

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No. 12478 of 2019
and
W.M.P.No. 12752 of 2019

Association of Self Financing Arts, Science and
Management Colleges of Tamil Nadu,
No.86, West Club Road, Race Course,
Coimbatore - 641018
Rep. By its Secretary,
T.Sethupati ... Petitioner

Versus

1. The Registrar,
Bharathiarathiar University,
Coimbatore - 641046.
2. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George,
Chennai - 600009. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, to direct the Respondents to provide adequate representation in the Syndicate of the Respondent University in proportionate to the number of Colleges affiliated to Respondent University including Representation for Secretaries of the Self Financing Colleges affiliated to the Respondent University large in number by reconstituting the composition of the Syndicate of the Respondent University as provided under Section 24 of the Bharathiarathiar University Act, 1981 (Tamil Nadu 1/1982), based on the representation submitted by the Petitioner Association dated 26.12.2018, within a time frame to be fixed by this Hon'ble Court.

For Petitioner	: Mr.G.Sankaran
For Respondents	: Mr.L.P.Shanmuga Sundaram for R1 Mr.S.Suresh Kumar Government Advocate for R2

O R D E R

The Petitioner Association consisting of management of Self-Financed Colleges, affiliated to Bharathiar University, has sought for amendment to the Bharathiar University Act, 1981 so as to reconstitute the composition of the Syndicate, taking note of the number of Institutions being affiliated to the University (since it is inception).

2. According to the petitioner, when the Bharathiar University was established in the year 1981, there were only 22 Colleges and 10 Departments in it. Therefore, the ratio of representation between the University and affiliated colleges distributed based on the existing number of University and affiliated colleges. The composition of Syndicate as specified under Section 24 of the Bharathiar University Act, 1981 (Tamil Nadu 1/1982) was determined but after a lapse of nearly 35 years. Presently, there are 39 departments and 122 colleges, out of which 89 self-financed colleges are affiliated to the respondent-University. But the composition of Syndicate does not adequately represented by colleges affiliated. Hence, the said Section requires amendment. Therefore, to ensure adequate representation from the affiliated colleges, a memorandum was submitted by the Petitioner Association to the respondent on 20.07.2017 and the same was reiterated by a representation dated 26.12.2018 and the same has not yet been considered. Therefore, the present writ petition is filed seeking for Mandamus, directing the respondent to provide adequate representation in the Syndicate by amending the composition of Syndicate mentioned in Section 24 of the said Act.

3. The learned Standing Counsel for the Bharathiar University would submit that any amendment to the University Act has to be approved by the Governor and only then the amendment can be carried out. This Court has no doubt about the procedure for amending the statute. However, the respondent ought to have considered the representation given by the petitioner and placed it before the Syndicate for consideration. Though, more than a year has lapsed, the representation of the Petitioner Association has not been placed before Syndicate for consideration by the first respondent so far.

4. Learned Counsel appearing for the respondent submitted that there is an adequate representation for the self-financed colleges affiliated to the University and forced the following statutory provision :-

As per the Bharathiar University Act &
Statutes CHAPTER - XIV - Class II - Other Members
(3) States that "One University Professor for every

ten Heads of Departments of Study and Research, Schools of Excellence or Centres of Advanced Studies or part thereof, to be nominated by rotation among such departments, schools and centres by the Chancellor on the recommendation of the Vice-Chancellor" and

As per Act Section 24(b) class II - Other members (6) "one University Associate Professor to be nominated by the Vice-Chancellor by rotation according to seniority."

As per Act Section 24(b) class - II - Other members (7) One University Assistant Professor to be nominated by the Vice-Chancellor by rotation according to seniority.

As per the Bharathiar University Act, 1981 Chapter IV - Section 24 - The Syndicate (b) - Class - II - Other Members read as follows:-

(1) Two members elected by Principals of Affiliated colleges from among themselves in accordance with the system of proportional representation by means of the single transferable vote:

(2) Two members elected by teachers of affiliated colleges, other than Principals, from among themselves who are members of the Senate in accordance with the system of proportional representation by means of the single transferable vote.

As per Act Section 24(b) class - II - Other members (4) one member not falling under any of the above three categories elected by Senate from among its members.

5. According to the learned Government Advocate appearing for the second respondent, as per the above provisions, there are 4 Syndicate members representing the affiliated colleges, 2 self-financed colleges are representing as per the existing provision. Beside, one member from other members category is also from the affiliated colleges and therefore, Syndicate is adequately represented by the members of self-financed colleges.

6. The increase or decrease of the composition of Syndicate is policy of the concerned University but however, in all fairness, Syndicate must be miniature of all stake holders. When the number of self-financed affiliated colleges has increased, the representation must also be proportionate. The Registrar or Vice-Chancellor, on his own, cannot take a decision when the representation is made by the Petitioner Association.

The representation to change the composition of the Syndicate ought to be placed before the Syndicate for discussion. Since the matter has not been placed before the Syndicate so far, it is suffice to direct the first respondent herein to place the representation of the Petitioner Association before the Syndicate and Senate, consider the same and take decision on it.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
Bharathiarathiar University,
Coimbatore - 641046.
2. The State of Tamil Nadu,
The Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George,
Chennai - 600009.

+lcc to Mr.G.Sankaran, Advocate, S.R.No.55005

+lcc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No. 54791

+lcc to the Government Pleader, S.R.No. 54870

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W.P.No. 12478 of 2019

GP(CO)

GN(25/07/2019)

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