

R. Manoj Prabhakar Vs State, The Anna University and The Principal, Latha Mathavan Engineering College

Court: Madras High Court (Madurai Bench)

Date of Decision: Oct. 20, 2011

Acts Referred: Constitution of India, 1950 " Article 226
Penal Code, 1860 (IPC) " Section 147, 148, 294B, 323, 324

Hon'ble Judges: K. Chandru, J

Bench: Single Bench

Advocate: S.M.A. Jinnah, for the Appellant; M. Govindan, Special Government Pleader for R1 and Mr. R. Ramasamy for R3, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Honourable Mr. Justice K. Chandru

1. A shocking state of affairs is found reflected in the writ petitions. The petitioners have filed the present writ petitions challenging the order of

suspension made by the third respondent, Principal of a self-financing engineering College at Kidaripatti, Madurai District. By the impugned orders,

the petitioners were suspended.

2. The charges imposed against the petitioners were that on 09.02.2011 around 9.45 a.m. the petitioners trespassed into a class room and despite

being prevented by the HOD who were taking classes, they entered into the class room and abused the college lecturers in bad words. When the

other teachers and non teaching staffs came to prevent the incident, they were attacked by the petitioners. The petitioners have also caused

extensive damage to the properties of the college and have caused disturbances to other students.

3. Due to the attack made by the petitioners, some of the teachers have grievously injured and were admitted to the hospital and kept under an

ICU. In the light of this and in the interest of the other students, until further orders, the petitioners were suspended with effect from 10.02.2011.

Challenging the said orders, the writ petitions came to be filed.

4. This Court without admitting the writ petitions, ordered private notices to the respondents 2 and 3. Pending the writ petitions an interim direction

was granted to the petitioners to undergo internal examinations scheduled to be held from 17.02.2011 to 22.02.2011 and the conduct of the

internal examinations was made subject to the result of the writ petitions and no equity could be raised by the petitioners on the basis of the interim

order.

5. On notice from this Court, the third respondent Principal has filed a counter affidavit dated 19.10.2011. The incident that took place in the

College was graphically described in paragraph number 3 of the counter affidavit. It is also stated that one of the lecturers, who was injured by

name Prabhu, gave a complaint before the Malavalavu Police Station and the police have registered a criminal case in Cr.No.14 of 2011 for the

offence under Sections 147, 148, 294B, 427, 323, 324, 336 and 506(ii) IPC against the petitioners. The injured Lecturer Mr.Prabhu, had

sustained grievous injuries and his four teeth were broken. He is said to be still undergoing treatment.

6. It is also stated that another lecturer by name Rajesh Dravidamani and an office staff Subramanian were also sustained injuries and that case was

also under investigation. The injured lecturer alone had given the complaint against the petitioners.

7. The Principal of the third respondent college was not able to say as to the further steps that he had taken. In the counter affidavit, the Principal

merely stated in paragraph 8 that all the students are his students and they are in his control. He further stated that the teaching staff Prabhu, Rajesh

Dravidamani and one official staff Subramani were sustained injuries only due to the attack by the petitioners. It is stated that though internal

examinations were scheduled, they were suspended. But, on the basis of this Court's direction, they were allowed to write the examinations. They

have also written the examinations and are attending the classes.

8. It is further stated that the Vice Chancellor of the Anna University, who is the second respondent herein, conducted a meeting with the

petitioners and their representatives and at the end of the meeting, as per the direction of the second respondent, in the interest of the students

future, he allowed them to attend the classes continuously and they are attending the classes continuously.

9. As to the efficacy of the Court granting interim orders to permit the students having charges of indiscipline to write examinations, the Supreme

Court vide its decision in State of Maharashtra Vs. Vikas Sahebrao Roundale and others, deprecated such practice. In paragraph 12 it was

observed as follows:

12... Slackening the standard and judicial fiat to control the mode of education and examining system are detrimental to the efficient management of

the education. The directions to the appellants to disobey the law is subversive of the rule of law, a breeding ground for corruption and feeding

source for indiscipline. The High Court, therefore, committed manifest error in law, in exercising its prerogative power conferred under Article 226

of the Constitution, directing the appellants to permit the students to appear for the examination etc.

10. It is now stated by the third respondent that the writ petitions have become infructuous. When questioned about the same, the counsel

appearing for the Principal, submitted that it is for this Court to decide and pass suitable orders. This kind of passing off the responsibility to some

other authority has to be condemned. The Principal is the sole in-charge of the internal discipline of the college including the control over the

students. If any action has to be taken, it has to be taken by the Principal of the College. It is the action taken by the Principal which is under

challenge in these writ petitions. There is no question of this Court giving any unsolicited advice to the third respondent. It is for them to take a

decision. But, on the basis of the counter affidavit and the shocking incident elaborated, this Court is unable to interfere with the impugned orders

of suspension.

11. The Hon'ble Supreme Court in this regard dealt with student discipline inside the campus and emphasised taking proper steps thereby

preventing acts including ragging, which is termed as a criminal offence. The Principal was vicariously responsible if any incidents are reported to

the authorities. The third respondent had to decide the issue and he cannot request this Court to pass orders. This Court will have to proceed only

on the basis of the pleadings submitted before this Court. In view of the incidents narrated in the suspension orders and also supported by a

counter affidavit, there is no case for interfering with the impugned orders of suspension. Hence, the writ petitions stand dismissed. Consequently,

connected miscellaneous petitions are closed. No costs.