

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2018

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No. 9580 of 2018
and WMP. No. 11498 of 2018

M. Sardarmal Chordia
Secretary
Agurchand Manmul Jain College
Meenambakkam
Chennai - 600 114.

...Petitioner

Vs.

1.University of Madras
represented by the Registrar
University of Madras
Centenary Building
Chepauk, Chennai - 600 005.

2.University Grants Commission
represented by the Secretary
University Grants Commission (UGC)
Bahadur Shah Zafar Marg
New Delhi 110 002.

...Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Declaration to declaring that the communication bearing No.A-II/MPV/UGC Regulation 2010/2018/564 dated 30.01.2018 issued by respondent no.1-University of Madras with regard to constitution of the Selection Committees for the posts of Principal and Assistant Professor would not be applicable to Agurchand Manmull Jain College, Meenambakkam, Chennai 600 114.

For Petitioner : Mr. M. Radhakrishnan
For Respondents : Mr. L.P. Shanmuga Sundaram
for R1
: Mr. P. R. Gopinathan
UGC for R2

O R D E R

The writ petition is filed to issue a writ of Declaration to declaring that the communication bearing No.A-II/MPV/UGC Regulation 2010/2018/564 dated 30.01.2018 issued by respondent

no.1-University of Madras with regard to constitution of the Selection Committees for the posts of Principal and Assistant Professor would not be applicable to Agurchand Manmull Jain College, Meenambakkam, Chennai 600 114.

2. It is stated that the College viz., Agurchand Manmull Jain College, situated in Meenambakkam was established and is being run by S.S. Jain Educational Society. It is further stated that the said College is a minority educational institution. While so, the first respondent issued a communication dated 30.01.2018 to the petitioner college with regard to the implementation of UGC Regulations, 2010 for the selection of Principal and Assistant Professor in the affiliated colleges with effect from 19.01.2018, stating that the regulations the selection of Principal and Assistant Professor in the minority college would be violative of Article 30(1) of the Constitution of India. Against which, the present Writ Petition is filed.

3. The learned counsel for the petitioner states that it is covered by Judgement of the Hon'ble Division Bench of this court, in the case of The Forum of Minority Institutions and Associations (Registration No.56 of 1992) Alwarpet Chennai, Vs. State of Tamil Nadu and others. After elaborate deliberations, the division bench of this court has held that the regulations for condition of selection committee can not be applied to the minority institutions. Though, it is stated that there can be regulations regarding qualification, experience etc., the candidates of minority institution are required to constitute the selection committee in the manner suggested by the respondents in the impugned notification.

4. In the writ petition filed with the similar prayer, the Hon'ble Division bench has allowed the writ petition granting declaration that the impugned regulation for conditions of selection committee shall not be applicable to the minority institutions. Further direction was also issued to the Principal of Selection Committee made by minority institution without reference to Clause 3 of annexure to UGC Regulations 2000, subject to the selected candidates fulfilling other qualifications, experience etc.

5. The Learned Counsel for the respondents contended that the Judgement of the Division Bench of this court is in respect of the regulations, which was in vogue in 2000 and the relief now sought for is with reference to Regulations 2010, therefore the judgment of the Hon'ble Division Bench cited by the learned counsel for the petitioner is not applicable for the present case.

6. This Court of the view that since the regulations regarding the statutory selection committee for the posts of Principal and Assistant Professor, the earlier regulations and the present regulations are identical and also it is squarely applicable to the position settled by the Hon'ble Division Bench of this Court, therefore this Court has no hesitation to allow the present writ petition. Accordingly, the Writ Petition stands allowed. No Costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ak/pds

To

1.The Registrar,
University of Madras
Centenary Building
Chepauk, Chennai - 600 005.

2.The Secretary
University Grants Commission (UGC)
Bahadur Shah Zafar Marg
New Delhi 110 002.

+1 cc to Mr.M.Radhakrishnan, Advocate Sr.No.64101
+1 cc to Mr.P.R.Gopinathan, Advocate Sr.No.64404
+1 cc to Mr.L.P.Shanmuga Sundaram, Advocate Sr.No.64492

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CSL/21.12.2018

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