

(2011) 07 MAD CK 0337

Madras High Court

Case No: Writ Petition No. 10245 of 2011 and M.P. No. 1 of 2011

C.N. Vasantha Raja

APPELLANT

Vs

The Registrar, The Tamil Nadu
Dr. Ambedkar Law University,
The Controller of Examinations
and The Principal, Dr. Ambedkar
Government Law College

RESPONDENT

Date of Decision: July 25, 2011

Acts Referred:

- Tamil Nadu Prohibition of Ragging Act, 1977 - Section 8

Hon'ble Judges: D. Hariparanthaman, J

Bench: Single Bench

Advocate: E.P. Senniyangiri, for the Appellant; M.C. Swamy, Special Government Pleader,
for the Respondent

Judgement

@JUDGMENTTAG-ORDER

D. Hariparanthaman, J.

The Petitioner is a law student. He joined five year Law course in Dr. Ambedkar Government Law College, Chennai during 2005-2006. During 9th Semester, a girl student, namely, Dhanalakshmi, studying in Dr. Ambedkar Government Law College, Chennai, gave a complaint that the Petitioner teased her. Based on that complaint, the Petitioner was placed under Suspension by the 3rd Respondent by an order dated 10.08.2009. The 3rd Respondent, on 14.08.2009, requested the Inspector, Esplanade Police Station, to take action under the provisions of Harassment of Women Act, 1998. Accordingly, a case was registered in Crime No. 480 of 2009 on the file of Esplanade Police Station, Chennai. Since the complainant appeared both before the Inspector of Police as well as 23rd Metropolitan Magistrate, Saidapet, Chennai and gave a statement that the Petitioner did not tease her and somebody in the crowd teased her, the criminal proceeding was

dropped on 26.11.2009. However, the 3rd Respondent did not revoke the suspension order.

2. As the Petitioner was not admitted in the 10th Semester class citing the suspension as the reason, though the criminal proceeding was dropped, he was constrained to file W.P. No. 25402 of 2009 to quash the suspension order. This Court, on 31.06.2010, set aside the suspension order taking into account the aforesaid subsequent development. The matter was remanded to the 3rd Respondent for passing appropriate orders.

3. In these circumstances, the Respondents permitted the Petitioner to write 10th semester examinations during October - November 2010. However, he was not permitted to appear for viva-voce test. The Petitioner wrote all the theory examinations and the practical written test except the viva-voce test. The Petitioner made a representation dated 16.03.2011 seeking permission to appear for viva-voce test. Since no order was passed, he has filed the present writ petition, seeking for direction to the Respondents to conduct 10th Semester Viva-voce test to the Petitioner and also to publish his result without insisting admission for 10th Semester.

4. No counter affidavit is filed.

5. Heard the learned Counsel appearing for the Petitioner and the learned Special Government Pleader appearing for the Respondents.

6. On 10.08.2009, the Petitioner was placed under suspension during 9th Semester. The charge was that he was involved in ragging a girl student and teased her. But, he was permitted to write the 9th Semester examinations. That is not in dispute.

7. Ultimately, at the instance of the 3rd Respondent, the Petitioner was prosecuted under the Harassment of Women Act 1998 in Crime No. 480 of 2009 on the file of the Esplanade Police Station, Chennai. But the criminal proceeding was dropped as the complainant gave a statement that the Petitioner did not tease her and somebody in the crowd had teased her. Though criminal proceeding was dropped, no order was passed by the 3rd Respondent, revoking the suspension order. The Petitioner was not permitted to join the 10th semester class. In these circumstances, the Petitioner filed W.P. No. 25402 of 2009 to quash the suspension order. This Court set aside the order of suspension on 31.06.2010. This Court passed the following orders on 31.06.2010 in W.P. No. 25402 of 2009:

7. In view of subsequent developments in the matter after the impugned order the matter is remanded to the original authority namely the 3rd Respondent to look into the subsequent developments and pass appropriate orders.

8. With the above, the impugned order of suspension is set aside and the matter is remanded to third Respondent for passing appropriate orders.

8. While so, the Respondents permitted the Petitioner to appear for 10th semester examinations during October-November 2010. The Petitioner was permitted to write 10th semester examinations without any Court order. On their volition, the Respondents permitted the Petitioner to attend the 10th semester examinations. Hence the Respondents cannot withhold the result and they should publish the result. However, the Petitioner was not permitted to appear for viva-voce test while he was permitted to write all other examinations, i.e. the Petitioner was permitted to write theory examinations as well as practical test except the viva-voce test. Hence, he made a representation dated 16.03.2011, seeking permission to attend viva-voce test. Since no reply was given, he has filed the present writ petition.

9 The Petitioner has stated in para 11 of the affidavit that the rules framed u/s 8 of the Tamil Nadu prohibition of Ragging Act, 1977, a student, who was placed under suspension based on the complaint of ragging is ultimately not convicted, the Management shall revoke the suspension and the period of suspension of such student shall be treated as if the student had attended the classes.

10. In this case, the Petitioner was not convicted. Hence, he is deemed to have attended the classes. Furthermore, he was also permitted to write 10th semester examinations by the Respondents. In these circumstances, the Respondents could not prevent the Petitioner from taking the viva-voce test on the ground that he did not attend 10th semester classes. For all the aforesaid reasons, I am inclined to allow the writ petition and the 3rd Respondent is directed to conduct viva-voce test for the Petitioner within a period of six weeks from the date of receipt of a copy of this order and Respondents 1 and 2 are directed to publish the result of 10th semester examinations which the Petitioner had written.

11. The writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.