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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.NO.15870 OF 2021

AND

W.M.P.NOS.16763, 16765 AND 16766 OF 2021

C.Ve.Shanmugam

... Petitioner

.Vs.

1. The Principal Secretary to Government,  
Higher Education Department,  
Fort St.George, Chennai - 600 009.
2. The Secretary,  
University Grants Commission (Ministry of  
Human Resource Development Government of India),  
Bahadur Shah Zafar Marg,  
New Delhi - 110 002.
3. The Registrar,  
Thiruvalluvar University,  
Serkkadu, Vellore - 632 115.
4. Dr.J.Jayalalithaa University,  
Rep. By its Vice-Chancellor,  
Arignar Anna Govt. Arts College Campus,  
Villupuram - 605 602.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the Notification issued by the 3<sup>rd</sup> respondent dated 25.6.2021 in their Website calling for applications for admission to Post Graduate Courses to be conducted by Thiruvalluvar University Post Graduate Extension Centre, Villupuram, quash the same and consequently direct the 1<sup>st</sup>



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respondent to provide necessary funds for implementation and smooth functioning of the Dr.J.Jayalalithaa University Act, 2021.

For Petitioner : Mr.Vijay Narayan,  
Senior Counsel,  
For Mr.K.Gowtham Kumar

For Respondents : Mr.R.Shunmugasundaram,  
Advocate-General,  
Assisted by Mr.P.Muthukumar,  
Counsel for State for R-1

#### ORDER

(Made by the Hon'ble Chief Justice)

The petition, apparently filed in public interest, is a result of the recent change in the Government in the State. At the very last stages of the previous House, The Dr.J.Jayalalithaa University Act, 2021 (Tamil Nadu Act 5 of 2021) was brought in, inter alia, to ensure that colleges affiliated to the Thiruvalluvar University, Vellore in the present districts of Kallakurichi, Villupuram and Cuddalore were affiliated to the Dr.J.Jayalalithaa University.

2. The challenge in the present petition is to the admission notification for academic year 2021-22 recently issued by the Thiruvalluvar University, inviting applications for post-graduate courses in seven disciplines. The petitioner says that since Act 5 of 2021 has come into effect, the impugned notification could not have been issued as Thiruvalluvar University did not have the jurisdiction to invite applications for any post-graduate courses at any extension centre in Villupuram.

3. The State has now issued a notification in the Higher Education Department bearing G.O.(Ms.)No.150 dated August 3, 2021. The notification pertains to the Bharathidasan University, the Annamalai University and the Dr.J.Jayalalithaa University. Paragraph 6 of the notification provides as follows:

"6. The Government after careful examination proposes to move an amendment to the Annamalai University Act, 2013 (Tamil Nadu Act 20 of 2013) so as to convert it from Unitary type to Affiliating type by affiliating the colleges situated in Villupuram, Cuddalore, Kallakurichi and Mayiladuthurai Districts. It is also proposed to make consequential amendments to the



Bharathidasan University Act, 1981 (Tamil Nadu Act 2 of 1982); and to repeal the Dr.J.Jayalalithaa University Act, 2021 (Tamil Nadu Act 5 of 2021)."

4. It is submitted on behalf of the State that in view of the clear intention of the present Government to repeal Act 5 of 2021, nothing remains of the matter.

5. There is no doubt that the State legislature has equal authority to repeal a statute as it has to enact a statute in respect of matters falling within its legislation domain. There is, equally, no doubt that the present Government may intend to repeal Act 5 of 2021 and has issued a notification indicating such intention. However, till such time that a law is in place and its operation has not been stayed in accordance with law, the provisions of such law need to be followed.

6. Seen in such light, the impugned admission notification issued by Thiruvalluvar University inviting applications to post-graduate courses at its extension centre in Villupuram could not have been issued as, on the date of issuance of such notification for academic year 2021-22, Thiruvalluvar University had no jurisdiction in the matter in view of Act 5 of 2021 having come into effect. The admission notification appeared on the website on or about June 25, 2021.

7. The State accepts that the relevant notification cannot be pursued. Accordingly, the impugned notification of Thiruvalluvar University inviting applications for post-graduate courses for the academic year 2021-22 at such University's extension centre in Villupuram is quashed and all steps that may have been taken pursuant thereto are set aside.

W.P.No.15870 of 2021 is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.16763, 16765 and 16766 of 2021 are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Principal Secretary to Government  
Higher Education Department,  
Fort St.George, Chennai - 600 009.



2. The Secretary,  
University Grants Commission (Ministry of  
Human Resource Development Government of India),  
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3. The Registrar  
Thiruvalluvar University,  
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4. The Vice-Chancellor,  
Dr.J.Jayalalithaa University,  
Arignar Anna Govt. Arts College Campus,  
Villupuram - 605 602.

W.P.NO.15870 OF 2021

LN(CO)  
PBS/10/08/2021