

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15963 of 2018
and WMP.No.18981 of 2018

V.Shanmugham,
S/o.Veeramalai.

... Petitioner

Vs.

1. The Government of Tamilnadu,
rep. by its Secretary,
Personnel and Administrative Reforms(s)
Department,
Fort St.George,
Chennai 600 009.
- 2.The Head of the Department,
Department of Vaishnavism,
University of Madras,
Chepauk, Chennai 600 005.
- 3.The Registrar,
University of Madras,
Chepauk, Chennai 600 005.
- 4.The Secretary,
University Grants Commission (UGC),
Bahadur Shah Zafar Marg,
New Delhi-110 002.

... Respondents.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, calling for the records of the Registrar, University of Madras, Chennai-600 005 the 3rd respondent herein culminating in No.D2/Circular/2018/3166 dated 29.01.2018 and quash the same in so far as restricting the M.Phil., Vaishnavism seat to (one) and increase the seat in M.Phil., Vaishnavism in the 2nd respondent department to accommodate the members of Scheduled Case.

For Petitioner : Mr.K.Balakrishnan
For R1 : Mr.K.Parameshwar,
Government Advocate.

For RR2 & 3 : Mr.Mani Sundar Gopal
For R4 : Mr.P.R.Gopinathan

O R D E R

This writ petition has been filed challenging the circular issued by the University of Madras dated 29.01.2018 and for consequential direction to accommodate the petitioner in the M.Phil., Vaishnavism course.

2.The case of the petitioner is that he completed M.A.,Vaishnavism in the year 2018 and the petitioner wanted to pursue further, by joining M.Phil., Vaishnavism. The petitioner applied for the said course and he did not get the seat. Aggrieved by the same, the present writ petition has been filed before this Court.

3.The learned counsel for the petitioner submitted that there are more than 250 candidates who have completed M.A., Vaishnavism and are waiting to join M.Phil Course, whereas the respondent University has only one Assistant Professor who can guide only one M.Phil student as per the UGC regulations. The learned counsel submitted that a detailed representation has been submitted both to the University Grants Commission (UGC) as well as the Madras University to increase the strength of the professors so that there can be an increased intake of the candidates who wants to pursue M.Phil., course in Vaishnavism.

4.The learned counsel appearing on behalf of the University of Madras submitted that the University of Madras is strictly following the UGC regulations. For the present there are only three sanctioned posts, one is the post of a Professor, who can guide three M.Phil., students, the second is a post of Associate Professor, who can guide only one M.Phil., students and the third is the post of Assistant Professor, who can guide only one M.Phil., student. The learned counsel further submitted that the post of Professor and Associate professor have not been filled up by the University.

5.The learned counsel further submitted that the University cannot accommodate M.Phil students beyond what has been stipulated under the UGC regulations. Therefore, the circular issued by the University of Madras is in line with the UGC regulations and it is perfectly in accordance with law and there are no grounds to interfere with the same.

6.The learned counsel appearing on behalf of the UGC submitted that the UGC has already formulated the regulations in the year 2016 and it is for the University of Madras to follow these regulations. The learned counsel further submitted that the University of Madras is an autonomous body, which has to

take an independent decision with regard to filling up of the posts and the intake of students.

7.This Court has carefully considered the submissions made on either side and the materials available on record.

8.There is no dispute with regard to the fact that the UGC has already issued regulations in the year 2016 and the impugned circular dated 29.01.2018 is in line with the UGC regulations. Therefore, there is no ground to interfere with the circular of the University of Madras. Even though there are three sanctioned posts, as on today, the post of Professor and Associate Professor remains vacant and it is yet to be filled up. The only post that has been filled up by the University of Madras is that of the Assistant Professor, who under the UGC regulations can guide only one M.Phil., student.

9.The selection of the student will obviously be only on merits since only one student is going to be selected for undergoing the M.Phil., course. Therefore, the University of Madras cannot be found fault with for taking only one student towards M.Phil., Vaishnavism course. As and when the other two posts are filled up, the requisite number of students as per the UGC regulations will be accommodated.

10.The learned counsel for the petitioner submitted that a representation has been given to the UGC and also University of Madras as early as in the year 2018 to increase the number of posts since there are several students who are interested in joining M.Phil., Vaishnavism course. The learned counsel submitted that this representation can be considered by the UGC. The learned counsel submitted that a copy of the representation was also marked to the Registrar of University of Madras. This representation can be considered and the number of posts can be increased in order to accommodate more students who want to pursue with M.Phil., Vaishnavism Course.

11.The number of posts that has to be sanctioned is a decision that has to be independently taken by the University of Madras and it will depend upon various factors and this court cannot issue any positive directions to the University of Madras in this regard. Infact the petitioner may also not have a legal right to insist for the increase in the number of sanctioned posts in order to increase the intake of the students who want to pursue M.Phil., Vaishnavism course. It is an administrative decision which squarely falls within the realm of University of Madras and this Court cannot issue any directions in this regard.

12.In view of the above discussions, this Court does not find any grounds to interfere in the impugned circular issued by the University of Madras or issue any postivie directions to the University of Madras and accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rmmr

To

- 1.The Secretary,
Government of Tamilnadu,
Personnel and Administrative Reforms(s) Department,
Fort St.George, Chennai 600 009.
- 2.The Head of the Department,
Department of Vaishnavism,
University of Madras, Chepauk, Chennai 600 005.
- 3.The Registrar,
University of Madras,
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- 4.The Secretary,
University Grants Commission (UGC),
Bahadur Shah Zafar Marg,
New Delhi-110 002.
- 5.The Government Pleader,
High Court, Madras.

W.P.No.15963 of 2018

VGII (CO)
SP(04/08/2020)