
(2015) 04 MAD CK 0352

In the Madras High Court

Case No : Writ Petition (MD) No. 5161 of 2015 and M.P.(MD) Nos. 1, 2 of 2015

J. Jeswin Samuel

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 22-04-2015

Acts Referred:

Citation : (2015) 04 MAD CK 0352

Hon'ble Judges : S. Vaidyanathan, J

Bench : Single Bench

Advocate : M. Saravanakumar, for the Appellant; R. Anandaraj, Govt. Advocate, Advocates for the Respondent

Final Decision : Dismissed

Judgement

S. Vaidyanathan, J—This writ petition has been filed by the petitioner to quash the impugned order dated 27.03.2015 passed by the fifth respondent with a consequential direction to the respondents to permit the Petitioner to attend the 3rd year B.E. Mechanical Engineering Classes and Practical Classes and also to write the ensuing university semester examinations to complete the B.E. Mechanical Engineering Degree.

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

i) The petitioner joined the 5th respondent college in B.E. Mechanical Engineering and is at present studying in the 3rd year. It is submitted by the petitioner that the students of the 5th respondent college resorted to a road blockade, demanding action against few teachers, who were responsible for the suicide attempt committed by a girl student in the very same college, by falling down from the third floor of the 5th respondent college, as the teachers publicly reprimanded her for the alleged malpractice during an internal exam. The students en masse boycotted the classes and staged a protest near the college, as a result of which, Police personnel and the Revenue Department Authorities came to the spot and made compromise between the students and the

management. Subsequently, the 5th respondent declared that the college will remain closed until further orders.

ii) It is further submitted by the petitioner that pursuant to the police complaint lodged by the father of the victim girl and also the hunger strike conducted by the parents of the girl, the 3rd respondent constituted a committee and made an inspection in the 5th respondent college to find out the truth and the report of which, has been disclosed neither to the victim nor to the representative of the students till such. However, the 5th respondent reopened the college on 26.03.2015 and the petitioner was not allowed to enter the college with a direction to him to come with his father. When he went to the college along with his father on 27.03.2015, his father was alone allowed to go inside the college and the gate keeper restricted the petitioner at the entrance of the college.

iii) It is the submission of the petitioner that thereafter, the impugned notice dated 27.03.2015 was issued against the petitioner stating that he has violated the college Rules and Clause 21 of Anna University Regulation thereby destroyed the reputation of the 5th respondent college, created unrest among students and also damaged the college properties. The petitioner was also not allowed to attend further classes so as to prevent him along with selective students to attend the semester exams on the ground of lack of attendance. Though the petitioner and his father submitted a detailed representation dated 29.03.2015 to the 5th respondent to withdraw the disciplinary proceedings, the 5th respondent has not passed any order so far. A copy of the representation was also forwarded to the 3rd respondent Anna University, which has overall control regarding disciplinary action taken by the private management against students and the 3rd respondent has also not taken any decision in this matter. Therefore, the petitioner has challenged the impugned notice dated 27.03.2015 and prayed for permitting him to write the ensuing examinations.

3. Though the respondents have not filed any counter, they contested this petition, contending at the first blush that the writ petition is not maintainable, as the relief sought is against a private institution and secondly that the averments made in the affidavit are totally incorrect. The management of the 5th respondent college has at any point of time restricted the petitioner from attending the classes and the college has been periodically forwarding the attendance register to the Anna University at the end of every month. In the Peace Committee Meeting, it has been unanimously decided to conduct enquiry to ascertain the touch so as to arrive at a logical conclusion. It is submitted by the 5th respondent that the petitioner has not got sufficient attendance, that he has less than 60% of attendance and that he does not fulfill the norms of attendance ever after condonation of 5%, which is permissible for the college to do. It is further submitted that from the Examination Practical Attendance Sheets dated 16.04.2015 and 17.04.2015, a copy of which is produced before this Court, the petitioner, whose name finds place at Sl. No. 50, was allowed to appear for the practical examination. Therefore, it is incorrect to state that the

petitioner was prevented from entering the college and was stopped at the entrance itself.

4. I have heard the learned counsel on either side and perused the material documents available on record.

5. An overall synopsis of the facts obtaining in this case would unravel that as per the case of the petitioner, because of the misbehavior committed by the petitioner, he was estranged from attending the class as well as preventing him from appearing for both the practical as well as theory examinations. But the statement made by the 5th respondent is totally opposite to the contention made by the petitioner. The respondents have produced relevant material documents to substantiate their case that the petitioner was not at all restrained either from entering the college or writing the examination.

6. However, it is immaterial for this Court to go into the aspect as to whether the petitioner has followed all the rules and regulations in respect of the discipline to be followed inside and outside the college campus or destroyed the reputation of the college by creating unrest among other students and damaging college properties. The impugned order, which is under challenge is only a show cause notice issued by the Disciplinary Committee to the petitioner asking him to appear before the Disciplinary Committee and justify his stand, as the said Committee has got some documents and photographs to prove the involvement of the petitioner in destruction of the reputation of the college and also the property. The only thing which the petitioner could possibly do is to appear before the Disciplinary Committee to plead his innocence. At the time of argument, though learned counsel for the petitioner has submitted that from April, 2015 onwards, the petitioner was not allowed to attend the classes, nothing has been produced by him in support thereof. Of course, there would be some emotions on the part of the petitioner on seeing the sufferings of his fellow student, but it does not mean that the petitioner is empowered to act in such a manner which he likes against the college management, including damaging the property of the college.

7. Knowledge gain in the college is only one goal of education. The primary goals of education should be enabling students to gain knowledge as well as moral values, as the students will have to prepare themselves to be good parents and citizens in society. It is sad to note that every day students are exposed to violence, dishonesty and other social problems in the media and the real world. One thing to note here is that unfortunately, many of the role models of young people are setting bad examples, which range from sexual promiscuity, degrading of women, advocacy of violence and the condoning of dishonesty in order to succeed. Therefore, students must be taught that dishonesty and cheating is wrong and will not get them anything in future, as now a days, so many students want to cheat and cut corners in their studies.

8. Admittedly, in this case, the petitioner lacks attendance and has got less than

60% of attendance, which disentitles him for appearing for the examination as per the norms of the Anna University. Looking at any angle the stand of the respondents cannot be faulted with and therefore, the writ petition deserves to be dismissed. The 5th respondent college has taken a plea with regard to the maintainability of this writ petition. Without going into the question as to whether the writ petition is maintainable or not, the relief sought by the petitioner cannot be granted by this Court, as the challenge in the writ petition is to the show cause notice issued by the Disciplinary Committee of the respondent college.

9. In the result, this writ petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.