondent and quash the same and consequently, direct the 2nd Respondent to permit the petitioner in Third Year L.L.B., at the 2nd Respondent's College.



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For Petitioner : M/s.D.Kamatchi

For R2 : Mr.A.Tamilvanan

ORDER

The instant writ petition has been filed challenging the impugned Letter in Ref.No.10838/Discip.Action/2024, dated 02.12.2024 passed by the 2nd Respondent and quash the same and consequently, to direct the 2nd Respondent to permit the petitioner in Third Year L.L.B., at the 2nd Respondent's College.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the petitioner has completed his Under Graduate Degree in B.Com., at Bharathiyar University, Coimbatore. Thereafter, he joined in the 2nd Respondent-College in the year 2022 for three years LLB., Degree and has



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been pursuing his third year LLB. It is the further submission of the petitioner that on 10.09.2024, he was arrested and a criminal case was registered against him in Crime No.883/2024 for the alleged charge under Section 8(c) read with 20(b),(ii)(B), 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985. It is the further submission of the petitioner that he was released on bail on 14.10.2024. Whiles, vide impugned order dated 02.12.2024 his Transfer Certificate and other Original Certificates have been forwarded to him by the 2nd Respondent-College. The learned counsel for the petitioner would submit that before passing the impugned order no notice was served upon him. Therefore, the very impugned order is liable to be interfered with.

4. The said submission was strongly objected by the learned counsel appearing for the 2nd Respondent-College and would contend that the petitioner was very irregular in attending classes and as against his irregularity, the petitioner was issued with notice on 27.07.2024 and that his father was also issued with notice on 06.09.2024 about the long absence of the petitioner and after the registration of FIR, the petitioner's father was informed through the notice dated 17.10.2024. Therefore, he would contend



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that they have followed the principles of natural justice and it is the further submission of the learned counsel by referring the judgment of this Court in ***N.Sivaguru vs. State of Tamil Nadu, The Director of Legal Studies*** reported in ***2015 (2) CWC 583*** and would contend that since the 2nd respondent-College is a Private Institution, the writ petition is not maintainable and that this Court has only limited jurisdiction in respect of students indiscipline in College and would submit that when the College Authority has taken a decision, the question of interference under the power of Judicial Review does not arise. Hence, the prayed to dismiss the writ petition.

5. I have given my anxious consideration to the submissions made on either side.

6. As rightly contended by the learned counsel appearing for the 2nd respondent that the petitioner was charged under the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.883 of 2024 which is serious in nature and while looking at the factual position, he was arrested on 10.09.2024 and was released on 14.10.2024, after a period of 34 days imprisonment. As rightly submitted by the learned counsel appearing for the



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2nd respondent the very arrest and subsequent news flashed in the various newspapers, it would have definitely dent upon the reputation of the College.

But we are only on the point of legal submissions.

7. The learned counsel for the petitioner would submit that before issuing the impugned order dated 02.12.2024, no notices were issued. Even while looking at the additional typed-set of papers submitted by the 2nd respondent, the notices which served to the petitioner is prior to the date of arrest namely on 27.07.2024 that too relates to his irregular attendance and except this notice to the petitioner, the other two notices issued to the petitioner's father on 06.09.2024 and 17.10.2024 out of which, the notice dated 17.10.2024 is after the petitioner was arrested and released on bail. Though the learned counsel appearing for the 2nd respondent would contend that the notice issued to the petitioner's father is sufficient, this Court is not in a position to agree with the said submission as the petitioner is a major and unless the petitioner being served personally, the notice issued to the petitioner's father will in no way give any better position to the 2nd respondent so as to satisfy the very primordial principles of natural justice. Therefore, this Court is of the firm view that the 2nd respondent before



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issuing the impugned letter dated 02.12.2024 has not followed the principles of natural justice.

8. Even the judgment relied by the learned counsel appearing for the 2nd respondent in *N.Sivaguru* case, this Court in *Leo Francis Xaviour vs. The Principal, Karunya Institute of Technology, Coimbatore and another*, reported in *AIR 1993 Mad. 233*, has categorically held that the principles of natural justice has to be followed, and that when the principles of natural justice was followed, then this Court will have only a limited power to interfere into the order passed against the indiscipline of the student. As we already found when the principles of natural justice has not been followed, this Court has to interfere and to set things right.

9. The other submissions raised by the learned counsel for the 2nd respondent that the 2nd Respondent-Institute being a Private Institute, the Writ Petition is not maintainable. But this position has been settled by the Hon'ble Supreme Court in *St. Mary's Education Society vs. Rajendra Prasad Bhargava*, reported in *(2023) 4 SCC 498*, whenever a Private Institute are doing any public service and if issue raised relates to such public service, then the writ petition is maintainable.

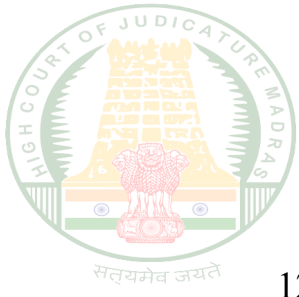


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10. Here the 2nd respondent is doing an Educational Service which has got nexus with the public duty cast upon the Government. Therefore, in view of the judgment of the Hon'ble Supreme Court in ***St. Mary's Education Society*** case, the present writ petition is maintainable.

11. In view of the above foregoing discussion, this Court is of the firm view that the impugned letter dated 02.12.2024 is liable to be interfered on the ground of non-following of the principles of natural justice. As a concomitant, the impugned Letter in Ref.No.10838/Discip.Action/2024, dated 02.12.2024 passed by the 2nd Respondent is quashed and the matter is remitted back to the 2nd respondent to pass a fresh order, after following all due procedures. It is made clear that until the final decision is taken, the petitioner is not entitled to have any entry into the College except for participating the enquiry and the 2nd respondent is directed to dispose the Disciplinary Proceedings, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to cooperate with the enquiry.



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12. In the result, the Writ Petition is allowed as indicated above. No costs. Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm



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C.KUMARAPPAN, J.

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