

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.16019 of 2018

M.Anandakrishnan

... Petitioner

Vs

1. The Union Government of India
rep. by its Secretary,
Department of Higher Education,
MHRD, New Delhi.
2. The Government of Tamil Nadu
rep. by its Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Chennai-9.
3. University Grants Commission
rep. by its Chairman,
Bahadurshah Zafar Marg,
New Delhi 110 002.
4. Bharathiyar University
rep. by its Registrar,
Coimbatore.
5. Manonmaniam Sundaranar University
rep. by its Registrar,
Abishekapatti,
Thirunelveli-627 012.
6. Kongunadu College of Arts and Science
rep. by its Secretary, Coimbatore.
7. PSG Krishnammal College for Women
rep. by Secretary, Coimbatore.
8. Vellalar College
rep. by Secretary, Erode.

9. Pollachi College of Arts and Science
rep. by its Secretary,
Pollachi.
10. Sri Krishna Adhitya College of Arts and
Science rep. by its Secretary,
Coimbatore.
11. Kadhira College of Arts and Science
rep. by its Secretary,
Coimbatore.
12. AVP College of Arts and Science
rep. by its Secretary,
Thiruppur.
13. Gandhi College of Arts and Science
rep. by its Secretary,
Sathyamangalam, Coimbatore. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to act on the representation submitted by the petitioner on 17.04.2017 along with enclosures and take appropriate remedial measures in the interest of the co-ordination, determination and maintenance of standards in higher education as envisaged in Entry 66 List I of the 7th Schedule of the Constitution of India.

For Petitioner :: Mr.R.Subramanian
For 1st respondent :: Mr.J.Madhana Gopal Rao
For 2nd Respondent :: Mr.C.Munusamy,
Special Government Pleader

ORDER

(Order of the Court was made by M.DHANDAPANI, J.)

The petitioner filed the present Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the respondents 1 to 3 to act on the representation submitted by the petitioner on 17.04.2017 along with enclosures and take appropriate remedial measures in the interest of the co-ordination, determination and maintenance of standards in higher education as envisaged in Entry 66 List I of the 7th Schedule of the Constitution of India.

2. The Writ Petition is listed today under the caption, ''for admission''.

3. Heard the learned Counsel for the petitioner and the learned Counsel appearing for the 1st respondent and the learned Special Government Pleader appearing for the 2nd respondent.

4. A perusal of the affidavit filed in support of the Writ Petition reveals that the petitioner is a retired Professor of Chemistry. His grievance is that though the University Grants Commission has formulated rules and regulations for appointment of teachers and other academic staff etc. and Section 15 of the Tamil Nadu Private College (Regulation) Act, 1976 also stipulates the condition of appointment of qualified Teachers as mandatory, many affiliated colleges have appointed teachers without the prescribed minimum qualification. These colleges have been granted affiliation by the respondent Universities and the University Grants Commission has granted autonomous status to these colleges. Therefore, the petitioner has given a representation dated 17.4.2017 to the respondents 1 to 3 and the Chancellor of Universities, Government of Tamil Nadu, requesting them to conduct complete enquiries against the Universities and Colleges affiliated to them about the implementation of University Grants Commission Regulations 2009 and 2010 and take action against the erring officials.

5. We do not find any public interest involved in this writ petition so as to issue Mandamus as prayed for by the petitioner herein for taking appropriate remedial measures in the interest of the co-ordination, determination and maintenance of standards in higher education as envisaged in Entry 66 List I of the 7th Schedule of the Constitution of India. If at all the petitioner is aggrieved in respect of any lack of qualification in the process of appointment of academic staff, it is for the University concerned to take note of the same and to do the needful. Further, the prayer in the writ petition is entirely different from the representation sent by the petitioner in respect of the respondents in the Public Interest Litigation. Thus, we do not find any element of public interest except some irregularities expressed by the writ petitioner.

6. In view of all the above, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//
Sub Assistant Registrar

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To

1. The Secretary,
Union Government of India,
Department of Higher Education,
MHRD, New Delhi.
2. The Secretary,
Government of Tamil Nadu,
Department of Higher Education,
Government of Tamil Nadu, Chennai-9.
3. Chairman, University Grants Commission,
Bahadurshah Zafar Marg,
New Delhi 110 002.
4. Registrar, Bharathiyar University,
Coimbatore.
5. Registrar,
Manonmaniam Sundaranar University,
Abishekapatti, Thirunelveli-627 012.
6. The Secretary, Kongunadu College of Arts and Science,
Coimbatore.
7. The Secretary, PSG Krishnammal College for Women,
Coimbatore.
8. The Secretary, Vellalar College
Erode.
9. Secretary, Pollachi College of Arts and Science,
Pollachi.
10. Secretary, Sri Krishna Adhitya College of Arts and
Science, Coimbatore.
11. Secretary,
Kadhir College of Arts and Science,
Coimbatore.
12. Secretary,
AVP College of Arts and Science,
Thiruppur.

13.Secretary,
Gandhi College of Arts and Science,
Sathyamangalam, Coimbatore.

+1cc to Mr.R.Subramanian, Advocate, S.R.No.42503

+1cc to the Government Pleader, S.R.No.42722

W.P.No.16019/2018

SPD (CO)
GSP (18/07/2018)



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