

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE  
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.5890 of 2016

and

W.M.P.Nos.5247 and 5248 of 2016

J.Alex @ John Alexander

... Petitioner

-Vs-

1. State of Tamil Nadu  
rep. by Secretary to Govt.,  
Higher Education (H1) Dept.,  
Secretariat, St. George Fort,  
Chennai 9.
2. The Principal Secretary to Governor,  
Raj Bhavan, Chennai 22.
3. University of Madras,  
rep. by its Registrar,  
Centenary Building,  
Chepauk, Chennai 5.
4. The Vice Chancellor  
University of Madras,  
Centenary Building,  
Chepauk, Chennai 5
5. The University Grants Commission,  
Rep. by its Secretary,  
Bahadur Shah Zafar Marg,  
New Delhi 110002
6. P.N.Veda Narayanan  
Retd. Vigilance and Dept. Commissioner  
Door No.3, I Avenue,  
Indira Nagar,  
Chennai 20.

7. Dr.R.Balasubramanian  
Director, Faculty of Science &  
Humanities, SRM University,  
SRM Nagar, Kattangulathur 603203.

8. R.Surender Prasad  
(Former Member of Syndicate  
University of Madras),  
48, First Floor, P.A.Towers,  
Kilpauk, Chennai 20.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to order of the 1<sup>st</sup> respondent in G.O. (1D) No.6, Higher Education (H-1) Department, dated 07.01.2016 and quash the same, consequently direct the respondents to reconstitute new Search Committee to recommend a panel of three members to the Chancellor for appointment of Vice Chancellor to the University of Madras.

For Petitioner : Mr.J.Alex @ John Alexander  
Party-in-person

For Respondents : Mr.T.N.Rajagopalan,  
Special Government Pleader For R-1

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

It is unfortunate to note that a student of the University is seeking to misuse the jurisdiction of this Court in Public Interest Litigation seeking to assail the composition of the Search Committee formulated for selection of the Vice Chancellor alleging that it is not in accordance with the UGC regulations. In our view, the petitioner has clearly either been set up or has deliberately concealed the issue that the learned Single Judge of this Court has examined the same very issue at the behest of the Madras University Teachers' Association in W.P.Nos.34516 and 34517 of 2015 and those petitions were dismissed on 18.12.2015. This is now another endeavour to raise the same issue again under the garb of a Public Interest Litigation.

2.We have also grave doubts as to how the petitioner can question and raise the issue as a Public Interest Litigation. We even pointed out to the petitioner appearing in person the said fact, but the petitioner persisted in raising the contentions.

3. Even on merits, we do not find any case made out by the petitioner. Respondent no.8 is a full time non-stipendiary Ph.D. Research Scholar, who is not getting any monetary benefits from respondents 3 and 4. Therefore, the contention sought to be raised that the said respondent is a student deserves to be rejected. There is no disqualification attributable to respondents 6 to 8. The only disqualification under Section 13 of the Madras University Act, 1923, is that he / she should not be a member of any of the authorities of the University. Admittedly, the private respondents are not members of any of the authorities of the University, as defined under the Madras University Act, 1923. We also note that respondent no.1 has not adopted the regulations of the UGC and therefore, what is applicable to the case on hand is the Madras University Act, 1923. The petitioner has miserably failed to point out any violation of the provisions contained under the Madras University Act, 1923.

4. We, thus, dismiss the petition with costs quantified at Rs.5,000/- (Rupees five thousand only) to be deposited with the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus, within fifteen (15) days from today. The Miscellaneous Petitions also stand dismissed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To

- सत्यमेव जयते
1. State of Tamil Nadu  
rep. by Secretary to Govt.,  
Higher Education (H1) Dept.,  
Secretariat, St. George Fort,  
Chennai 9.
  2. The Principal Secretary to Governor,  
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5. The University Grants Commission,  
Rep. by its Secretary,  
Bahadur Shah Zafar Marg,  
New Delhi 110002

6. The Secretary,  
Tamil Nadu Mediation and Conciliation Centre,  
Madras High Court Campus,  
Chennai.

+1cc to Mr.R.Vijaya Khumar, Advocate, S.R.No.11249

+2cc's to Mr.I.R.John Alexander, Advocate, S.R.No.10568

W.P.No.5890 of 2016

TEJ(CO)  
CA(29/02/2016)



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