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IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 02.09.2021

PRONOUNCING ORDERS ON : 06.09.2021

CORAM

THE HONOURABLE JUSTICE MR.N.ANAND VENKATESH

W.P.NOS.14351 AND 14353 OF 2021

Annapoorana Engineering College,
Rep.by its Principal,
Sankari Main Road,
Periyaseeragapadi,
Salem District 636 308.

...Petitioner in Both WPs

.Vs.

1. University Grants Commission,
rep.by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi 110 002.

2. Anna University,
rep. by its Registrar,
Chennai 600 025.

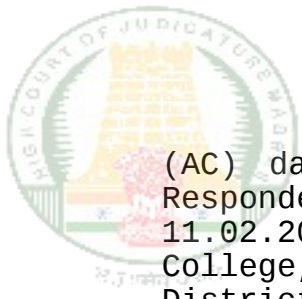
..Respondents in
W.P.No.14351 of 2021

1. Anna University
rep.by its Registrar,
Chennai 600 025.

2. Centre for Academic Courses,
rep.by its Director,
Anna University,
Chennai 600 025.

..Respondents in
W.P.No.14353 of 2021

PRAYER in W.P.No.14351 of 2021: Writ Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, Calling for the records of the 1st Respondent ending with its order in No. F.2 - 76(83) / 2021



(AC) dated 18.06.2021 and quash the same and direct the 1st Respondent to consider the petitioners application dated 11.02.2021 for autonomous status to Annapoorana Engineering College, Sankari Main Road (NH-47) Periaseeragapadi, Salem District for the academic session 2021-2022 without placing reliance on the speaking order bearing No. 450 / AU / CAC / Autonomous / 2021 dated 08.03.2021 of the Anna University in the light of the UGC Regulations 2018 and the judgment of the Division Bench of this Honourable Court in W.A. No. 51 of 2020 dated 14.02.2020.

PRAYER in W.P.No.14353 of 2021: Writ Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records of the respondents relating to the "Award of Fresh Autonomous Status Guideline" on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.G.Masilamani
(in Both WPs) Senior Counsel
for Muthumani Doraisami

For Respondents : Mr.Mr.B.Rabu Manohar
CGSC Standing Counsel
for R 1
in W.P.No.14351 of 2021

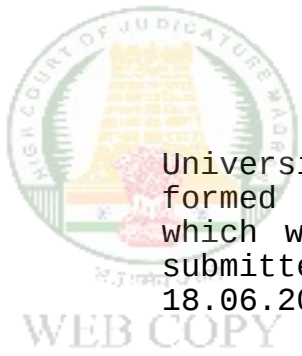
Mr.M.Vijayakumar
Standing Counsel
for R 2 in W.P.No.14351 of 2021
for R 1& R 2
in W.P.No.14353 of 2021

COMMON ORDER

Both the Writ Petitions involve connected issues and hence they are taken up together, heard and disposed of through this common order.

2.The subject matter of challenge in WP No. 14351 of 2021 is the impugned rejection order passed by the University Grants Commission (hereinafter referred as UGC) dated 18.06.2021 and for a consequential direction to the UGC to consider the application submitted by the Petitioner college seeking for autonomous status.

3.The subject matter of challenge in WP No. 14353 of 2021 is the autonomous status guidelines issued by the Anna



University (herein after referred as the University) which formed the basis of the speaking order dated 08.03.2021 and which was relied upon by the UGC while rejecting the proposal submitted by the Petitioner college through proceedings dated 18.06.2021.

4. The Petitioner college wanted to get an autonomous status and hence an application was submitted on 11.02.2021 to the UGC through Anna University. This application was negatived by the Anna University through a speaking order dated 08.03.2021. The same became the subject matter of challenge before this court in WP No. 7377 of 2021. This Writ Petition was disposed of by an order dated 07.05.2021. It will be beneficial to extract the entire order for better appreciation of the background of this case.

"2. The case of the petitioner is that, the petitioner is an approved and affiliated Engineering College imparting education in the field of engineering since 2010. It has been approved by the All India Council for Technical Education (hereinafter referred to as -AICTE-), New Delhi and affiliated to the Anna University.

3. Since the institution has served for more than ten years and according to the institution, it has fulfilled the norms prescribed in this regard by the University Grants Commission (hereinafter referred to as -UGC-) under the UGC Act as well as the regulations made therein, it thought of making an application to the UGC to declare the autonomous status to the petitioner institution. Since the said status of autonomous institution is to be declared only by the UGC, such application has already been made on 11.02.2021.

4. In this regard, it is to be noted that, as per the UGC (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018 (in short -2018 Regulations-), various procedures have been contemplated as to how an application has to be submitted by the institution seeking autonomous status and to be processed by the UGC.

5. In this context, Clause 7(3) of the Regulations is pertinent, which reads thus,



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petition has come before this Court with the aforesaid prayer.

8. Mr.KandhanDoraisami, learned counsel appearing for the petitioner has submitted that, no doubt as per 2018 Regulations, the application to be submitted by any institution like the petitioner to the UGC seeking for autonomous status has to be routed through the affiliating university. Here in the case in hand, Anna University being the affiliating university therefore the said application was submitted to the petitioner on 15.02.2021 to the first respondent University and the same has been rejected through the impugned order 08.03.2021 on the alleged reason that, the required number of pass percentage and required number of enrollment is not met by the institution.

9. Learned counsel would further submit that, in this context it is the requirement of the UGC, as per the norms prescribed in this regard as to on what basis an institution has to be conferred the autonomous status. In this regard since the application has to be routed through the University, only for that purpose the petitioner has submitted the application to the first respondent University and an advanced copy already was sent to the UGC. Merely because the University has rejected it for the aforesaid reason, that will not ipso facto preclude the petitioner-s application to be considered by the UGC for conferment of autonomous status.

10. In this context, the learned counsel appearing for the petitioner has relied upon the following observations made by the Division Bench of this Court in the above referred case (W.A.No.51 of 2020), which reads thus,

“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



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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 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."

11. By relying upon this decision, the learned counsel appearing for the petitioner would contend that, 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.

12. 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.

13. Therefore, the learned counsel appearing for the petitioner, by relying upon the said judgment as well as explaining the legal position, would seek the indulgence of this Court to pass suitable orders to give direction to the respondent UGC to consider the application of the petitioner independently on its own merits and to decide the same within a time frame that may be stipulated by this Court.



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own merits of the application, but before considering the same, the affiliating University ie., the first respondent shall be consulted by the second respondent UGC, which is mandatory. Without having such consultation, the UGC cannot consider the application of the petitioner for conferment of autonomous status.

18. By making all the above submissions, the learned Standing Counsel appearing for the University wants to sustain the order passed by the respondent University and also seeks the indulgence of this Court to reject the writ petition, as according to him, it does not have any deserving reason to be considered.

19. On the other hand, Mr. Rabu Manohar, learned Standing Counsel appearing for the second respondent ie., UGC, on instructions, would submit that, the University Grants Commission is the creature of the Central Legislation called University Grants Commission Act., 1956. The provisions of the said Act confers the power to the UGC to do various acts including recognizing or declaring Deemed Universities and also to declare the autonomous status of various institutions.

20. In order to process such kind of applications being made by various Institutions from time to time, seeking conferment of autonomous status, the UGC has framed a Regulation called 2018 Regulations and as per the Regulations, the procedure has been contemplated as to how the application has to be filed by the institution to the UGC and in this regard, as has been pointed out by the learned counsel appearing for the University, the application has to be routed through the affiliating University as per Regulation 7(3).

21. Once the application filed by the institution is considered and rejected, the rejection order should be forwarded to the UGC for its consideration. That is also mandated in Regulation 7(3).

22. Thereafter, if the institution still insists the UGC to consider the



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application independently as per the law having been declared by this Court in a recent judgment, since the UGC is the centralized authority to control all these institutions under the provisions of the UGC Act and the Regulations made therein from time to time, it would independently consider the application of the institution by taking into account the inputs supplied by the affiliating University by way of a speaking order / rejection order made in this regard.

23. Therefore, the learned Standing Counsel appearing for the UGC would contend that, even though a speaking order / rejection order has been made by the University dated 08.03.2021, and the same having been forwarded to the UGC, certainly that input also would be taken into account as per the law having been declared by this Court in the said judgment cited by the learned counsel for the petitioner, as has been confirmed by the Honourable Supreme Court, consequently, the application submitted by the petitioner dated 12.03.2021 to the UGC would be considered independently, of course on its own merits and while considering the same, the inputs supplied by the affiliating University ie., the first respondent through the impugned order dated 08.03.2021 also would be taken into account.

24. I have considered the rival submissions made by the learned counsel appearing on either side and have perused the materials placed on record.

25. Insofar as the legal position as to the powers and functions of the second respondent UGC is concerned, absolutely there can be no quarrel, as the law has been well settled by number of pronouncements by the Honourable Supreme Court as well various High Courts, including this Court.

26. In this context, the recent judgement of the Division Bench of this Court as has been quoted by the learned counsel appearing for the petitioner, made in W.A.No.51 of 2020 has thrown a light, where, the legal position has been explicitly stated as to the status of the UGC for considering the



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Unless the institution, who files the application seeking autonomous status, fulfills the conditions imposed in this regard by the UGC such institution is not entitled to get such a declaration from the UGC.

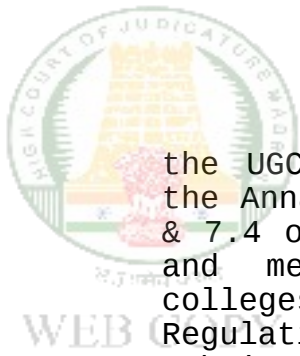
32. Here in the case in hand, two reasons have been stated by the Anna University for rejecting the application of the petitioner. One is that, enrollment of students in the last three years and another is pass percentage in the last three years.

33. These two reasons whether would stand in the way of the UGC to independently consider the application based on the other inputs supplied by the institution, is the question to be decided only by the UGC and not by the affiliating university ie., the first respondent.

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



the UGC has entirely relied upon the speaking order passed by the Anna University on 08.03.2021 and clauses 4.1, 4.2, 4.3, 7.3 & 7.4 of the UGC (Conferment of Autonomous Status upon colleges and measures for maintenance of standards in Autonomous colleges) Regulations, 2018 (hereinafter referred as UGC Regulations) to support its decision to reject the proposal submitted by the Petitioner.

7.The Anna University has filed a counter affidavit and the relevant portions in the counter affidavit are extracted hereunder:

"5.It is submitted for information that the powers of the University enshrined in the Anna University Chennai Act of 1978 under Tamil Nadu Act of 30 of 1978 and amended and published in Tamil Nadu Government Gazette in September 13, 2011 in Chapter VII, Article 29, Statutes, Ordinances and Regulations state as follows:-

xvi-b]the manner in which, and the conditions subject to which, a college may be designates as an autonomous college or the designation of such college may be cancelled and matters incidental to the administration of autonomous colleges including the constitution or reconstitution, powers and duties of Standing Committee on Academic Affairs, Staff Council, Boards of Studies and Boards of Examiners.

6.It is submitted that as per Section 29 (xvi-b) of the Anna University Chennai Act, 1978 (Tamil Nadu Act of 30 of 1978) amended and published in Tamil Nadu Government Gazette on 13.09.2011, Anna University / Respondent is empowered to make statutes providing for the manner in which, and the conditions subject to which, a college may be designates as an autonomous college or the designation of such college may be cancelled. The powers of Anna University is covered by Entry 15 being the concurrent list therefore, the standards set by UGC is bare minimum, the University has every right to stipulate more and above the condition prescribed by UGC.

7.It is submitted for information that Anna University is processing the application for grant of Fresh Autonomous Status to the



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examinations cannot be assessed.

12. It is submitted that notwithstanding UGC Regulations has its own conditions for granting autonomous status to a colleges, The Anna University also has formulated separate guidelines approved by the Syndicate Resolution 250.14 dated 09.11.2018 for granting approval for fresh / extension of autonomous status to the colleges. As and when a representation received from the concerned college requesting for autonomous status, the University will send a team for expert committee to inspect the respective college and obtain a report. Based on the inspection committee report, an appropriate decision will be taken by the University whether the request of the respective college would be considered or not. If the committee points out any deficiencies, the University won't recommended for the grant of autonomous status to the respective college. Accordingly, the application sent by the petitioner's institution received on 15.02.2021, The Respondent Anna University has conducted an on spot inspection by a three member committee to scrutinize the application based on the guidelines prescribed by the University and to forward the application to UGC as per the Regulations 7.3. The deficiencies were pointed out by the inspection committee as extracted hereunder:

"University / UGC Guidelines	Decision
Students Enrolment for the First Year (Average of Last Three Years)	Not Satisfied (30% against mandatory requirement of 60%)
Examinations Results (Average over Last Three Years)	Not Satisfied (Pass percentage of student is 39.5% against mandatory requirement of 70%)

Based on the report submitted by the inspection committee members, a speaking order in Letter No.450/AU/CAC/Autonomous/2021, dated 08.03.2021 has been sent to UGC and a copy to the petitioner's institute for not satisfying the Anna University Guidelines. The speaking order has been issued based on Guidelines for award of Fresh Autonomous Status, approved by the Syndicate of Anna University."



8.Mr. G Masilamani, learned Senior Counsel appearing on behalf of the Petitioner college made the following submissions.

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- The Guidelines framed by the Anna University cannot have an overriding effect or even supplementary effect to the UGC Regulations, 2018.
- Anna University has not made a statute to regulate the grant or refusal of the autonomous status to a college as contemplated under Sec. 29(XVI-v) and 30 of the Anna University Act and the guidelines issued by the University is without any authority of law and ultra vires the Act.
- This statute will get the validity only when it is finally given assent by the Chancellor under Sec. 30(6) of the Anna University Act and till then no reliance can be placed upon the guidelines which cannot be made substitute to the statute as contemplated under the Act.
- The reliance placed upon by the Anna University on Clause 3 of The Anna University Statutes on Autonomous Colleges, 2003 (hereinafter referred as 2003 statute) to justify the speaking order is unsustainable since the said clause in the statute does not confer any power on the syndicate to make guidelines and after the coming into force of the UGC regulations 2018, the 2003 statute will become irrelevant.
- This court while disposing of WP No. 7377 of 2021 had categorically held that the speaking order at the best can only be treated as an input supplied by the affiliating University and hence the very basis on which the speaking order was passed by the Anna University namely the guidelines was put to challenge in WP No. 14353 of 2021.
- Since the guidelines do not have the force of law, the speaking order passed by the Anna University relying upon the same is non-est in the eye of law and therefore it is not necessary to argue on the validity of the requirements stipulated in the guidelines and how far it is in line with the requirements under the UGC Regulations.
- The rejection order passed by UGC is not in compliance with the earlier order passed by this court in WP No. 7377 of 2021 and the UGC failed to independently consider the entitlement of the Petitioner college under the UGC regulations as directed by this Court.
- The UGC has passed the impugned rejection order mainly by placing reliance upon the speaking order passed by the Anna University which is non-est in the eye of law. Therefore, the order passed by UGC requires the interference of this Court and the UGC must be directed to independently consider the application submitted by the Petitioner college seeking for autonomous status.



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9. The learned counsel appearing on behalf of the UGC submitted that the speaking order passed by the Anna University has a lot of relevance while considering the proposal submitted by the Petitioner college and the stipulation made in the guidelines of Anna University is in accordance with Clauses 7.3 and 8.1 of the UGC Regulations, 2018. It was further submitted that the reputation of the college and the academic performance of the college will form the basis while considering the proposal for the autonomous status. Therefore, the learned counsel submitted that there is no ground to interfere with the rejection order passed by the UGC.

10. Mr. M. Vijayakumar appearing on behalf of the Anna University apart from reiterating the stand taken in the counter affidavit, submitted as follows.

- There is already a statute providing for designation of a college as an autonomous college and matters connected therefor under the 2003 statute and the syndicate has been given the power under clause 3 of the 2003 statute to formulate guidelines.
- The syndicate by virtue of this power vested by the statute has proceeded to issue the guidelines keeping in mind the high standards to be maintained by the institution which seeks for autonomous status.
- The 2003 statute does not become non-est by virtue of the UGC Guidelines and it operates parallelly since the affiliating University gives the speaking order only based on the guidelines formulated on the basis of the 2003 statute.
- The guidelines issued by the syndicate is followed across the board whenever any college seeks for autonomous status.
- The Petitioner college was lacking both in terms of students' enrolment as well as pass percentage of students in the University examinations and therefore was not found eligible to be granted autonomous status.
- The standards were set by the Anna University keeping in mind the interest of the students and to maintain high quality in Engineering education and therefore there is absolutely no ground to interfere with the guidelines issued by Anna University.
- The guidelines issued by the syndicate of Anna University is in line with Clause 8 of the UGC regulations, 2018.

11. This court has carefully considered the submissions made on either side and the materials available on record.



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12. There are two issues which requires the consideration of this court and they are ;

a. Whether the award of extension of autonomous status guidelines formulated by the syndicate in the meeting held on 09.11.2018, has the status of a statute and consequently is enforceable? and ;

b. Whether UGC should have independently assessed the materials placed before it and assigned reasons while rejecting the proposal given by the Petitioner college seeking for autonomous status?

13. A careful reading of the 2003 statute shows that it was brought into force at a time when Anna University was vested with the power to consider proposal for designating a college as an autonomous college and for matters connected therefor. There is no doubt that this statute was brought into force in accordance with Sec.30 of the Anna University Act and it also received the assent of the chancellor as per sec. 30(6) of the Act. The moot question that arises for consideration is regarding the applicability of the statute after the coming into force of the UGC regulations which exclusively confers the power on UGC to grant autonomous status to Engineering colleges. The exclusive domain of the UGC in conferring or denying the autonomous status has been recognised by the judgment of the Division Bench of this court in WA No. 51 of 2020, by order dated 14.02.2020. For proper appreciation, relevant portions in the judgment are extracted hereunder:

"7. We may point out at this stage that the said letter dated 31.07.2019 has been signed by the Registrar on 02.8.2019 and the learned Single Judge, while dealing with the status of the said letter, observed that the said letter was served on the Institution on 06.8.2019 and reached the University Grants Commission on 16.8.2019.

8. Learned counsel for the appellant has therefore urged that in the wake of these facts and the admitted position that the Institution had not reached the mark of excellence, that was required for grant of an autonomous status, in the examinations for the past three years, the decision of the University dated 31.07.2019 was justified and that the learned Single Judge has committed an error in allowing the writ petition.

9. In short, the submission is that the University is not denuded of its authority in denying autonomous status to the Institution in the exercise of its own powers, being the affiliating University of the first respondent Institution.

10. In response, we had called upon learned counsel for



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the second respondent ~ University Grants Commission to inform us as to whether the letter dated 29.05.2019 had been taken into consideration by the University Grants Commission or not and the learned counsel has placed before us the proceedings dated 25.11.2019, wherein it stands recorded that the Standing Committee of the University Grants Commission, in its 39th meeting held on 01.10.2019, had resolved that in view of the sanctity of the Regulations framed by the University Grants Commission, the Vice~Chancellor of the University is requested to honor the decision of the University Grants Commission for granting an autonomous status to the College and a copy of the same was dispatched to the Chief Secretary of Tamil Nadu.

11. Learned Senior Counsel for the first respondent Institution contends that once the 2018 Regulations are in force, a decision through a resolution of the Syndicate cannot override the specific provisions contained in the 2018 Regulations, which do not grant any authority to the University to take a final decision with regard to grant of autonomous status to an Institution which now squarely rests under the 2018 Regulations with the University Grants Commission itself. He, therefore, submits that the Syndicate resolution dated 27.05.2014 is neither compulsive nor binding nor does it authorize the University to take a decision in the matter. In order to clarify the same, the 2018 Regulations, according to him, clearly provide for an objection which can be taken by the University through a reasoned and speaking order within the time limit as prescribed therein, which is thirty days, and in the event of any such default, the 2018 Regulations itself provide that the University will be deemed to have no objection in the matter, whereupon the University Grants Commission itself is empowered to take a decision through the Standing Committee, which is the only statutory body now enjoined and empowered to take a decision with regard to the grant of autonomous status to an affiliated College of the University.

12. The contention is that if the procedure prescribed in the 2018 Regulations has given a role to the University to pass a reasoned and speaking order and if the said procedure has not been followed within the time



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for at least three programme(s) with a minimum score of 675 individually or a corresponding accreditation Grade/score from a UGC empanelled accreditation agency. However, if the number of programme(s) being run by the Institution is less than three, then each of the programmes should secure 675 or more marks. Accreditation status must be valid at the time of application.

Provided further, the existing autonomous colleges will be required to comply with this eligibility condition within a maximum period of five years from the date of notification of these Regulations.

The constituent colleges shall also undergo separate accreditation by NAAC/NBA/UGC empanelled accreditation agency to be considered eligible.

6.4 (i) Colleges accredited with a score of 3.0 and above, up to 3.25 on a 4 point scale of NAAC/corresponding NBA score / corresponding accreditation score from a UGC empanelled accreditation agency at the time of application shall be considered for grant of autonomous status with an on-site visit of the duly constituted Expert Committee.

(ii) Colleges which have a NAAC score of 3.26 and above, up to 3.50 or a corresponding NBA score or a corresponding accreditation Grade/score from a UGC empanelled accreditation agency for one complete cycle and also accredited accordingly in the second cycle, shall be considered for grant of autonomous status without onsite visit by the Expert Committee.

(iii) Colleges with 3.51 and above in a 4 point scale of NAAC or a minimum of three programmes have been accredited by NBA with a minimum score of 750 individually or a corresponding accreditation Grade/score from a UGC empanelled accreditation agency at the time of application shall be considered for grant of autonomous status without onsite visit by the Expert Committee.

However, the colleges are required to



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adhere to University Grants Commission's Regulations like (a) curbing the menace of ragging in Higher Education Institutions Regulations 2012; (b) UGC (Promotion of Equity in Higher Educational Institutions) Regulations 2012; (c) UGC (Grievance Redressal) Regulations 2012, etc. in letter and spirit.

The application of colleges covered under 6.4 (ii) and (iii) above shall be considered as the report of the Expert Committee for consideration of the Commission and its approval thereof.

6.5 If an autonomous college has obtained the score of 3.51 and above on a 4-point scale from NAAC or a minimum of three programmes have been accredited by NBA with a minimum score of 750 individually or a corresponding accreditation Grade/score from a UGC empanelled accreditation agency, the college shall be granted extension of autonomous status for further ten years without site visit.

(Colleges which apply for reaccreditation within the stipulated six months before the end of the cycle of accreditation period as mentioned in the Accreditation Certificate issued by National Assessment and Accreditation Council/NBA/UGC empanelled accreditation agency, the gap period between two consecutive accreditations shall be condoned. In case of other institutions which have not applied as per the guidelines mentioned above, the maximum period for condonation would be one year between the two accreditation cycles)

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.



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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.



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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.

8. CRITERIA FOR GRANTING AUTONOMY TO COLLEGES

8.1 Academic reputation and previous performance in university examinations and its academic/cocurricular/extension activities in the past.

8.2 Academic/extension / research achievements of the faculty.

8.3 Quality and merit in the selection of students and teachers, subject to statutory requirements in this regard.

8.4 Adequacy of infrastructure in terms of class rooms, library books and e-resources, laboratories and equipments, sports facilities, facilities for recreation activities, residential accommodation for faculty and students, transport facilities etc.

8.5 Quality of institutional management.

8.6 Financial strength of the institution.

8.7 Responsiveness of administrative



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structure.

8.8 Motivation and involvement of faculty in the promotion of innovative reforms.?

16. In the instant case, it appears that when the forwarding letter dated 29.05.2019 reached the University Grants Commission, an exercise was undertaken by the University Grants Commission for carrying out an inspection through an Expert Committee. This Expert Committee undisputedly also included the nominee of the appellant University. The inspection was carried out and upon a submission of the report, the Standing Committee, which is authorized under the 2018 Regulations aforesaid, proceeded to make its recommendations for grant of the autonomous status to the first respondent Institution culminating in the passing of the order by the University Grants Commission dated 05.8.2019.

17. We find this entire exercise to be in conformity with the aforesaid 2018 Regulations and therefore, the appellant University now cannot raise any grievance, more so, in the background that its own nominee had participated in the said proceedings that remains undisputed."

14. It is clear from the above judgement of the Division Bench, which had taken note of the 2018 regulations, that 2018 regulations will hold the field exclusively in the matter of grant of autonomous status to affiliated colleges. In view of the same, the 2003 statute which was brought in only for the purpose of designating a college as an autonomous college, will become inoperative and unenforceable. Hence, formulation of guidelines by the syndicate on the basis of this statute will not confer it with the force of law.

15. The Anna University is a creature of statute. Hence, it has to necessarily act in line with the statutes, ordinances and regulations that are brought into force in accordance with the Anna University Act. In so far as the designation as an autonomous college is concerned, it must be specifically provided by a statute under Sec.29 (XVI-v) of the Act and the statute must be made in accordance with Sec. 30 of the Act. The statute will get the validity only after it gets the assent of the chancellor. A reading of Sec. 30 of the Act shows that a statute crosses several stages till it finally gets the assent of the chancellor. Initially it is proposed by the



academic council to the syndicate and the syndicate considers the draft proposal given by the academic council and may either reject it or approve it. Once it is approved, it is thereafter submitted before the chancellor who may give the assent or withhold the same. Finally, after the assent is given by the chancellor, the statute gets the force of law.

16. In some of the cases that were dealt with by this court in the recent past, it was found that the draft proposal given the academic council reaches the syndicate and based on the resolution passed by the syndicate, instructions or guidelines are straightaway given by the Registrar of the University. This practice is in complete violation of the procedure contemplated under the Act and these instructions or guidelines can never have the force of law unless it falls within the category of statutes or ordinances or regulations as provided under the Act. This has to be kept in mind by the Anna University whenever any instructions or guidelines are issued either by the syndicate or by the Registrar of the University. In the alternative, the statute/ordinance/regulation itself can provide for issuing instructions/guidelines to meet certain contingencies in line with the purpose for which such statute/ordinance/regulation was brought into force.

17. In the present case, if the University wanted to infuse enforceability for the guidelines issued for award of extension of autonomous status, the same should have been placed before the chancellor after the resolution was passed by the syndicate and the assent should have been obtained. Since the same has not been done in the present case, the enforceability of the guidelines itself has been called into question.

18. The reasons assigned by Anna University in the speaking order regarding the students' enrolment and examination results was purely based on the guidelines, which has been held not to have any force of law and therefore, the very basis of the speaking order becomes questionable.

19. For the sake of argument, even if it is assumed that the guidelines were issued by the syndicate by virtue of clause 3 of the 2003 statute, it does not satisfy this court regarding the power to issue such guidelines. In fact, clause 3 has nothing to do with issuance of guidelines and in the entire 2003 statute, there is no power or jurisdiction for the syndicate to issue guidelines. If any such power is conferred on the syndicate to issue guidelines from time to time, it must have been specifically provided under the statute and such a power cannot be assumed to have been vested with the syndicate.



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20. In view of the above discussion, the award of extension of autonomous status guidelines formulated by the syndicate in the meeting held on 09.11.2018, does not have the status of a statute and consequently does not have the force of law. The first issue is answered accordingly.

21. Clause 7.3 of the UGC guidelines expects the affiliating University to pass a speaking order on the proposal submitted by the college seeking for autonomous status. Therefore, it is always open to the affiliating university to take into consideration all the materials placed before it and even conduct an inspection and get a report and thereafter forward its opinion by way of a speaking order. While undertaking this exercise, the University must bear in mind clause 8 of the UGC regulations and accordingly give its opinion. While doing so, there is no requirement for the affiliating university to place reliance upon any statute or ordinance or regulation and it can be merely submitted after assessing the merits of the claim, by way of an opinion. If the affiliating University does not find the college to be fulfilling the criteria as provided under Clause 8 of the UGC regulations, it can even give a report not recommending for the autonomous status to the concerned college. Even though the UGC regulations gives the nomenclature "speaking order", it can at the best only be treated as the opinion of the affiliating University which will be taken into consideration by the UGC while considering the proposal for grant of autonomous status to the college. In the present case, Anna University could have easily followed this process and submitted the speaking order without referring to any statute or guidelines. The unnecessary reference to the statute/guidelines has given rise to the sustainability of the speaking order. There is no need for a statute or ordinance or regulation for the Anna University when it communicates through a speaking order to the UGC and it can be merely based on the assessment of the materials relied upon by the University in line with the requirements/ criteria provided under clause 8 of the 2018 UGC regulations.

22. A careful reading of the impugned rejection letter dated 18.06.2021 issued by UGC shows that it is bereft of any reasons. The letter merely refers to clause 7.3 of the 2018 UGC regulations, speaking order of the Anna University and the order passed by this court in Writ Petition No 7377 of 2021 and straightway concludes that UGC has decided to reject the proposal. The conferment of autonomous status by UGC is within its exclusive domain. For this purpose, the UGC gets the inputs from the affiliating University which at the best can be a piece of material to enable the UGC to take a decision. The speaking order communicated by the affiliating University does not bind the UGC and that is the reason why this court held that the



speaking order cannot be understood as an "order" in the legal sense and at the best, it is only an opinion or report of the affiliating University.

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23. In view of the above, the UGC ought to have independently applied its mind and assigned reasons while rejecting the proposal submitted by the college. Only by assigning reasons, the application of mind on the part of UGC can be deciphered. This is more so since such rejection orders are subjected to judicial scrutiny and the court while considering the same, must be able to find out the application of mind only through the reasons assigned in the order.

24. The upshot of the above discussion leads to the conclusion that UGC should have independently assessed the materials placed before it and assigned reasons while rejecting the proposal given by the Petitioner college seeking for autonomous status. The second issue is answered accordingly.

25. In the result, the rejection letter dated 18.06.2021 issued by UGC requires the interference of this Court and accordingly the same is hereby quashed. The matter is remanded back to Anna University and the University is directed to consider the proposal submitted by the Petitioner college afresh in line with clause 8 of the UGC regulations, 2018 and communicate the speaking order to the Petitioner college and the UGC as per Clause 7.3 of the UGC regulations, 2018 within a period of 30 days from the date of receipt of copy of this order. On receipt of the same, the UGC shall independently consider the proposal submitted by the Petitioner college along with the speaking order communicated by the Anna University and take a decision within a period of six weeks thereafter and pass a reasoned order in line with the UGC regulations, 2018.

26. The writ petitions are allowed with the above directions. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

KP



To

1. The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi 110 002.

2. The Registrar,
Anna University,
Chennai 600 025.

3. The Director,
Centre for Academic Courses,
Anna University,
Chennai 600 025.

+2ccs to Mr.M.Vijayakumar, Advocate, S.R.No.44666, 44665
(11/10/2021)

+1cc to Mr.Mr.B.Rabu Manohar, Advocate, S.R.No.44696

+2ccs to M/s.Muthumani Doraisami, Advocate, S.R.No.44704

W.P.Nos.14351 and 14353 of 2021

MG(CO)
RLP(24/09/2021)