

infant Gladius therese John Vs. 1)St. Xavier's College (Autonomous),

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Court : Chennai

Decided On : Nov-05-2014

Judge : T.RAJA

Appellant : infant Gladius therese John

Respondent : 1)St. Xavier's College (Autonomous),

Judgement :

BEFORE THE MADRUAI BENCH OF MADRAS HIGH COURT DATED :

05. 11.2014 CORAM THE HONOURABLE MR.JUSTICE T.RAJA Writ Petition(MD)No.15603 of 2014 and M.P(MD)No.1 of 2014 Infant Gladius Therese John ... Petitioner Vs. 1) St. Xavier's College (Autonomous), rep. by its Secretary, Palayamkottai, Tirunelveli-627 002. 2) The Principal, St. Xavier's College (Autonomous), Palayamkottai, Tirunelveli-627 002. 3) Manonmaniam Sundaranar University, Rep.by its Registrar, Abishekapatti, Tirunelveli. ... Respondents Prayer Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to allow the petitioner to continue his studies in the 3rd year BBA (Business Administration) Course under shift-II (Self Finance) of the 1st respondent college and complete the degree course. !For Petitioner : Mr.N.Dilip Kumar ^For R1 & R2 : Mr.Issac Mohanlal For R3 : Mr.K.Sathiyasingh :

ORDER

The petitioner/Infant Gladius Therese John has filed the present writ petition seeking issuance of a Writ of Mandamus, directing the respondents to allow him to continue his studies in the III year BBA (Business Administration) Course under shift-II (Self Finance) of the 1st respondent college and complete the degree course.

2. Learned counsel for the petitioner submitted that the petitioner who is a III year BBA student in the 2nd respondent college while attending a seminar on 13.08.2014 on the topic MIS-Management Information System, was fun of by his classmates during the course of seminar proceedings and in the spur of the moment, he uttered one unacceptable word within himself, however his class teacher Tmt.Sivaparvathi overhearing that unacceptable word took serious exception, but the petitioner expressed his serious regret for such a word, however, ignoring the same, she reported the incident to the HOD.

3. Learned counsel for the petitioner further submitted that on the next day namely, on 14.08.2014 when the petitioner was attending the classes, Tmt.Sivaparvathi instructed the petitioner to leave the class room and asked him to appear before the HOD. When the petitioner appeared before the HOD, his identity card was taken back and thereupon he was instructed to come back to the college with his guardian. Since the petitioner's parents are living at Qatar, the petitioner appeared before the HOD on 14.08.2014 along with his guardian, however, the HOD instructed the petitioner to meet the Principal of the college on 18.08.2014. Taking note of the unfortunate event, the petitioner's mother also had rushed to India and the petitioner along with her mother and guardian again went back to the college on 18.08.2014. On appearing before the Principal, they were told to get back the transfer certificate of the petitioner, as a result, the petitioner has come to this Court.

4. Learned counsel for the petitioner after explaining the background of the event submitted that when the petitioner was taking part in the seminar on 13.08.2014 in the 1st respondent college, due to some provocative remarks made by the other students, he uttered one unacceptable word within himself, but however the class teacher overhearing the same, has aggravated for which the petitioner appeared

before the HOD on 14.08.2014 along with his guardian and again on 18.08.2014 before the Principal of the college along with his mother who had come from Qatar, and tendered oral unconditional apology, but without considering the same and ignoring the career of the petitioner, the 2nd respondent did not permit the petitioner to attend the classes and told to get back the transfer certificate of the petitioner, therefore, he sought for a direction to the respondents to allow him to continue his studies in the III year BBA course in the 1st respondent college.

5. Mr. Issac Mohanlal, learned counsel for the respondents 1 and 2 contending that the petitioner cannot take a double stand submitted that immediately after the incident took place, the petitioner approached the HOD and the Principal of the college making out an application seeking issuance of the transfer certificate by making sufficient fees therefor. Having asked for issuance of the transfer certificate he pleaded, the petitioner cannot ask for a direction against the 2nd respondent to allow him to continue in the same college, as the 2nd respondent college is a reputed educational institution imparting discipline mixed up with quality education, the misbehaviour at any point of time at any level cannot be compromised therefore, the 2nd respondent college has rightly taken a tough stand that the mistake committed by the petitioner could not be condoned. The petitioner also moved an application seeking issuance of the transfer certificate, therefore the prayer sought for by the petitioner is liable to be repelled, he pleaded.

6. Indisputably, the petitioner during the course of seminar held on 13.08.2014 used an unacceptable word, but his class teacher Tmt. Sivaparvathi overhearing the said word, taking serious exception to the same reported the matter to the HOD. The petitioner also appeared before the HOD along with his guardian on 14.08.2014 subsequently along with his mother and guardian, before the Principal of the college on 18.08.2014 and tendered oral unconditional apology.

7. This Court taking note of the fact that the 2nd respondent college has taken serious exception to the attitude and the behaviour shown by the petitioner, is of the view that the misbehaviour shown by the petitioner could have been condoned by the college, considering the fact that he is in the midst of III year BBA course,

therefore, accepting the fervent request made by the learned counsel for the petitioner that the petitioner is bound to tender written unconditional apology before the Principal of the college for whatever unfortunate event that had happened on 13.08.2014, this Court directs the petitioner to approach the Principal of the 2nd respondent college and submit a written unconditional apology showing his remorse, on receipt of such letter of unconditional apology, the principal/2nd respondent shall consider the same and allow the petitioner to continue the III year BBA course. With the above direction, the writ petition stands disposed of. No costs. Consequently, M.P(MD)No.1 of 2014 is closed. To 1) St. Xavier's College (Autonomous), rep. by its Secretary, Palayamkottai, Tirunelveli-627 002. 2) The Principal, St. Xavier's College (Autonomous), Palayamkottai, Tirunelveli-627 002. 3) Manonmaniam Sundaranar University, Rep.by its Registrar, Abishekapatti, Tirunelveli.

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