

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30-06-2009

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.28758 of 2008 and
M.P.No.1 of 2008

K.Shrikant

.. Petitioner.

Versus

1. The Director of Technical Education,
Anna University Campus, Guindy,
Chennai-600 025.

2. The Additional Director of Technical Education,
and Chairman, Board of Examinations,
Department of Technical Education,
Anna University Campus,
Guindy, Chennai-600 025.

3.Arulmigu Chandigeswarar Polytechnic College,
Karumathampatti, Coimbatore-641659,
Represented by its Principal.

.. Respondents.

Prayer: Petition filed seeking for a writ of Certiorarified Mandamus, calling for the records of the third respondent culminating in his impugned order of suspension REF ACPC/wus/006/06, dated 30.10.2006, and quash the same and direct the respondents to permit the petitioner to attend the VI Semester classes in the three year Diploma course in Instrumentation and Control Engineering in the third respondent College and to write the VI Semester Examinations conducted for the said Course by issuing a Hall ticket to the petitioner for the same.

For Petitioner : Ms.M.Deepa

For Respondents : Ms.Dakshayani Reddy
Government Advocate (R1 & R2)
Mr.D.Anandan (R3)

O R D E R

This writ petition has been filed by the petitioner praying that this Court may be pleased to issue a Writ of Certioararified Mandamus, to call for the records of the third respondent, dated 30.10.2006, suspending the petitioner from the third respondent institution and to direct the respondents to permit the petitioner to attend the VI Semester classes in the three year Diploma course in

Instrumentation and Control Engineering, in the third respondent College.

2. It has been stated that the petitioner had been admitted to the three year Diploma course in Instrumentation and Control Engineering in the third respondent College for the years, 2004-2007. The petitioner had appeared in the examinations conducted for the first four semesters and in the three practical papers and two theory papers in the V Semester. While so, the petitioner had been falsely implicated, in a case of of ragging alleged to have taken place, on 30.10.2006. A First Information Report had been given and it had been registered as Crime No.406 of 2006, on the file of the Karumathampatti Police Station, under Section 147, 323 and 379 of the Indian Penal Code read with Section 4 of the Tamil Nadu Prohibition of Ragging Act, 1997.

3. Thereafter, the petitioner had been served with the suspension order issued by the third respondent and the petitioner was not allowed to write the third theory examination for the V semester, held, on 3.11.2006. However, the petitioner had not been served with an expulsion order by the third respondent, till date. The order of suspension, dated 30.10.2006, had been passed arbitrarily, without conducting an enquiry and without giving an opportunity to the petitioner to put forth his case. In such circumstances, the petitioner has preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

4. At this stage of the hearing of the writ petition, the learned counsel appearing on behalf of the petitioner had placed before this Court a letter from the Principal of the third respondent College, dated 11.2.2009, pursuant to the communication issued by the Principal Secretary/Commissioner of Technical Education and Chairman, which is as follows:

"With reference to your request for re-admission. We have forwarded your request to the Commissioner of Technical Education.

Considering as a special case the Board of Examination has given permission for re-admission in the Academic Year 2009-10 subject to the condition of satisfying the requirement of attendance as per rules and regulations.

So your are requested to meet the Principal in Person regarding your re-admission at the earliest."

In such circumstances, the learned counsel appearing for the petitioner had submitted that no further orders are required to be passed in the present writ petition.

5. In view of the submissions made by the learned counsel for the petitioner, this writ petition stands closed. No costs. Consequently, connected M.P. is closed.

csH

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Director of Technical Education,
Anna University Campus, Guindy,
Chennai-600 025.

2. The Additional Director of Technical Education,
and Chairman, Board of Examinations,
Department of Technical Education,
Anna University Campus,
Guindy, Chennai-600 025.

+ 1 cc to the Government Pleader, SR No.27334

+ 1 cc to Mr. S. Udayakumar, Advocate SR No.27388

RB(CO)
SR/24.7.2009

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