

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.1423 of 2020

Association of Self Financing Arts, Science and
Management Colleges of Tamil Nadu,
No.86, West Club Road, Race Course,
Coimbatore - 641 018
Rep. by its Secretary,
T. Sethupati

... Petitioner

Vs.

1.The Registrar,
Bharathiar University,
Coimbatore - 641 046.

2.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents to pass orders for grant of approval for the post of Professor in Self Financing Collges affiliated to first respondent University, by considering the need of post as per University Grants Commission Regulations and for other legal requirements and in the interest of students community, by considering the representations submitted by the petitioner Association dated 14.08.2019 and 27.09.2019, within a time fame fixed by this court.

For Petitioner : Mr. G. Sankaran

For Respondents: Mr. L.P. Shanmugasundaram, for R1
Special Government Pleader
Mr. Akhil Akbar Ali, for R2
Government Advocate

O R D E R

This writ petition has been filed seeking for the issue of writ of mandamus directing the respondents to consider the

representation made by the petitioner Association on 14.08.2019 and to pass orders for grant of approval for the post of Professor in Self Financing Colleges affiliated to the first respondent University.

2. This writ petition has been filed by the Association seeking for the approval to the post of Professor in Self Financing College. According to the petitioner Association, private Self Financing Colleges affiliated to the first respondent/University will have to comply with the norms and regulations under the UGC. However, the Self Financing Colleges are not receiving any grant from the UGC and they are running with their own funds. According to the petitioner Association, it is the college committee which is competent to appoint Teachers and other persons in private college and fix the pay and allowance and to define their duties and conditions of services. This college committee comprise of all members including the University representative.

3. The grievance of the petitioner is that for Self Financing College, the first respondent University has approved only the post of Assistant Professor and there was no sanction given for the post of Associate Professor or Professor by the University.

4. According to the petitioner, the UGC regulations prescribe faculty for each department which includes the post of Associate Professor and Professor. Therefore, the petitioner Association wants the Self Financing College to be permitted to fill the post of Associate Professor and Professor also and seeking for permission from the first respondent University, a representation was given in this regard and since the same was not considered, the present writ petition has been filed before this Court.

5. Heard, Mr. G. Sankaran, learned counsel for the petitioner, Mr. L.P. Shanmugasundaram, learned Special Government Pleader for R1 and Mr. Akhil Akbar Ali, learned Government Advocate for R2.

6. Taking into consideration of the facts and circumstances of the case and the limited relief that has been sought for, there shall be a direction to the first respondent to consider the representations made by the petitioner Association on 14.08.2019 and 27.09.2019 and pass appropriate orders strictly in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner Association is directed to make a fresh representation to the respondents along with a copy of the representations dated 14.08.2019 and 27.09.2019 and a copy of this order.

7. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

AT

To

1.The Registrar,
Bharathiar University,
Coimbatore - 641 046.

2.The Principal Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

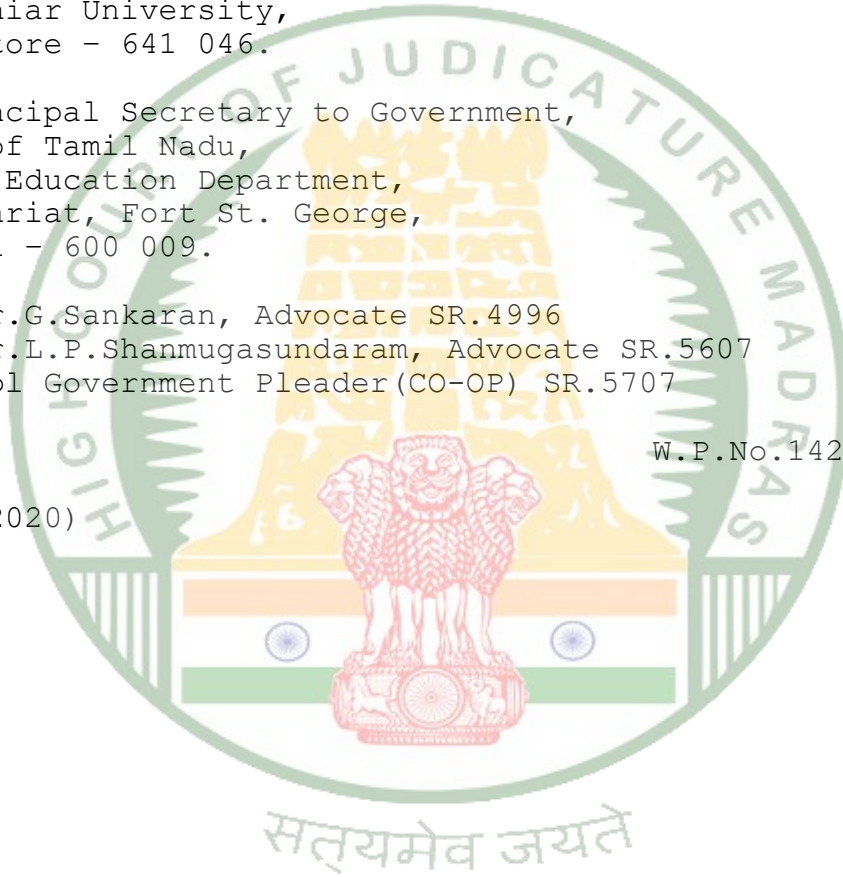
+1cc to Mr.G.Sankaran, Advocate SR.4996

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.5607

+1cc to Spl Government Pleader (CO-OP) SR.5707

W.P.No.1423 of 2020

RR(CO)
CB(20/02/2020)



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