

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.06.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

W.A.NO.1222 OF 2015
AND
M.P.NOS.1 & 2 OF 2015

The Chairman of Board of Trustees
& The Chairperson of Selection
Committee, Ethiraj College for Women
Chennai 600 008. ... Appellant/4th Respondent

- Vs -

1. Dr. K.R.S.Girija Shyamsundar
2. Dr. V.Shanthi
3. Dr. Chitraa Venkataachalam
4. Dr. M.Thilakavathy
5. The State of Tamil Nadu
rep. By the Secretary to
Government of Tamil Nadu
Dept. of Higher Education
Fort St. George, Chennai 600 009.
6. The Vice Chancellor/Registrar
Madras University
Chepauk, Chennai 600 005.
7. The Director of Collegiate Education
E.V.K.Sampath Maligai
College Road, Chennai 600 006.
8. The Principal & Secretary
Ethiraj College for Women
Chennai 600 008.
9. Dr. K.Manimegalai
10. Dr. A.Nirmala

11.The University Grants Commission (UGC)
Bahadurshah Zafar Marg
New Delhi 110 002.

... Respondents/Petitioners/
Respondents 1 to 3 & 5 to 10

Appeal filed under Clause 15 of the Letters Patent, against the order of the learned Single Judge made in W.P. No.13726 of 2014 dated 07.01.2015.

W.P. No.13726 of 2014 : This Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 09.05.2014 and quash the same as illegal and further direct the respondents 1 to 4 to conduct a fresh selection for the post of Principal, Ethiraj College in accordance with the University Grants Commission (minimum qualifications for appointment of Teachers and other Academic staff in Universities and colleges and measures for the maintenance of standards in Higher education) Regulations as amended in 2010 and 2013 and as per the Tamilnadu Private Colleges Regulations Rules, 1976.

For Appellant : Mr.Vijay Narayan, SC for Ms.S.Shalini

For Respondents : Mrs. A.Arulmozhi for RR-1 to 4
Mr. P.S.Sivashanmuga Sundaram,
Special Government Pleader
For R-5 & R-7
Mr. P.R.Gopinathan for R-11
Mr. V.Vijayashankar for R-10 &
Mr.P.R.Gopinath for R-6
RR-8 & 9 - Notice served -
No Appearance

JUDGMENT

(DELIVERED BY HULUVADI G.RAMESH, J.)

This appeal is preferred by the Management aggrieved against the order passed by the learned single Judge, whereunder the learned single Judge, while quashing the selection of the 4th respondent therein, further directed reconstitution of the Selection Committee in accordance with the UGC Regulations, 2010 and, thereafter to follow the selection procedure as contemplated in the said regulation.

2. Heard the learned senior counsel appearing for the appellant and the respective learned counsel appearing for the respondents and perused the materials available on record to which the attention of this Court was drawn.

3. In view of the nature of order which this Court intends to pass, it is not necessary to dwell much into the factual aspects of the matter but suffice to limit the discussion to the legal position. It is not in dispute that the selection of Principal made to the appellant, a Grants-in-Aid institution, was challenged by the petitioners on the ground that the selection was not made in accordance with the provisions of UGC Regulations, 2010. The selection and appointment of the Principal was made during the year 2014. Subsequently, several writ petitions were filed challenging the said selection/appointment of a junior person as Principal on the ground that the selection was made following UGC Regulations, 2000, even though the said regulations was superseded by UGC Regulations, 2010. It was the contention of the petitioners therein that though several meritorious persons senior to the person selected were there, however, their candidature was not taken into consideration. Though several representations were made, it fell in deaf ears and, therefore, left with no alternative, the petitioners challenged the said appointment before this Court.

4. In the present appeal, the main bone of contention of the learned counsel representing the UGC is that though the selection and appointment is made during the year 2014, though UGC Regulation, 2010 was in force, however, the UGC Regulation, 2000 has been followed and, therefore, the selection and appointment made following the UGC Regulations, 2000, is bad. It is further submitted that the State Government has also not taken steps to notify the said regulations to the Universities and the Colleges coming under codifying the manner in which appointment to the post of Principal to be made by the Selection Committee constituted by the Government/University.

5. Having heard the learned counsel appearing for the parties for sometime, this Court is of the view that the learned single Judge passed an order on the ground that constitution of the committee is bad and that the management of the college has constituted the committee based on UGC Regulations, 2000, but not on the basis of UGC Regulations, 2010.

6. It is trite that any directions issued by the UGC is binding on the State Government as well as on the Universities, which are subject to receipt of Grants-in-Aid. That being the case, so far as selection and appointment of Principal of Grants-in-Aid colleges is concerned, the rules and regulations framed by the UGC in the matter of constitution of committee has to be followed. In furtherance to the rules and regulations as may be made by the UGC, the State Government has to notify the same by passing appropriate orders and necessary amendment to be made in that regard so that the same is made applicable to all the State Universities and the constituent colleges regarding the constitution of committee and the manner of selection of Principal, since such of those colleges running through the

Grants-in-Aid are run either with the support of the Government or the UGC as the case may be. Therefore, the proper regulations having not been followed, the constitution of the committee and the further selection thereof cannot be sustained.

7. In such circumstances, this Court, while sets aside the selection and appointment of the Principal following UGC Regulations, 2000, however, disposes of this appeal directing the Management to consider the cases of all the persons, including the respondents herein, who fall within the zone of consideration for the post of Principal, as an adhoc arrangement, on the basis of UGC Regulations, 2010 and select and appoint the person on the basis of merit, ability and seniority as an interim measure. So far as regular appointment to the post of Principal is concerned, UGC Regulation, 2010 has to be invariably followed, which has to be adopted by the State. In this regard, the State Government shall take all the necessary steps to do the needful for framing the rules and regulations and, thereafter, the same be communicated to the Universities, which in turn should frame the guidelines for constitution of necessary Committees in consonance with the said rules and regulations. The said guidelines shall be framed as per the norms laid down by the UGC, which is formally adopted by the State Government. The State Government as also the Universities shall take all steps at the earliest in this regard so that the post of regular Principal in the colleges is filled up following the UGC Regulations, 2010. The above exercise of framing the rules and regulations as also the guidelines shall be completed by the State Government and the Universities within a reasonable time.

8. This writ appeal is disposed of with the aforesaid observations and directions. Consequently, connected miscellaneous petitions are closed. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

GLN

To

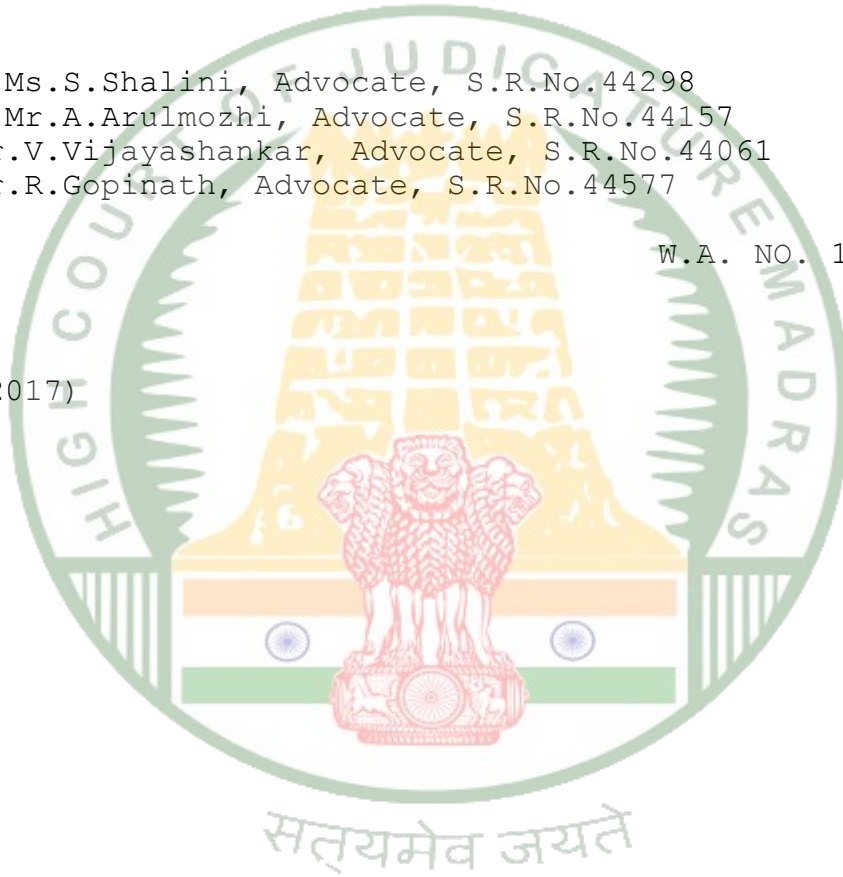
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+2cc's to Ms.S.Shalini, Advocate, S.R.No.44298
+3cc's to Mr.A.Arulmozhi, Advocate, S.R.No.44157
+1cc to Mr.V.Vijayashankar, Advocate, S.R.No.44061
+1cc to Mr.R.Gopinath, Advocate, S.R.No.44577

W.A. NO. 1222 OF 2015

RJ(CO)
CA(07/07/2017)



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