

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Appeal Nos.45 and 46 of 2016
and
CMP.Nos.501 and 502 of 2016

Madras Univeristy Teachers' Association (MUTA)
(Regd.No.37/1977)
Rep. By its General Secretary
Clock Tower Building
Chepauk Campus
Chennai-600 005

...Appellant

Vs.

1.University of Madras
Rep. By its Registrar
Centenary Building
Chepauk, Chennai-600 005

2.The Vice Chancellor
University of Madras
Centenary Buildings
Chepauk, Chennai-600 005

3.The University Grants Commission
Rep. By its Secretary
Bahadur Shah Zafar Marg
New Delhi 110 002

4.Thiru.R.Surendra Prasad

...Respondents

Writ Appeal filed against the order dated 18.12.2015 in W.P.No.34516 of 2015.

For Appellant : Mr.AR.L.Sundaresan, Senior Counsel
for Ms.AL.Ganthimthi

For Respondents: Mr. R.Muthu Kumarasamy, Advocate General
Asst. by M/s.Narmadha Sampath for R1 &R2
Mr.P.R.Gopinath, for R3.
Mr.Mani Shankar, AGP for R4
Asst. by Ms.Rajnish L.Pathiyal.

JUDGMENT

(Order of the Court was made by HULUVADI G. RAMESH,J.)

Heard the learned counsel for the respective parties.

2. It appears that the nomination of the 4th respondent by the Senate to serve on the Search Committee for appointment to the post of Vice Chancellor has been questioned by the appellants herein in the Writ Petitions, who are stated to be the staff of the University, by raising several grounds.

3. One of the grounds raised is also in respect of the constitution of the committee contending that required procedure contemplated has not been followed in the selection process adopted.

4. The learned Single Judge, in paragraph No.11, has given a finding that the main issue sought to be raised on the application of the University Grants Commission Regulations, 2010, as against the provisions contained under the Madras University Act, 1923, is no longer res integra and it has already been considered in the judgment rendered in ***Kalyani Mathivanan V. K.V.Jeyaraj and Ors reported in 2015 (2) CTC 192***; in the said judgment, the Honourable Apex Court was pleased to hold that clause 7.3.0 of University Grants Commission Regulations, 2010, cannot be pressed into service when the University is under the purview of the State Legislation; as the State Government has not adopted the Regulations, there is no question of repugnancy between the Regulations of University Grants Commission on the one hand and the Enactment of the University on the other. As such, the stand of the 1st respondent that State has given liberty to the University to constitute the committee merit acceptance.

5. The learned counsel appearing for the 3rd respondent submitted that as far as the selection of Vice Chancellor should be through proper identification of a panel of 3 – 5 names by a Search Committee through a public notification or nomination or a talent search process or in combination; the members of the above Search Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the university concerned or its colleges. He further submitted that the UGC has nothing to say in the matter of nomination of the 4th respondent by the Syndicate as a member of the Search Committee for appointment to the post of Vice Chancellor and it is for the University to take a decision in the matter.

6. The learned Single Judge also extracted the counter affidavit of the 4th respondent, wherein, it was stated that the 4th respondent was nominated unopposed. It is further stated that the only bar for a member of the Search Committee is that he or she should not be a member of any of the authorities of the University.

7. It is not stated that a faculty of the 1st respondent-University cannot be considered as a member of the Search Committee

for appointment to the post of Vice Chancellor. As such the name of the 4th respondent was nominated in a special meeting of the Senate which was held on 15.10.2015 and thereafter on the special meeting held on 16.10.2015, he was nominated unopposed. Further, he is selected after considering his qualification and academic career and in any circumstances, he cannot be stated to be disqualified for the Search Committee, to select the Vice Chancellor.

8. The learned Senior counsel appearing for the appellant submitted that the grievance of the appellant is that only person of eminence should be nominated for Search Committee.

9. On a perusal of the materials on record, we find that the 4th respondent is shown to be having required qualification to hold the membership in Search Committee and we do not accept that only persons possessing National Award or State Award for their excellence could only be nominated as a member in the Search Committee. When the 4th respondent is shown to have minimum standard of qualification, it would meet the ends of justice and in such circumstances, we do not find any reason to interfere in the order of the learned Single Judge. Accordingly, the order of the Single Judge

HULUVADI G. RAMESH,J.

and

K.RAVICHANDRABAABU,J.

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dated 18.12.2015 passed in W.P.Nos.34516 and 34517 of 2015 is confirmed. The Writ Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(H.G.R., J.) (K.R.C.B., J.)

09.09.2016

Index:Yes/No
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