

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESEVED ON: 24.06.2021

DELIVERED ON: 30.06.2021

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NOS.9631, 9636 AND 5545 OF 2021

AND

WMP.NOS.6182, 10210 AND 10214 OF 2021

Muthayammal Engineering College,
Represented by its Administrative Officer,
Rasipuram 637 408.
Namakkal District. ... Petitioner in All W.Ps.

vs.

1. University Grants Commission,
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi-110 02.

.. Respondents No.1 in W.P.No.9631/2021
Respondent No.2 in W.P.No.9636/2021
Respondent No.3 in W.P.No.5545 of 2021

2. Anna University,
Represented by its Registrar,
Chennai-600 025.

.. Respondent No.2 in W.P.No.9631/2021
Respondent No.1 in W.P.No.9636/2021
and W.P.No.5545 of 2021

3. Centre for Academic Courses,
Represented by its Director,
Anna University,
Chennai-600 025.

... Respondent No.2 in W.P.No.5545 of 2021

Prayer in W.P.No.9631 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent ending with the order of the 1st respondent in Letter No.F.2-76(31)2015(AC) dated 10.03.2021 on the file of the 1st respondent and quash the same

and direct the respondents to consider the case of the petitioner for continuation of autonomous status and grant continuation of Autonomous Status to the petitioner College on the basis of University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018 and in particular proviso to Regulation 6.3, and in line with the order of this Court in W.P.No.29486 of 2019 and confirmed in W.A.No.51/2020, Review Application No.46/2020 and affirmed by the Supreme Court in S.L.P.(C) No.8324-8325/2020.

Prayer in W.P.No.9636 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Letter No.881/AU/CAC/Autonomous/2021 dated 01.04.2021 and quash the same and direct the respondents to consider the case of the petitioner for continuation of autonomous status and grant continuation of Autonomous Status to the petitioner College on the basis of University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018 and in particular proviso to Regular 6.3, and in line with the order of this Court in W.P.No.29486 of 2019 and confirmed in W.A.No.51/2020, Review Application No.46/2020 and affirmed by the Supreme Court in S.L.P.(C) No.8324-8325/2020.

Prayer in W.P.No.5545 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent ending with the letter no.3492A/AU/CAC/Autonomous / 2021, dated 19.02.2021 and quash the same and consequently, direct the 3rd respondent to pass orders to continue the petitioner college as an Autonomous Institution as per the proviso to Regulation 6.3. r/w. Regulation 7.10 of UGC (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standars in Autonomous Colleges) Regulations 2018.

For Petitioner : Mr.Masilamani, Senior Counsel
(in all WPs) for M/s.Muthumani Doraisami
For Respondents : Mr.M.Vijayakumar, Standing Counsel
(in all WPs) for Anna University
Mr.B.Rabu Manohar for UGC

C O M M O N O R D E R

Challenge in W.P.No.9631 of 2021 is to the order of the first respondent / University Grants Commission [UGC] dated 10.03.2021, in and which the first respondent/UGC has given direction to the second respondent/Anna University to revoke the autonomous status of the petitioner College from the academic year 2021-2022 and also for a direction to the respondents to consider the case of the petitioner for continuation of autonomous status and grant continuation of Autonomous Status to the petitioner College on the basis of University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018 and in particular proviso to Regular 6.3, and in line with the order of this Court in W.P.No.29486 of 2019 and confirmed in W.A.No.51/2020, Review Application No.46/2020 and affirmed by the Supreme Court in S.L.P.(C) No.8324-8325/2020. In compliance of the order of the first respondent/UGC dated 10.03.2021, the second respondent/University has passed the consequential order dated 01.04.2021 revoking the autonomous status of the petitioner college, which is the subject matter of challenge in W.P.No.9636 of 2021. W.P.No.5545 of 2021 has been filed challenging the proposal submitted by the second respondent/University to the first respondent/UGC dated 19.02.2021, rejecting to forward the application of the petitioner institution for accord of Extension of Autonomous Status.

2. Since the issue involved in these writ petitions are interlinked and pertains to the same petitioner institution, all these writ petitions are disposed of by this common order.

3. The facts leading to the filing of these writ petitions, briefly narrated, are as follows:

3.1. The petitioner institution was established by the Muthayammal Educational Trust and Research Foundation from the academic year 2000-01 in Namakkal District after getting necessary approval / affiliation from All India Council for Technical Education and Anna University and at present, 3021 students are studying in the petitioner institution. The University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018 [in short "UGC Regulations, 2018"] was notified in the year 2018 and Regulation 7 of the said Regulation provides procedures for submission of extension application and for continuation of autonomous status.

3.2. On 29.12.2020, the petitioner college submitted an application to the first respondent / UGC for extension of autonomous status with supporting documents. Simultaneously, the petitioner has also submitted application for extension of autonomous status to the second respondent / University for extension of autonomous status along with necessary documents. In terms of Regulation 7.3. of the UGC Regulations, 2018, the second respondent had sent a speaking order in Letter No.3492/AU/CAC/Autonomous/2021 dated 19.01.2021 informing that forwarding of the the petitioner's application for extension of autonomous status stands rejected alleging deficiency on the ground that average students enrollment for the last three years is less than the mandatory requirement of 60%.

3.3. Subsequently, the petitioner submitted a detailed representation dated 21.01.2021 to the second respondent University by enclosing documentary proof to establish that the petitioner institution has average of 61.12% of enrolment of students for the last three academic years. However, the second respondent University did not sent any reply to the petitioner and therefore, the petitioner sent a requisition directly to the first respondent / UGC on 30.01.2021 by enclosing all the necessary documents.

3.4. While that being so, the second respondent / University sent a communication/proposal dated 19.02.2021 to the first respondent/UGC recommending not to grant extension of autonomous status on two grounds viz. (1) The petitioner institution had failed to obtain accreditation by NAAC with A Grade / NBA; and (ii) Average pass percentage of students for the last three years is only 52.27% instead of 70% as prescribed in Anna University Guidelines 2018. The said order of the second respondent is the subject matter of challenge in W.P.No.5545 of 2021.

3.5. Based on the communication / proposal of the second respondent / University, the first respondent/UGC has passed an order dated 10.03.2021 addressed to the Vice Chancellor, Anna University to revoke the autonomous status of the petitioner College from 2021-2022, which is not in consonance with the UGC Regulations, 2018. Challenging the same, the petitioner has filed W.P.No.9631 of 2021.

3.6. The petitioner also submitted a representation to the first respondent / UGC on 19.03.2021, for which the petitioner received a letter dated 28.03.2021 from UGC requesting to furnish certain information / documents. While the matter is pending before the UGC, the second respondent passed the

consequential order dated 01.04.2021 revoking the autonomous status of the petitioner college from the academic year 2021-2022. Challenging the same, the petitioner has filed W.P.No.9636 of 2021.

4. Mr.G.Masilamani, learned Senior Counsel for Mr.Muthumani Doraisami, learned counsel appearing for the petitioner made the following submissions / contentions:

(i) The second respondent/University had failed to give opportunity to the petitioner to submit their explanation before issuing the communication dated 19.01.2021 rejecting to forward the application of the petitioner institution, seeking extension of autonomous status and therefore, they have violated the principles of natural justice.

(ii) The requirement of accreditation by NAAC with "A" grade is a new requirement introduced in the 2018 Regulations.

(iii) Proviso to Regulation 6.3. of the UGC regulation granted 5 years time from 2018 i.e., till 2023 to the existing institution for acquiring the new criteria and the petitioner college is entitled to continue as an autonomous college for the period of 5 years till 2023 and therefore, the communication / proposal of the second respondent/University dated 19.02.2021 is contrary/inconsistent to the proviso to Regulation 6.3 of the UGC Regulations, 2018.

(iv) As regards the second ground mentioned in the communication / proposal of the second respondent/University dated 19.02.2021 viz., the average pass percentage of students for the last three years is 52.27% is concerned, under similar circumstances in the case of Mahendran Institute of Technology, Namakkal v. Anna University and another, this Court, vide order dated 26.11.2019 made in W.P.No.29486 of 2019 has observed that an institution could be granted autonomous status even if the pass percentage in the previous three years was less than 70% as stipulated in Anna University Guidelines. The said decision was also confirmed by a Division Bench of this Court in W.A.No.51 of 2020 dated 14.02.2020 and Review Application No.46 of 2020 dated 17.06.2020 and also affirmed by the Hon'ble Apex Court in Special Leave to Appeal (C) Nos.8324-8325/2020 dated 14.07.2020 and also followed by a learned Single Judge of this Court in W.P.No.7377 of 2021 dated 7.05.2021 in the case of Annapoorna Engineering College v. Anna University and another.

(v) The first respondent /UGC, vide impugned order dated 10.03.2021 has abdicated its powers and requested the second

respondent University to revoke the autonomous status of the petitioner College from 2021-2022 which is not in consonance with the UGC Regulations, 2018. The power to grant or refuse autonomous status to a college is vested with UGC under the Statute and Regulations and hence, UGC cannot delegate its powers to Anna University and therefore, the impugned order of the first respondent/UGC dated 10.03.2021 and the consequential order of the second respondent/University dated 01.04.2021 are liable to be set aside.

(vi) When the communication/proposal of the second respondent dated 19.02.2021 has been challenged before this Court in W.P.No.5545/2021, in which the first respondent/UGC is also a party and when the matter is sub-judice, it is unfair on the part of UGC to pass the impugned order dated 10.03.2021.

(vii) The power of the Director of Anna University for framing the guidelines was also questioned by the learned Senior Counsel and in this context, he has relied upon the provisions of the Anna University Act.

5. Mr.Vijayakumar, learned Standing Counsel appearing for the second respondent/Anna University submitted that the impugned communication / proposal forwarded by the University dated 19.02.2021 is in consonance with Regulation 7.3 of the UGC Regulations, 2018 and therefore, based on the communication of the University, UGC has taken final decision and therefore, the decision taken by the respondents is perfectly in order. He would further submit that as per Regulation 7(3), the college shall submit the proposal to the affiliating University, which may forward the same to the UGC within 30 days of the receipt of the proposal. It is further stated in Regulation 7(3) that in case the proposal is rejected by the University, the decision shall be communicated to the college and UGC through a speaking order. By relying upon the said Regulation, learned Standing Counsel for the second respondent/University would contend that as per the said Regulation, the application of the petitioner have been considered and rejected, vide order dated 19.02.2021 and as per the requirements under the Regulations, the said rejection order also had been communicated to the Secretary UGC, that means the requirement under Clause 7(3) of the Regulations has been complied with by the University. The learned Standing Counsel for the University would further contend that based on the proposal submitted by the University, UGC has passed final orders dated 10.03.2021 and the same was communicated to the University for revocation of the autonomous status of the petitioner College and the second respondent/University has revoked the autonomous status of the petitioner College, vide order dated 01.04.2021 and therefore, the aforesaid decision has become final. The learned Standing Counsel for the second

respondent/University further emphasized that the order of the first respondent/UGC and the consequential order of the second respondent/University are perfectly valid in accordance with law and does not warrant interference.

6. For the sake of better clarification, this Court also required the presence of the Director of Anna University and therefore, Dr.S.Hosimin Thilagar, Director of Anna University appeared before this Court through Video Conferencing and based on the counter affidavit filed by Anna University, the Registrar has admitted that under Regulation 7.3. of the UGC Regulations, 2018, the UGC is the competent authority to pass orders for rejecting or granting extension of autonomous status to the College.

7. Mr.Rabu Manohar, learned Standing Counsel appearing for the first respondent/UGC fairly submitted before this Court that if this Court ultimately comes to the conclusion that the impugned order passed by the UGC is not a speaking/reasoned order and also not in consonance with the Division Bench decision of this Court in W.A.No.51/2020, this Court may remand the matter to the the first respondent/UGC and they will reconsider the issue afresh and pass appropriate orders.

8. This Court has considered the rival submissions and also perused the entire materials available on record.

9. A perusal of the materials would disclose that in terms of Regulation 7.3. of the UGC Regulations 2018, the second respondent/University has sent a communication to the first respondent/UGC dated 19.01.2021, by way of speaking order, informing that forwarding of application of the petitioner institution for accord of Extension of Autonomous Status stands rejected on the ground that the average of enrolment for the last 3 years is less than the mandatory requirement of 60%. It is the contention of the petitioner that the said communication dated 19.01.2021 was sent to the petitioner and the petitioner institution has also submitted a detailed representation dated 21.01.2021 to the second respondent University with necessary documents to prove that they have an average of 61.12% of enrolment of students for the last three academic years and in pursuant to the aforesaid representation, the second respondent/University has accepted the said explanation, but the rejection order dated 19.02.2021 was communicated to the first respondent/UGC on the following two grounds:

- (1)The petitioner institution had failed to obtain accreditation by NAAC with A Grade / NBA; and

- (2) Average pass percentage of students for the last three years is only 52.27% instead of 70% as prescribed in Anna University Guidelines 2018.

The said order of the second respondent/University dated 19.02.2021 is the subject matter of challenge in W.P.No.5545 of 2021. Based on the proposal sent by the second respondent/University dated 19.02.2021, the impugned order dated 10.03.2021 was passed by the first respondent/UGC informing the University that they may revoke the autonomous status of the petitioner college and the second respondent/University also passed the consequential order dated 01.04.2021, which are the subject matter of challenge in W.P.Nos.9631 and 9636 of 2021 respectively.

10. It is relevant to extract Regulation 7 of the UGC Regulations, 2018:

"7. CONFERMENT/EXTENSION OF AUTONOMOUS STATUS

7.1 A College intending to become autonomous shall make an application in the format specified by the Commission any time during the year.

7.2 The college shall forward an advance copy of the proposal to University Grants Commission indicating the date of receipt of the proposal by the parent university for the record of the UGC.

7.3. The College shall submit the proposal to the Parent/Affiliating University which may forward the same to UGC within 30 days of the receipt of proposal. In case the proposal is rejected by the University, the decision shall be communicated to the college and University Grants Commission through a "Speaking Order".

7.4 If the University and State Govt. fail to provide the nominees for the UGC Expert Committee, the UGC may proceed with the on-spot visit and take decision on the proposal of the College.

7.5 If the College is found eligible as per the guidelines, the Commission shall examine the proposal for conferment/extension of autonomous status with an onsite visit by an Expert Committee constituted by the Chairman of the Commission consisting of three expert members (preferably at the level of Professor/Principal of an autonomous college) out of which one shall be the Chairperson, nominees from the Parent/Affiliating University and the State Government. A UGC official may be nominated to coordinate the visit.

7.6. The decision for conferment /extension of autonomous status shall be taken by the Standing Committee (comprising of three Commission members) on autonomous colleges after due consideration of the recommendations of the Expert Committee. The approval letters may be issued on the basis of the decision of the standing committee. The decisions may be ratified by the Commission subsequently.

7.7 If the proposal of a College for the conferment of autonomous status is rejected for any reason whatsoever, the college shall be eligible to reapply, but not before one year from the date of rejection of its earlier proposal.

7.8 The autonomous College shall apply in the prescribed format to University Grants Commission for extension of autonomous status six months prior to expiry of the autonomy cycle.

7.9 In case of expiry of accreditation cycle, the College seeking extension of autonomous status must submit a proof of having applied for accreditation by NAAC/NBA to be eligible for extension.

7.10 Till the extension of autonomous status is awarded by the UGC, the College shall continue to avail the autonomous status. The UGC shall also consider the interim period while granting extension of autonomous status to the College.

7.11 If an Autonomous College wishes to surrender the autonomous status, it shall follow due process of forwarding the resolution by the Governing Body through the University concerned to UGC for consideration. However, such withdrawal shall take effect only after the last batch of students then enrolled under autonomy passes out."

As per Regulation 7.3. it is clear that University shall only forward the application of the institution for extension of autonomous status to the UGC, who is the competent authority to take final decision.

11. In the case of Mahendran Institute of Technology, Namakkal v. Anna University and another, this Court, vide order dated 26.11.2019 made in W.P.No.29486 of 2019 has observed that an institution could be granted autonomous status even if the pass percentage in the previous three years was less than 70% as stipulated in Anna University Guidelines. The said decision was also confirmed by a Division Bench of this Court in

W.A.No.51 of 2020 dated 14.02.2020 and Review Application No.46 of 2020 dated 17.06.2020 and also affirmed by the Hon'ble Apex Court in Special Leave to Appeal (C) Nos.8324-8325/2020 dated 14.07.2020. It is useful to extract the following observations made by the Division Bench of this Court in W.A.No.51 of 2020 as under:

"14. In the said background, we are of the opinion that the 2018 Regulations framed by the University Grants Commission in exercise of the powers conferred under Section 12(f), (g), (j) read with Section 26(1) of the University Grants Commission Act, 1956 govern the field, inasmuch as the same is clearly saved as being a Regulation duly authorized having its source in Entry 66 of List I of the Constitution of India. There is no law for the time being relating to the Regulation of grant of autonomous Colleges running contrary to the same either framed under Entry 66 of List I or Entry 25 of List II. In the absence of any such legislation to the contrary, we are of the clear opinion that the 2018 Regulations clearly hold the field exclusively in the matters of grant of autonomous status to W.P.No.7377 of 2021 affiliated colleges. The resolution of the Syndicate dated 27.05.2014 cannot in any way be said to have an overriding effect or even supplementary effect to the 2018 Regulations, inasmuch as the method of grant of an autonomous status is clearly defined under the 2018 Regulations and the eligibility to obtain such status is also governed by the same.

...

18. We need to mention another fact that at this stage the letter dated 29.05.2019 was in the knowledge of the University Grants Commission and it is thereafter that the University Grants Commission constituted an Expert Committee consisting of one of the nominees of the University to undertake a fresh exercise of inspection. It is thereafter that the University Grants Commission has taken a decision. Accordingly, without exercise having been undertaken afresh by the University Grants Commission, we find no infirmity, much less a legal infirmity, in the procedure adopted by the University Grants Commission to award the autonomous status of the first respondent Institute.

19. Learned Additional Advocate General urged that while taking a decision to grant the autonomous status, the University Grants Commission has nowhere mentioned about the fact of the objection taken by the University as noted in the letter dated 29.05.2019. In our considered opinion, once we have come to the conclusion that any decision taken by the Syndicate in the year 2014 no longer binds the

University Grants Commission, then the said arguments deserves dismissal”

12. Since the law having been declared by the authoritative pronouncement of this Court, which has been confirmed by the orders passed by the Honourable Supreme Court as stated supra, it is for the UGC to consider the application to be submitted by institution like the petitioner with regard to the conferment of autonomous status unmindful of the rejection made in this regard by the affiliating University. In other words, it is not mandated that, unless the affiliating University forwards the application with recommendation, the application submitted by the institution cannot be considered by the UGC independently for the purpose of conferment of autonomous status. The said view of the Division Bench of this Court was also followed by a learned Single Judge of this Court in W.P.No.7377 of 2021 dated 07.05.2021.

13. Insofar as the legal position as to the powers and functions of the first respondent/UGC is concerned, absolutely there can be no quarrel, as the law has been well settled in number of pronouncements by the Hon'ble Supreme Court as well as various High Courts, including this Court. In this context, the Division Bench decision of this Court in W.A.No.51 of 2020, relied on by the learned Senior Counsel has thrown a light, where the legal position has been explicitly stated as to the status of the UGC for considering the application submitted by the institution concerned, independently for the purpose of declaring it as an autonomous institution. In this context, Para 14 of the Division Bench judgment, where the legal position has been declared, has already been extracted above and the said judgment since has been confirmed by the orders of the Supreme Court, the judgment has become final.

14. While that being the position, there can be no impediment for the UGC to independently consider the application submitted by the petitioner as per the UGC Regulations 2018. In this regard, in order to reconcile the Regulation 7(3) of the Regulation, which has been quoted herein above, the application initially has to be routed through the affiliating University, then the University can either forward the same to the UGC with its recommendation or the University can reject the same with reasons. Even if it is rejected, according to Regulation 7(3), it has to be forwarded only to UGC for further action at the end of UGC. That is what intended by the Regulation making authority, who made the Regulations, 2018.

15. In the case on hand, a perusal of the impugned order of the first respondent/UGC dated 10.03.2021 would prima facie disclose that UGC, relying on the earlier communications/recommendations of the University dated 19.01.2021 and 19.02.2021, has passed a non-speaking order simply approving the proposal of the second respondent/University and communicated to the second respondent that University may revoke the autonomous status of the petitioner institution from the academic year 2021-2022. Therefore, it is clear from the impugned order that the first respondent /UGC has not taken the decision independently and on its own merit. Therefore, the aforesaid order passed by the first respondent/UGC is not in consonance with the procedure as contemplated under UGC Regulations, 2018 and the said fact is also not disputed by the learned Standing Counsel for the respondent/UGC and he fairly agreed that the first respondent would reconsider the matter afresh, if this Court comes to the conclusion that the impugned order is not in consonance with the UGC Regulations, 2018.

16. As rightly contended by the learned Senior Counsel for the petitioner, the power to grant or refuse autonomous status to a College is vested with UGC under the Statute and Regulations and hence, UGC cannot delegate its power to Anna University. It is also very clear from the above cited decision of the Division Bench of this Court that UGC is the ultimate authority to take final decision and to independently pass orders. The Director of Anna University also submitted that the UGC is the ultimate authority to take decision and pass orders with regard to conferment and grant of extension of autonomous status.

17. The respondent/University has also stated in the counter affidavit that UGC is the final authority to grant or reject the application to confer or extend the autonomous status to the petitioner College. The arguments advanced by the learned Standing Counsel for the University was already decided in the Division Bench decision of this Court and therefore, when the law is well settled, this Court has come to the conclusion that the first respondent/UGC is the final authority to take a decision on the application for extension of autonomous status to the petitioner college.

18. In the light of the decision of the Division Bench of this Court cited supra, the impugned order of the first respondent/UGC dated 10.03.2021 is not in consonance with the UGC Regulations, 2018 and this Court has no hesitation to quash

the impugned order passed by the first respondent/UGC dated 10.03.2021. When the final order passed by the first respondent/UGC is quashed, the consequential order of the second respondent/University dated 01.04.2021 becomes unsustainable and therefore, the said order is also liable to be quashed.

19. In view of the above discussions, this Court is inclined to pass the following order:

(i) The impugned order of the first respondent/UGC dated 10.03.2021 in Letter No.F.2-76(31)2015/AC dated 10.03.2021 and the consequential order of the second respondent / University in Letter No.881/AU/CAC/Autonomous/2021 dated 01.04.2021 are quashed and the matter is remitted back to the first respondent to consider afresh and pass orders in the light of UGC Regulations, 2018.

(ii) It is open to the petitioner institution to file their objections / explanation before the first respondent/UGC within a period of two weeks from the date of receipt of a copy of this order.

(iii) It is also made clear that first respondent/UGC shall consider the petitioner's application dated 30.01.2021 and take a decision independently on its own merits and pass appropriate orders as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

20. With the above directions, W.P.Nos.9631 and 9636 of 2021 stands allowed. No costs. Consequently, all the connected miscellaneous petitions are closed.

W.P.No.5545 of 2021

21. As regards, W.P.No.5545 of 2021 is concerned, the petitioner has challenged the impugned communication/proposal of the second respondent/University dated 19.02.2021. The grounds raised in the writ petition to interfere with the impugned proposal / rejection order of the University was duly considered by a learned Judge in W.P.No.7377 of 2021 dated 07.05.2021 and it is relevant to extract the following paras of the said decision:

"34. Therefore, this Court has no hesitation to hold that, unmindful of the impugned order dated 08.03.2021 issued by the first respondent University, certainly the second respondent UGC can independently

decide the application dated 12.03.2021 submitted by the petitioner on its own merits and in accordance with law and in that case, it is for the UGC to take the inputs supplied by the University by way of a speaking order dated 08.03.2021, which includes the two reasons cited therein for the purpose of rejecting the application of the petitioner.

35. In that view of the matter, this Court has no hesitation to hold that, even without quashing the order dated 08.03.2021 of the first respondent University, it may be directed that, it can only be treated as an input supplied by the affiliating University to the UGC within the meaning of the second limb of Clause 7(3) of the 2018 Regulations and accordingly, the application submitted by the petitioner dated 12.03.2021 can very well be considered by the UGC on its own merits.

36. In view of the aforesaid discussions, this Court is inclined to dispose of this writ petition with the following orders.

(a) That there shall be a direction to the second respondent UGC to consider the application submitted by the petitioner dated 12.03.2021 seeking autonomous status for the said institution. While considering the said application independently on its own merits, the input supplied by the first respondent through the speaking order dated 08.03.2021, which is impugned herein, also can be taken into account.

(b) That apart, the law declared by this Court in the Division Bench judgment in W.A.No.51 of 2020 in the matter of "The Anna University -Vs- Mahendra Institute of Technology and another" as confirmed by the Honourable Supreme Court in S.L.P(Civil) Nos.8324 and 8325 of 2020 shall be borne in mind and accordingly the UGC can decide the application of the petitioner dated 12.03.2021 and pass final orders thereon within a period of two months from the date of receipt of a copy of this order."

The observations made in the above cited writ petition is squarely applicable to the present case on hand.

22. The petitioner has raised several grounds in the writ petition and in view of the orders passed by this Court in W.P.No.9631 and 9636 of 2021 quashing the impugned order of the first respondent/UGC dated 10.03.2021 and the consequential

order of the second respondent/University dated 01.04.2021, the issues raised by the petitioner are left open and the petitioner is at liberty to submit their explanation before the UGC. It is made clear that this Court has not gone into the merits of the impugned communication dated 19.02.2021 and UGC shall consider and pass orders in the light of UGC Regulations, 2018 and also the decision of this Court in W.P.No.7377 of 2021 dated 07.05.2021.

23. In view of the directions passed by this Court in W.P.Nos.9361 and 9636 of 2021, W.P.Nos.5545 of 2021 stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi-110 02.
2. The Registrar,
Anna University, Chennai-600 025.
3. The Director,
Centre for Academic Courses,
Anna University, Chennai-600 025.

+3cc to M/s.Muthumani Doraisami, Advocate, S.R.No.30294

+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.30085

+1cc to Mr.M.Vijayakumar, Advocate, S.R.No.30109

+2cc to Mr.M.Vijayakumar, Advocate,

S.R.No.30108 & 30110 (06.07.2021)

W.P.Nos.9631, 9636 and 5545 of 2021

GPL (CO)

CS/01/07/2021