



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.32723 of 2019

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

... Petitioner

Vs.

1. The Registrar,
Bharathiar University,
Coimbatore 641 046.
2. The State of Tamil Nadu,
represented by its Principal
Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai 600 009.

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents to provide adequate representation in the Syndicate of the Respondent University in proportionate to the number of Colleges affiliated to Respondent University including the Representation for Secretaries of Self Financing Colleges Affiliated to the respondent University by re-constituting the composition of the Syndicate of the Respondent University as provided under section 24 of the Bharathiyar University Act, 1981, consequent to the Resolution passed by the Syndicate dated 20.08.2019 in compliance to the orders passed by this Court in W.P.No.12478 of 2019 dated 01.07.2019, within the time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.L.P.Shanmuga Sundaram,
Spl. Govt. Pleader for R1
Mr. Karthikai Balan, Govt. Advocate
for R2.



O R D E R

This Writ Petition has been filed praying for issuance of mandamus directing the respondents to provide adequate representation in the Syndicate of the Respondent University in proportionate to the number of Colleges affiliated to them including the Representation for Secretaries of Self Financing Colleges by re-constituting the composition of the Syndicate of the Respondent University as provided under section 24 of the Bharathiyar University Act, 1981, consequent to the Resolution passed by the Syndicate dated 20.08.2019 in compliance with the order of this Court dated 01.07.2019 in W.P.No.12478 of 2019, within a time frame to be fixed by this Court.

2.It is the case of the petitioner Association that at the time of enactment of the Bharathiar University Act, 1981 (Tamil Nadu Act 1/1982), the composition of Syndicate was determined based on the existing Head of Departments as well as the number of affiliated Colleges within the University, in order to ensure equal and adequate representation on all sides. During the course of time, the number of colleges affiliated to Bharathiar University increased with approval of Government as well as the affiliation granted by University manifold. But the representation of affiliated colleges in the Syndicate remains static without any increase, which created imbalance in the composition of the Syndicate, virtually limiting the representation of the affiliated colleges in the Syndicate. As on date, there are 95 self Financing Colleges and 16 aided Colleges, having self financing courses and they are maintained by 111 Secretaries who do not have any direct representation in the Syndicate, resulting in discrimination. Therefore, the petitioner Association filed WP.No.12478 of 2019 to direct the respondents to provide adequate representation in the Syndicate of the respondent University in proportionate to the number of colleges affiliated. By order dated 01.07.2019, the said writ petition was disposed of, directing the first respondent to place the representation of the petitioner Association before the Syndicate and Senate for discussion and consider the same and take a decision on it.

3.It is the further case of the petitioner Association that pursuant to the aforesaid order passed in the writ petition, they submitted a representation dated 05.08.2019 for change of composition before the Syndicate for discussion. On receipt of the same, the Respondent University issued proceedings dated 09.09.2019 addressed to the petitioner Association stating that the Syndicate in its meeting held on 20.08.2019 has resolved to



recommend to forward the Representation to Government of Tamil Nadu for inclusion of Secretaries of Affiliated Colleges in the Syndicate along with the Resolution passed in the regard by the Senate in its Meeting held on 19.07.2019 for consideration. It is now required by the respondents to comply with the order of this Court by making necessary amendment in the Statute in order to provide adequate representation to the affiliated Colleges/Self Financing Colleges affiliated to the 1st respondent University. It is also required to fill up any future vacancy in the Syndicate of the Respondent University only after re-constituting the composition of the Syndicate. With these averments, the petitioner Association has filed the present Writ Petition for the aforesaid relief.

4.Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader appearing for the 1st respondent and Mr.Karthikai Balan, learned Government Advocate appearing for the 2nd respondent.

5.It is seen from the documents enclosed in the typed set of papers that pursuant to the order of this Court dated 01.07.2019 in WP.No.12478 of 2019, the petitioner Association submitted representation dated 05.08.2019 requesting to provide adequate representation in the Syndicate in proportionate to the number of colleges affiliated, which was placed before the Syndicate for discussion in its meeting held on 20.08.2019 and a resolution was passed to recommend that the representation of Association of self financing Arts, Science and Management college of Tamil Nadu, Coimbatore for inclusion of Secretaries of affiliated colleges in the Syndicate along with the Senate resolution passed in this regard on 19.07.2019 be forwarded to Government of Tamil Nadu for consideration. It is further evident from the communication dated 23.09.2019 sent by the first respondent University to the second respondent, a copy of which is enclosed at page 29 of the typed set of papers that the Syndicate and Senate resolutions regarding the inclusion of Secretaries of affiliated colleges in the Syndicate have been forwarded to the Principal Secretary to the Government, Department of Higher Education, for consideration. Such being the present factual position, the only direction that is now, required to be issued to the respondents is to pass appropriate orders at an early date.

6.Accordingly, this writ petition stands disposed of, directing the respondents to pass appropriate orders, with regard to the claim of the petitioner, on the basis of the Syndicate and Senate resolutions, within a period of eight weeks from the date



of receipt of a copy of the order. While passing such order, the respondents shall provide an opportunity of personal hearing to the petitioner Association. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Registrar, Bharathiar University,
Coimbatore 641 046.
2. The Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George, Chennai 600 009.

+lcc to Mr.G.Sankaran, Advocate, S.R.No.23878
+lcc to the Government Pleader, S.R.No.24013

W.P.No.32723 of 2019

LN(CO)
SB(19/07/2021)