



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.17108 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

WEB COPY

K.Agniputhiran

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
Represented by its Secretary,
Higher Education, Fort. St. George,
Chennai-09.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai.

3.The Director of Collegiate Education,
D.P.I. Compound, College Road,
Chennai.

4.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

5.The Secretary,
Arulmigu Palaniandavar College Arts & Culture,
Palani-624 601, Dindigul District.

6.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai-625 021.

7.K.Anbu Selvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order in Se.Mu.Na.Ka.No.236/Mu.Ni./Ka/2014, dated 26.08.2015 on the file of the fifth respondent and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For R1 to R4 : Mr.K.Mu.Muthu,

Additional Government Pleader.

For R5 and R7 : Mr.K.Govinda Rajan

For R6 : No Appearance

**ORDER**

The relief sought for in the present Writ Petition is to quash the order of appointment of the 7th respondent as Principal of the 5th respondent college.

2.The learned counsel appearing on behalf of the writ petitioner mainly contended that the qualification and the procedures contemplated under UGC regulations for appointment to the post of Principal of a College had not been followed and the 7th respondent, who was not qualified for appointment to the post of Principal, was appointed as extraneous consideration. Thus, the writ petitioner is constrained to challenge the appointment order of the 7th respondent in the present Writ Petition.

3.However, the learned counsel appearing on behalf of the respondents 5 and 7 brought to the notice of this Court that the 7th respondent also attained the age of superannuation on 30.06.2018 and retired from service. This apart, the writ petitioner also attained the age of superannuation and retired from service.

4.However, the learned counsel appearing on behalf of the writ petitioner contended that the practice of appointing the Principal in an illegal manner is continuing in many colleges. Thus, he solicited this Court with reference to the regulations issued by UGC for appointment to the post of Principal in a College.

5.In this regard, it is relevant to extract the UGC regulations for appointment to the post of College Principal as extracted below:-

"5.1.6 College Principal

(a) The Selection Committee for the post of College Principal shall have the following composition:

1.Chairperson of the Governing Body as Chairperson.

2.Two members of the Governing Body of the college to be nominated by the Chairperson of whom one shall be an expert in academic administration.

3.One nominee of the Vice Chancellor who shall be a Higher Education expert. In case of Colleges notified/declared as minority educational institutions. One nominee of the Chairperson of the College from out of a panel of five names, preferably from minority communities, recommended by the Vice-Chancellor of the affiliating university of whom one should be a subject expert.

4.Three experts consisting of the Principal of a college, a Professor and an accomplished educationist not below the rank of a Professor (to be nominated by the Governing Body of the college) out of a panel of six experts approved by the relevant statutory body of the



university concerned.

5. An academician representing SC /ST/ OBC/Minority/Women/Differntly-abled categories, if any of candidates representating these categories is the applicant, to be nominated by the Vice Chancellor, if any of the above members of the selection committee do not belong to that category.

(b) At least five members, including two experts, should constitute the quorum.

(c) All the selection procedures of the selection committee shall be completed on the day of the selection committee meeting itself, wherein, minutes are recorded along with the scoring proforma and recommendation made on the basis of merit with the list of selected and wait listed candidates / panel of names in order to merit, duly signed by all members of the selection committee.

(d) The term of appointment of the college principal shall be FIVE years with eligibility for reappointment for one more term only after a similar selection committee process."

6. In respect of appointment of a college Principal, all the colleges across the State must follow UGC regulations and the respective universities should also duty bound to verify all such appointments and in the event of any violation, all suitable actions are to be initiated under the provisions of the UGC regulations and other statutes in force.

7. In this regard, the State act is also available namely, Tamil Nadu Private Colleges Regulation as well as Act, 1976. In the event of any violation of the UGC Regulations, all suitable actions are to be initiated by the university as well as the Government of Tamil Nadu and accordingly, qualified and more suitable persons are appointed as college Principal with reference to UGC regulations. Strict adherence of UGC Regulations are mandatory and the authorities competent must supervise the actions of the College management in this regard.

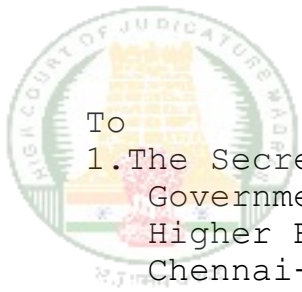
8. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

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Dindigul District.

6.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai 625 021

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-79078[F] dated
01/08/2019)

+1 CC to M/s.SPL GP (SR-79271[F] dated 01/08/2019)

W.P. (MD) No.17108 of 2015
31.07.2019

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