

Akshay T vs Principal

Akshay T vs Principal

SooperKanoon Citation : sooperkanoon.com/1333087

Court : Kerala

Decided On : Feb-07-2023

Judge : Honourable Mr. Justice Sathish Ninan

Appeal No. : WP(C)/1847/2023

Appellant : Akshay T

Respondent : Principal

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SATHISH NINAN
TUESDAY, THE 7TH DAY OF FEBRUARY 2023 / 18TH MAGHA, 1944
WP(C) NO. 1847 OF 2023 PETITIONER: AKSHAY T, AGED 20
YEARS, THATTADIYIL HOUSE, VELLAYUR P.O TUVVUR VIA,
MALAPPURAM DISTRICT, PIN - 679327 BY ADVS.
N.K.SUBRAMANIAN ABRAHAM MATHAN ATHUL TOM SUBRAM N.S.
RESPONDENTS:

1 PRINCIPAL, UNIVERSITY COLLEGE OF ENGINEERING, MUTTOM
P.O, THODUPUZHA, IDUKKI DISTRICT, PIN - 685587 2 APJ ABDUL
KALAM TECHNOLOGICAL UNIVERSITY REPRESENTED BY ITS

REGISTRAR, CET CAMPUS, SREEKARYAM, ALATHARA, THIRUVANANTHAPURAM, PIN - 695016 3 CENTRE FOR PROFESSIONAL AND ADVANCE STUDIES GANDHINAGAR P.O, KOTTAYAM, KERALA,PIN - 686008 REPRESENTED BY ITS DIRECTOR BY ADV SHRI. P.C. SASIDHARAN, SC, CPAS. SHRI. ELVIN PETER, SC, APJ ABDUL TECHNOLOGICAL UTY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Sathish Ninan, J.

===== W.P(C) No.1847 of 2023
===== Dated this the 7th day of February,
2023

JUDGMENT

Petitioner is a student of the University College of Engineering, Muttom, of which the 1 st respondent is the principal. The petitioner has completed the 3 rd semester of the course.

2. While studying for the 4th semester, a crime

happened to be registered against him under the NDPS Act alleging possession of 0.890 gms of MDMA. The petitioner was remanded to custody. Presently he is released on bail. Now the next batch classes of the 4 th semester is about to commence. The grievance of the petitioner is that, though he made a request to the 1 st respondent to permit him to continue his studies, the same is not acceded to.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the College.

4. It is the primary responsibility of the

Principal of a College to see that discipline is W.P(C)No.1847 of 2023 -: 2 :- maintained in the College. The power is inherent in him by virtue of the nature of office he holds. It is also to be noticed that, the duty of an educational institution is not confined to imparting studies but also includes the building up of character of the students. In Hira Nath Mishra v. The Principal, Rajendra Medical College, Ranchi & Ors. [AIR 1973 SC 1260], the Apex Court observed that, the teachers and Headmasters are in loco-parentis to all the students. Their responsibility includes reformation of the students also.

5. The materials on record does not indicate that

the college staff council has considered the issue and taken a final decision on the request of the petitioner. As to whether petitioner has committed the offence alleged against him is a matter yet to be proved; as of now it is only an allegation. Further it appears that this is the first incident alleged against the petitioner. No doubt, it is for the college to see that discipline is maintained and definitely, is to be maintained. W.P(C)No.1847 of 2023 -: 3 :-

6. It would be sufficient if the staff council of

the college considers the petitioner's request and takes a decision. Resultantly, the writ petition is disposed of directing the 1st respondent to place the matter before the staff council, and take a decision after hearing him. Let the needful be done within a period of two weeks from the date of receipt of a copy of this

judgment.

Sd/- Sathish Ninan, Judge vdv APPENDIX OF WP(C) 1847/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE STUDENT PROFILE OF THE PETITIONER Exhibit P2 A TRUE COPY THE REPRESENTATION SUBMITTED BY THE MOTHER OF THE PETITIONER DATED 04.11.2022 Exhibit P3 A TRUE COPY OF THE REPRESENTATION DATED 13.01.2023 SUBMITTED BY THE PETITIONER Exhibit P4 A TRUE COPY OF THE BAIL ORDER IN CRL. M.C NO.131/22 PASSED BY THE SPECIAL JUDGE FOR NDPS ACT, THODUPUZHA DATED 16.09.2022 Exhibit P5 A TRUE COPY OF THE CERTIFICATE ISSUED

BY THE CLINICAL PSYCHOLOGIST DATED 19.10.2022 Exhibit P6 A TRUE
COPY OF THE IDEOLARYNGOSCOPY REPORT OF THE DEPARTMENT OF
ENT OF GOVERNMENT MEDICAL COLLEGE, MANJERI DATED 02.06.2022

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com