



2023:KER:74825

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

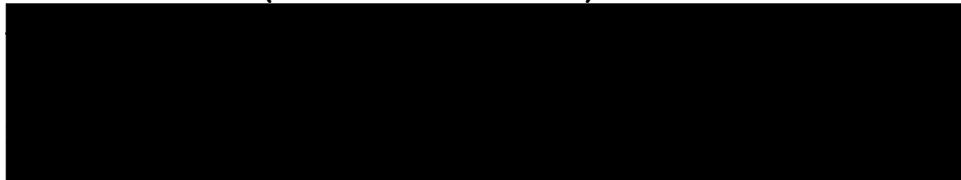
THE HONOURABLE MR. JUSTICE T.R.RAVI

MONDAY, THE 27<sup>TH</sup> DAY OF NOVEMBER 2023 / 6TH AGRAHAYANA, 1945

WP (C) NO. 21610 OF 2023

PETITIONER:

JEEVAN RAMESH (UNDER SUSPENSION)



BY ADVS.  
SRI VARUN C.VIJAY  
MS.DIVYA CHANDRAN

RESPONDENTS :

- 1 MAHATMA GANDHI UNIVERSITY  
REPRESENTED BY THE REGISTRAR, MAHATMA GANDHI  
UNIVERSITY, PRIYADARSINI HILLS, UNIVERSITY CAMPUS ROAD,  
ATHIRAMPUZHA, KOTTAYAM - 686560
- 2 BOARD OF ADJUDICATION OF STUDENTS GRIEVANCES  
(BASG) OF MAHATMA GANDHI UNIVERSITY, REPRESENTED BY THE  
VICE CHANCELLOR (CHAIRMAN) MAHATMA GANDHI UNIVERSITY,  
PRIYADARSINI HILLS, UNIVERSITY CAMPUS ROAD,  
ATHIRAMPUZHA, KOTTAYAM- 686560
- 3 PRINCIPAL  
A1 AZHAR LAW COLLEGE, PERUMPILLICHIRA P.O. THODUPUZHA,  
IDUKKI - 685505  
  
SRI. P. M SANEER,  
SRI. SURIN GEORGE IPE. SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
27.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



**T.R. RAVI, J.**

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W.P.(C)No.21610 of 2023  
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Dated this the 27<sup>th</sup> day of November, 2023

**JUDGMENT**

The prayer in the writ petition is to quash Ext.P1 order of suspension and to direct the 2<sup>nd</sup> respondent to revoke the suspension and permit the petitioner to undergo the studies. There is also a prayer for a direction to the 2<sup>nd</sup> respondent to consider and pass orders on Ext.P3 taking note of Exts.P4 and P5 judgments after hearing the petitioner. The petitioner who is a Five Year LL.B student under the 3<sup>rd</sup> respondent College was issued with Ext.P1 suspension order during his last year of studies. The reason for suspending the petitioner is that he was accused in a crime and an FIR has been registered against him. The offences alleged are coming under the NDPS Act. The petitioner has preferred an appeal against his suspension before the Vice Chancellor and also approached this Court by filing this writ petition. Based on



directions issued by this Court, a hearing was conducted. The Board of Adjudication of Students Grievances (BASG) issued Ext.P6 recommendation finding that keeping the petitioner who was a 9<sup>th</sup> semester student under suspension indefinitely till the criminal case is decided is not legally sustainable and that the Board was of the opinion that the authorities of the College should be directed to consider whether the petitioner can be permitted to rejoin and complete the course. The recommendation of the BASG was placed before the Vice Chancellor and the same was approved, as can be seen from Ext.P6. However, on 06.10.2023 the 3<sup>rd</sup> respondent has written to the petitioner stating the involvement of students in possession and sale of contraband cannot be treated lightly and leniency towards such Act will affect the morale of other students studying in the College. It is stated that the Staff Council and the Management have recommended dismissal. The petitioner has hence been required to show cause as to why compulsory transfer certificate should not be issued. It is submitted that even though Ext.P7 dated 06.10.2023 is



worded in such a way to make it appear that it is a show cause notice, a reading of Ext.P7 will show that a decision has already been taken by the Staff Council and the Management to dismiss the petitioner. The petitioner relies on the decision of this Court in **Ashly Varghese and Another v. State of Kerala and Others in W.P(C).No.1161 of 2007** and the decision of the Bombay High Court in **Adwait Amrish Goel v. Mukesh Patel School of Technology & Anr. (Writ Petition No.9889 of 2017)**. The above judgments have been produced as Exts.P4 and P5 along with the writ petition. The above judgments would show that the mere fact that an FIR has been registered cannot lead to a conclusion that the student has committed the crime and there cannot be a consequential dismissal on that reason. The counsel appearing for the College submitted that the petitioner's prayers have been considered and it is only after noting that the crime alleged against the petitioner comes under the NDPS Act which is of very serious nature that the College decided to terminate the



petitioner. It is also submitted that Ext.P7 letter which is challenged is ultimately only a show cause notice and the petitioner can always show cause and the matter can be decided.

2. Having heard the counsel on either side, I am of the opinion that Ext.P7 cannot be sustained. Ext.P7 purportedly has been issued pursuant to Ext.P6. Ext.P6 is a decision taken by the BASG and approved by the Vice Chancellor. Ext.P6 specifically states that the case of the petitioner for re-admission is to be considered based on the relevant Statutes of the University and the University should be informed of the decision within seven days. The decision of the BASG is on a finding that a 9<sup>th</sup> semester student who is only an accused in a crime cannot be kept out of the College indefinitely for completion of the trial of the case. None of the aspects directed to be considered in Ext.P6 has been considered in Ext.P7. It would appear from Ext.P7 that it has already been concluded that the petitioner was in possession of narcotic drugs and he was involved in sale of the same. It



is too early to come to such a conclusion as the trial is not completed and the petitioner is released on bail. In the above circumstances, the petitioner is entitled to be succeed.

3. The writ petition is allowed. Ext.P7 is set aside. There will be a direction to the 3<sup>rd</sup> respondent to comply with the directions contained in Ext.P6, hear the petitioner and with due consideration of Exts.P4 and P5 judgments, pass necessary orders within three weeks from the date of receipt of a copy of this judgment. The petitioner shall place before the 3<sup>rd</sup> respondent copies of Exts.P4 and P5 judgments for easy reference.

Sd/-  
**T.R.RAVI**  
**JUDGE**

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APPENDIX OF WP(C) 21610/2023

## PETITIONER EXHIBITS

- Exhibit P1                    A TRUE COPY OF THE SUSPENSION ORDER  
BEARING REF.NO.AALC/LLB/2023/MGU/6007  
DATED 27.03.2023 ISSUED BY THE 3RD  
RESPONDENT
- Exhibit P2                    A TRUE COPY OF THE F.I.R NO.0424/2023  
DATED 24.03.2023, REGISTERED BY  
THODUPUZHA POLICE
- Exhibit P3                    A TRUE COPY OF THE APPEAL SUBMITTED BY  
THE PETITIONER BEFORE THE 2ND RESPONDENT  
DATED 26.06.2023
- Exhibit P4                    A TRUE COPY OF THE JUDGMENT DATED  
09.02.2007 IN W.P(C)NO.1161/2007 PASSED  
BY THIS HON'BLE COURT
- Exhibit P5                    A TRUE COPY OF THE JUDGMENT DATED  
10.10.2017 IN W.P(C)NO.9889/2017 OF THE  
HON'BLE BOMBAY HIGH COURT
- Exhibit P6                    A TRUE COPY OF THE ORDER NO.9423/AC  
A8/2023/M.G.U DATED 05.09.2023 ISSUED BY  
THE REGISTRAR, M.G.UNIVERSITY, KOTTAYAM
- Exhibit P7                    A TRUE COPY OF THE LETTER  
NO.AALC/LLB/2023/OTHERS/7379 DATED  
06.10.2023 ISSUED BY THE 3RD RESPONDENT