
(2015) 04 MAD CK 0244

In the Madras High Court

Case No : Writ Petition (MD) No. 4801 of 2015 and M.P. (MD) Nos. 1 and 2 of 2015

Thennarasu

APPELLANT

Vs

Director of College Education and Others

RESPONDENT

Date of Decision : 08-04-2015

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2015) 3 MLJ 663

Hon'ble Judges : S. Vaidyanathan, J

Bench : Single Bench

Advocate : R. Murugappan, for the Appellant; R. Anandharaj, Govt. Advocate, T. Sakthikumaran, G.R. Swaminathan and T. Antony Arulraj, 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 15.03.2015 of the third respondent with a consequential direction to the third respondent to allow the petitioner to attend remaining college days of IIIrd year B.A. Economics 6th Semester. The case of the petitioner in nutshell is as follows:

- i) The petitioner is a student doing his III year B.A. Economics in the third respondent college and that he has paid the entire fees in respect of III year B.A. Economics for 6th semester examination as well as two arrear paper examination.
- ii) It is submitted by the petitioner that since the third respondent college is a residential and autonomous college, he was staying in the college to pursue his studies. It is a routine practice in the college that every Sunday, the college authorities used to allow the students to go out from the college for the purpose of outing. While so, on 15.03.2015 night, the petitioner and other three students were not allowed to enter the college and the petitioner was served the impugned order dated 15.03.2015 addressed to his father, asking the petitioner

to come to the college along with his father after receipt of a letter from the college.

iii) To the shock and surprise, the petitioner has not received any letter from the college in this regard. According to the petitioner, the impugned order has been passed in violation of principles of natural justice as well as fundamental rights.

iv) It is also submitted by the petitioner that after receipt of the letter dated 15.03.2015, his father approached the third respondent and requested them to admit his son in the college. But his endeavour ended in vain and he was informed that since the petitioner returned to the college on 15.03.2015 night under the influence of alcohol, he was sent home. But the petitioner denied the same stating that he never returned to the college in drunken mood.

v) The petitioner has further submitted that since he has already paid fees for the examinations, which are going to be held in the Middle of April, 2015, he will be put to irreparable loss and injury, in case the impugned order is not stayed. It is his submission that he has got sufficient attendance to take up examinations even without attending further classes.

2. The third respondent has filed a detailed counter, stating as under:

i) The petitioner had gone on an outing on 15.03.2015 and on his return, it was found that, he was in a drunken condition. The hostel warden had asked the petitioner to blow his mouth and it was confirmed that the petitioner had consumed liquor. The petitioner was aware that in the event of consumption of liquor, a student would be barred for one year. According to the 3rd respondent, as per the standard practice adopted by the college, the petitioner's father was contacted over phone on 23.03.2015 by Dr. S. Chandrasekaran and he was asked to come to the college. The petitioner and other three students, who had indulged in similar misconduct on the said date, were present along with their parents/grandparents. As many as 15 teachers were present in the disciplinary committee meeting and a detailed enquiry was also conducted. At the end, the petitioner and his father were given opportunity to give their explanation and they had also accepted the guilt committed by the petitioner. Therefore, they were given the option of moving out of the college by taking TC and joining some other institution or skip the course for one year. The third respondent also stated that the writ petitioner had given a signed hand written letter on 15.03.2015 admitting his misconduct.

ii) The third respondent has submitted that the college, which is an aided institution, was started by Swami Chidhbavanand Maharaj, founder President of Sri Ramakrishna Tapovanam, Tiruparathurai in 1971 and the 3rd respondent follows the Gurukulam pattern of education so as to serve the rural students of Madurai and elsewhere. In the third respondent college, discipline is primarily inculcated. Therefore, the misconduct committed by the students cannot be tolerated. At the time of admission, a questionnaire used to be given to each student and parent, wherein Point No. 31 clearly states that consuming alcohol

will lead to dismissal and the parents and the students know it and the petitioner and his father signed in the Gurukula Admission form on 28.05.2012.

iii) It is the stand in the counter that the petitioner has deliberately suppressed the antecedent events and the petitioner himself admitted in writing his misconduct. In the enquiry, the petitioner and his father also took part and signed in the minutes. The third year Coordinator Dr. S. Chandrasekaran, the resident Acharyas Sri M. Premanantham and Sri C. Sundaram conducted the enquiry in the evening of 15.03.2015. Since the petitioner and other three students accepted that they drank alcohol and gave the same in writing, they were sent home. It is also the stand in the counter that it is incorrect to state that the petitioner was discriminated. He was given the same punishment which is usually given for such misconduct. Even the petitioner himself admitted before the disciplinary committee about the fact of consumption of alcohol before his father.

iv) It is stated in the counter that it is true that the petitioner is a final year student and that the examinations for the 6th semester would be conducted in the middle of April 2015 for that he had also paid fees, besides the fact that the petitioner has enough attendance and that his education will be affected, if he is asked to join the college after one year. But, however, it is the firm stand taken by the third respondent in the counter that the college stands for discipline and the alumni always insist that rules and regulations should not be diluted. If the rules are diluted, the other students in the college will get spoiled and the Gurukula Institute of Life Training will face frequent disciplinary problems. This is the only college to inculcate discipline in the whole of Tamil Nadu by reviving the age old Gurukula pattern of education fulfilling the dreams of Swami Vivekananda. The impugned order has been passed by adhering to the principles of natural justice and that there is no irregularity or illegality in the impugned order.

v) Finally, it is stated in the counter that even a mere look at the records would show that the college has acted in a fair and reasonable manner and that there is no allegation of mala fide. There are almost 1000 students studying in the campus as residential scholars. Since the petitioner consumed liquor and returned to the college campus under the influence of alcohol, the present unfortunate developments occurred. What has been consistently followed all these years will have to be adopted in the case of the petitioner, otherwise, the college management will find it very difficult to handle such cases of indiscipline in future. Therefore, the third respondent prayed for dismissal of this writ petition.

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

4. A circumspection of the fact would reveal that the petitioner is the final year B.A. Economics student and is in the 6th semester. Though he has paid the entire

fees for the examinations, owing to his misconduct of consumption of alcohol, he was not permitted to attend further classes vide the impugned order dated 15.03.2015 addressed to his father and thereby he was curtailed from writing the examinations. What has to be seen in this case is as to whether the petitioner was really under the influence of alcohol on the said date. In this regard, the third respondent drew the attention of this Court to the written undertaking given by the petitioner on 15.03.2015 and 24.03.2015, wherein he himself admitted that he was in the drunken condition on 15.03.2015. The factum of consumption of alcohol by the petitioner was also asserted by the third year Co-ordinator Dr. S. Chandrasekaran, Mr. M. Premananfham and Mr. C. Sundaram, Assistant Professors and intimated the same to the Principal. The petitioner and his father also appeared before the disciplinary committee meeting and signed in it. Therefore, the contention of the petitioner that all the proceedings have taken place behind his back, cannot be accepted. From the above, it is proved beyond doubt that the petitioner was under the influence of alcohol on 15.03.2015, which resulted in the subsequent expulsion from the college.

5. This Court, in the case of K. Saravanan Vs. The Principal, Government Law College, (2007) 4 MLJ 632 , after relying upon various judgments, held that the power of judicial review in case of student indiscipline is very limited and in such cases, this Court does not sit in appeal over decisions of the school authorities. It is pertinent to extract relevant paragraphs from the judgment supra as follows:

"7. A similar ruling was given by Mohan, J. in R. Satheesh rep. by father and natural guardian, C. Rajendran and M. Murugan Vs. Director of Higher Secondary Education, College Road, Madras-34, The Head Master, Government Higher Secondary School, Thuckalay, Kanyakumari District and The Chief Superintendent for Higher Secondary Examinations Government Higher Secondary School, Thuckalay . The learned Judge held that in every case it cannot be insisted that there must be a memorandum of charge, an enquiry and a finding arrived at like a Court or a judicial proceeding. The learned Judge observed as follows:

"It is well settled by now that a student, so long as he behaves himself properly, in a disciplined way in other words, as a student ought to behave, has every right to prosecute his studies. Such a right cannot be interfered with. As against this, should there be any act of indiscipline which is not conducive to the interests of the Institution, and which will pollute the educational atmosphere of the Institution or the calm of the Institution, certainly, the school authorities have every right to see that such a student who would not behave himself in a disciplined way is expelled from the school. Apart from the fact that such an indisciplined student is not only an undesirable element who spoils his own future, his conduct and character will have deleterious effect on others as well."

8. These decisions were followed subsequently by M. Srinivasan, J. in the judgment reported in Leo Francis Xaviour Vs. The Principal, Karunya Institute of

Technology, Coimbatore and another, AIR 1993 Mad 233 : (1992) 2 LW 642 and it has been held in paragraph 26 as follows:

"26. As it is found on the facts that there was an enquiry satisfying the requirements of the principles of natural justice, this Court cannot interfere with the finding of the Enquiry Committee and the Consequential order of expulsion passed against the petitioner. The plea taken by the first respondent that it is a private college and the jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked by the petitioner against the said College is well founded. Inasmuch as the principles of natural justice have been complied with, this Court has not jurisdiction to interfere with the order of expulsion passed against the petitioner."

9. Further, it has also been held by the Supreme Court in the judgment reported in Maharashtra State Board of Secondary and Higher Secondary Education Vs. K.S. Gandhi and Others, (1991) 2 JT 296 : (1991) 1 SCALE 187 : (1991) 2 SCC 716 : (1991) 1 SCR 773 that the power of judicial review in case of student indiscipline is very limited and in such cases this Court does not sit in appeal over decisions of the school authorities."

6. Though learned counsel for the petitioner raised a point at the time of argument that only two persons in the committee alone signed the proceedings, it was not stated in the affidavit. This Court expresses its displeasure over the attitude of the petitioner/student for whom the said point was urged. As rightly held by this Court in the case of R. Satheesh rep. by father and natural guardian, C. Rajendran and M. Murugan Vs. Director of Higher Secondary Education, College Road, Madras-34, The Head Master, Government Higher Secondary School, Thuckalay, Kanyakumari District and The Chief Superintendent for Higher Secondary Examinations Government Higher Secondary School, Thuckalay that if a student does not behave properly and should there be any act of indiscipline, which is not conducive to the interests of the Institution, the school/college authorities have every right to send that student out of the college.

7. The third respondent college has been established with the sole intention to impart the age old Gurukula pattern of education, wherein the paramount importance is being extended to the disciplined life, so as to fulfill the dreams of Swami Vivekananda, who, in his "The Complete Works of Swami Vivekananda (Vol. 4)", has commented on consumption of alcohol as under:

"There are certain foods which are exciting; if you eat such food, you find that you cannot control the mind. It is obvious that after drinking a large quantity of wine, or other alcoholic beverage, a man finds that his mind would not be controlled; it runs away from his control."

8. Younger generation should concentrate on their studies rather than spending their time in an extravagant manner and their duty towards nation is inevitable, precious and unavoidable. The whole India depends on deserving youngsters so as to achieve its mission of reaching the status of super power at least in 2020.

Even our former President Mr. A.P.J. Abdul Kalam bawled all the youngsters to have dreams in their life and in his message to young people, he has uttered as follows:

"My message, especially to young people is to have courage to think differently, courage to invent, to travel the unexplored path, courage to discover the impossible and to conquer the problems and succeed. These are great qualities that they must work towards. This is my message to the young people."

Youngsters are the backbone of our country and they are not only playing a role of innovators in our country, but are also coming forward to join the process of putting the nation back on the path.

9. In this case, the main contention of the third respondent that if the rules and regulations are relaxed and diluted to suit the convenience of an individual student, then the future of the Gurukula Institute will be at peril, cannot be brushed aside. It is also seen that the petitioner has been given all possible opportunity to defend himself in the properly conducted enquiry and therefore, it cannot be said that the whole proceeding is vitiated. Therefore, in the considered opinion of this Court, the impugned order passed by the third respondent dated 15.03.2015 does not warrant any interference by this Court. Accordingly, this writ petition is dismissed as devoid of merits. Though it is a fit case to impose costs to the petitioner, in view of the fact that the petitioner, being a student, his parent will have to bear the costs for the misconduct committed by the petitioner, this Court abstains itself from imposition of costs on the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.