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W.P.(MD)NO.17892 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17892 of 2022

and

W.M.P.(MD)Nos.13043 & 13044 of 2022

S.Sasikumar

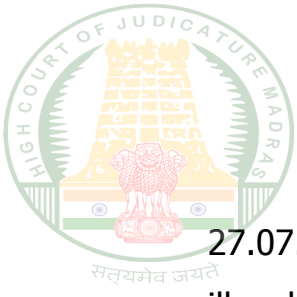
... Petitioner

v.

1. The Vice Chancellor,
Tamilnadu Dr.Ambedkar Law University,
Poompozhi, 5, DGS Dinakaran Street,
Chennai.
2. The Secretary, (Law Department),
O/o.The Secretary (Law Department),
Secretariat, Chennai.
3. The Director of Legal Studies (DLS),
O/o.The Director of Legal Studies,
198, Purasaivakkam High Road,
Keelpakkam, Chennai.
4. The Principal, Government Law College,
Theni, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the impugned suspension order in proceedings No.576/A2/2022 dated



27.07.2022 issued by the fourth respondent and quash the same as illegal and direct the respondents 1 to 3 to conduct the enquiry.

For Petitioner : Mr.S.Sasikumar, Party-in-person.

For R-1 : Mr.K.P.Krishnadoss

For R-2 to R-4 : Mr.V.Om.Prakash,
Government Advocate.

ORDER

I was recently hearing a matter pertaining to the affairs of a registered society. I posed a casual question whether the membership of the society is confined to any particular caste. The counsel for the petitioner exclaimed in disbelief-"Milord, the society is named after V.O.C". I understood what he meant. For the uninitiated, I must clarify that only those belonging to Pillaimar community can become the members of the society.

2.We are celebrating the 75th year of independence. An iconic freedom writer who sacrificed his everything for the sake of the nation has been reduced into a caste symbol. The very same fate has befallen



many others too. Such thoughts crossed my mind as I heard the petitioner in person. He is a 4th year law student in Government Law College, Theni. He had been suspended by the impugned order which also proposes to initiate disciplinary action against him.

3.His sin ?. He wanted installation of the portrait of Dr.Babasaheb Ambedkar in the office room of the Principal. He also wanted the course to be taught in Tamil. Both these demands are unexceptionable. But the petitioner had conducted himself in a manner so as to raise the hackles of the college administration. He is alleged to have uttered rude and defiant words at the Principal. He had barged into the class rooms when the classes were going on. His mobilization efforts were seen as acts of indiscipline and misconduct. That led to the issuance of the impugned proceedings.

4.The would-be lawyer argued his case in person. He denied the imputations made against him. He asserted his innocence. I could not have gone into the factual aspects. If the petitioner is made to face the enquiry, the consequences looked uncertain. In the writ petition, the petitioner had impleaded three of his professors in person. When allegations of mala fide are made, the respondent concerned has to be



given an opportunity to file counter-affidavit to controvert the same. If

WEB CONFERENCE

the matter is dealt with in routine course, it may not be taken up in the foreseeable future. I therefore suggested to the petitioner to give up the respondents named in person. I indicated that he could give a handwritten letter of apology addressed to the Principal, in which event, I could persuade the college management to give a quietus to the issue. The writ petition was listed for admission on 10.08.2022. I posted the matter for disposal on 12.08.2022. I made it clear that on 12.08.2022, the government counsel must report that the portrait of Dr.Ambedkar had been put up in the office room of the Principal.

5.When the matter was taken up today, the government counsel informed the court that in the office room of the Principal, the portrait has been installed. This probably encouraged the petitioner to accept my suggestion. He wrote out a handwritten letter expressing his unconditional apologies to the Principal. This was handed over to a teaching staff of the college in my presence.

6.The petitioner belongs to a Scheduled Caste community. He had not indulged in any act of violence. He had merely taken up a legitimate public cause. He is now in the fourth year. He had expressed



his sincere apologies. Therefore, the principle of proportionality demands that the matter is given a quietus. The petitioner had already been kept away from the classes for two weeks. He does not deserve to suffer anything more. I therefore direct the fourth respondent to treat the matter as closed. I make it clear that the petitioner shall not suffer any stigma.

7.The issue regarding the portrait of Dr.Ambedkar has been considered in quite a few judicial decisions. A bank employee was even dismissed from service when he attempted to forcibly install the portrait without getting permission from his superiors. A Division Bench of the Madras High Court vide order dated 04.02.2016 in WA No.884 of 2015 came to his rescue. There is a reference to the Circular issued by the Banking Division, Department of Economic Affairs, Ministry of Finance, Government of India in F.No.5/7/2006-SCT(B) dated 08.09.2006 which directs the nationalised banks to put up the portrait of Dr.Ambedkar. G.O.(Ms)No.2363 Public (General I) Department dated 24.10.1990 issued by the Government of Tamil Nadu states that in addition to the nine portraits named in the G.O, the portrait of Dr.B.R.Ambedkar can also be displayed in Public Offices and building. The expression "also" occurring in the G.O deserves to be noted. Probably, the subsequent



political developments catapulted the icon and in G.O.(Ms)No.457 Public

WEB CO (General I) Department, dated 04.06.2006, Dr.Ambedkar got to be

included at Serial No.(K). When WP No.875 of 2021 was filed before the First Bench for directing the government to display the portrait of the incumbent Prime Minister of India and President of India in all the government offices and public buildings in the State of Tamil Nadu as per the aforesaid G.O, the learned Advocate General appearing for the State submitted that the relevant notification gives an option to the Government offices to carry one or more of the photographs of the several national leaders.

8.Dr.Ambedkar is the architect of the Indian Constitution. He is the very symbol of social liberation. His scholarship is unparalleled. He can be the greatest inspiration for every law student. The Director of Legal Studies, Chennai is requested to issue circular mandating the installation of the portrait of Dr.Babasaheb Ambedkar in all the Government Law Colleges in Tamil Nadu.

9.I did deal with the petitioner with an element of harshness during court proceedings. Of course, my intention was to ensure that the petitioner did not end up a martyr but as a lawyer at the end of his



academic studies. It is quite possible that the petitioner nurtures a sense of hurt. I had directed remittance of cost of Rs.10,000/- in one case in favour of Madurai Bench of Madras High Court Advocates Welfare Board Trust. I had indicated that the money was to be spent for the welfare of a law student belonging to scheduled caste. The said Trust is called upon to pay a sum of Rs.10,000/- to the petitioner. It will help him to buy some standard law texts which can be the foundation for his law library. Dr.Ambedkar said "Be Educated, Be Organised and Be Agitated". The petitioner must focus on the first advice for the next two years.

10.Charity should begin at home. As I was finalizing the draft order dictated in the open court, I looked around. I confess that the photograph of Dr.Babasaheb is not on the walls of my chambers. I resolved to make good the omission at the earliest.

11.This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

12.08.2022

Index : Yes / No
Internet : Yes/ No
skm



Issue order on 18.08.2022

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To:

1. The Vice Chancellor,
Tamilnadu Dr.Ambedkar Law University,
Poompozhil, 5, DGS Dinakaran Street, Chennai.
2. The Secretary,
(Law Department), O/o.The Secretary (Law Department),
Secretariat, Chennai.
3. The Director of Legal Studies (DLS),
O/o.The Director of Legal Studies,
198, Purasaivakkam High Road,Keelpakkam, Chennai.
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G.R.SWAMINATHAN, J.

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