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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-04-2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10023 of 2018

Dr.P.Venkatachalam

.. Petitioner

Vs.

1.The Chancellor,
Tamil Nadu Agriculture University,
Represented by the Secretary to the Governor,
Raj Bhavan,
Guindy,
Chennai-600 025.

2.The State of Tamil Nadu represented by
The Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai-600 009.

3.The State of Tamil Nadu represented by
The Secretary to Government,
Education Department,
Fort St. George,
Chennai-600 009.

4.The Tamil Nadu Agriculture University,
Represented by its Registrar,
Coimbatore.

5.Dr.K.Ramasamy,
Vice Chancellor,
Tamil Nadu Agriculture University,
Marudhamalai Road,
Coimbatore.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to forthwith forbearing the fifth respondent from in any manner continuing as the Vice Chancellor of the Tamil Nadu Agriculture University, Coimbatore, after the completion of his age of 70 years on 30.4.2018 and refrain from granting any extension or renewal of the term of



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the third respondent as the Vice Chancellor of the TNAU.

For Petitioner	: Mr.P.Srinivas
For Respondent-2	: Mr.T.N.Rajagopalan, Government Pleader.
For Respondent-3	: Mr.C.Munusamy, Special Government Pleader.
For Respondent-4	: Mr.Abdul Saleem

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents 1 to 3 to forbear the fifth respondent from in any manner continuing as the Vice Chancellor of the Tamil Nadu Agriculture University, Coimbatore, after the completion of his age of 70 years on 30.4.2018 and refrain from granting any extension or renewal of the term of the third respondent as the Vice Chancellor of the Tamil Nadu Agriculture University, Coimbatore.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner is a former Faculty with the Tamil Nadu Agriculture University (TNAU), Coimbatore. The writ petitioner has been an Academic Council Member, TNAU, Member, Board of Studies, TNAU, Head, Bio-Energy/Agricultural Engineering, TNAU. The writ petitioner has actively participated in the Educational and Academic activities in the University. The writ petitioner holds a Directorate in the field of Bio-Energy and M.Tech (Farm Power and Machinery) from the TNAU.

3. The fifth respondent was appointed as the Vice Chancellor of the fourth respondent-University in the year 2012 for a term of three years. The fifth respondent's term was further extended for a further period of three years in the year 2015. Thus, the term of the fifth respondent will continue till 16.11.2018.

4. The writ petitioner states that the fifth respondent is crossing the age of 70 years on 30.4.2018. The date of birth of the fifth respondent is 1.5.1948 and accordingly, the fifth respondent crosses the age of 70 years on 30.4.2018.



5. The writ petitioner further states that there are certain allegations against the fifth respondent and the fifth respondent is not a fit person for further continuance as Vice Chancellor of TNAU. However, the University Grants Commission (UGC) norms fixed in this regard are to be followed by the University scrupulously.

6. The learned counsel, appearing on behalf of the writ petitioner, submits that the University Grants Commission (Institutions Deemed to be Universities) Regulations, 2010, stipulates the terms and conditions in relation to the services of the Vice Chancellors in the University. Annexure-II, paragraph 6.2, sub-clause (i) and (ii) reads as under:

"6.2 Vice-Chancellor

(i) The Vice-Chancellor shall be a whole time salaried Officer of the Institution deemed to be University and shall be appointed by the Chancellor from a panel of three names suggested by a Search-cum-Selection Committee. The composition of the Search-cum-Selection Committee shall be:-

1. A nominee of the Chancellor;
2. A nominee of the Government, who shall be an eminent Academic nominated by the Government in consultation with the UGC;
3. A nominee of the Board of Management.

(ii) The Vice-Chancellor shall hold office for term of 5 years. He shall be eligible a second term, provided that in no case shall be hold office beyond the age of 70 years.

Provided that notwithstanding the expiry of the period of 5 years, he/she may continue in office for not more than six months or till his/her successor is appointed and the later assumes office, whichever, is earlier."

7. The learned counsel, appearing on behalf of the University (TNAU), made a submission that under the Act and the Rules of the Agriculture University, no age limit is prescribed. This Court is of an opinion that the subject of "education" is in the Concurrent List of the Constitution of India and when the UGC Regulations provide certain procedures and the age limit, then all the Universities across the country are bound to follow the same. In other words, the UGC Act, namely, the Central Act and the Regulations issued by the UGC will prevail over the other Regulations formulated by the University.



8. It is pertinent to note that there is no age limit prescribed under the State Rules. In such an event, the age limit prescribed by the University Grants Commission under the Regulations are to be followed. In the event of any gap in the Rules framed by the University, the Rules in force issued by the UGC has to be followed.

9. In the present case, as per the statement made by the learned counsel, appearing on behalf of the University, no age limit is prescribed. However, the age limit has already been prescribed under the UGC Regulations (cited supra). However, this Court, at this stage, has not formed any opinion in this regard and left open the issues for the decision of the authorities concerned. The authorities concerned are bound to consider the UGC Regulations and other provisions in relation to the appointment or extension of service to the Vice Chancellors and take a decision on merits and in accordance with law.

10. In this view of the matter, the respondents 1 and 2 are directed to consider the representation submitted by the writ petitioner on 27.3.2018 and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The writ petitioner is directed to submit a copy of the representation and the UGC Regulations and other documents along with the order passed in this writ petition.

11. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-ix)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Chancellor,
Tamil Nadu Agriculture University,
Represented by the Secretary to the Governor,
Raj Bhavan,
Guindy,
Chennai-600 025.



2.The Secretary to Government,
State of Tamil Nadu,
Agriculture Department,
Fort St. George,
Chennai-600 009.

3.The Secretary to Government,
State of Tamil Nadu,
Education Department,
Fort St. George,
Chennai-600 009.

4.The Registrar,
Tamil Nadu Agriculture University,
Coimbatore.

+1cc to Mr.ABDUL SALEEM, Advocate, S.R.No.30282
+1cc to Mr.P.SRINIVAS, Advocate, S.R.No. 30155
+1cc to the Government Pleader, S.R.No. 30526

W.P.No.10023 of 2018

TR(24/04/2018)