



W.P.No.9721 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

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Prof.I.Elangovan

.. Petitioner

Vs

- 1 The Registrar
Thiruvalluvar University, Serkadu - 632 115
Vellore District.
(Cause title amended vide order
dated 22.04.2022)
- 2 The Principal Secretary to Government
Department of Higher Education
Government of Tamil Nadu
Fort St.George and Convener-VC-
Committee and Ex-officio Member-Syndicate
Thiruvalluvar University @ Chennai – 600 009.
- 3 The Registrar i/c.
Thiruvalluvar University, Serkadu - 632 115
Vellore District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents to



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start the Department of Dr.B.R.Ambedkar Studies as prayed for by him through his representation dated 09.11.2021 within a stipulated time.

For the Petitioner : Mr.V.Ajay Khose

For the Respondents : Mr.R.Shunmugasundaram
Advocate General
assisted by
Mrs.R.Anitha
Special Government Pleader
for 2nd respondent

: Mr.P.Dineshkumar
for respondents 1 and 3

ORDER

(Order of the court was made by D.KRISHNAKUMAR,J.)

This writ petition has been filed by the petitioner to issue a writ of mandamus directing the respondents to start the Department of Dr. B.R.Ambedkar Studies as prayed for by him in his representation dated 9.11.2021.

2. It is the case of the petitioner that he is a retired English Language Teacher, who served in Elizabeth Rodman Voorhees



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College, Vellore, and was the State Vice President of Association of University Teachers (Regd.) Tamil Nadu for several years and also the Secretary of Thiruvalluvar University Co-ordination Committee, Vellore. He was elected as member of the Academic Council of the University of Madras for the period 1993-1996 and also elected member of the Academic Council and the Syndicate during December 2006 to November 2009 in Thiruvalluvar University.

3. According to the petitioner, Thiruvalluvar University, Serkadu, was created by an Act passed by the Tamil Nadu Legislative Assembly, namely "*The Thiruvalluvar University Act, 2002*" and nearly 7 Vice Chancellors were appointed and they administered the University according to their will and not in accordance with the mandate of the Act of 2002. The Thiruvalluvar University has been created with an intention of promoting the interests of dalits and the other backward classes of the society and the de-notified tribes and their arts and literature.



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4. The petitioner has placed on record the objects and powers of Thiruvalluvar University, which reads thus:

"1. The University shall have the following objects and powers:-

- (1)"to institute, maintain and manage institutes of research for Dalits Art and Literature;*
- (2)to institute, maintain and manage training colleges exclusively for the members belonging to Backward Classes, Most Backward Classes, De-notified Communities, Scheduled Castes and Scheduled Tribes, performing art;*
- (3)to establish artists, village for the artists belonging to Backward Classes, Most Backward Classes, De-notified Communities, Scheduled Castes and Scheduled Tribes near Cholamandalam or Padappai in Kancheepuram district;*
- (4)to set up an archive to collect and preserve periodicals, journals, books, authored by Scholars belonging to Backward Classes, Most Backward classes, De-notified Communities, Scheduled Castes and Scheduled Tribes;*
- (5)to set up a publication bureau/publishing wing to publish literary works authored by persons*



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belonging to Backward Classes, Most Backward Classes, De-notified Communities, Scheduled Castes and Scheduled Tribes;

(6)to provide for instruction and training in such branches of learning as it may determine;

(7)to provide for research and for the advancement and dissemination of knowledge with a focus on the economic and social upliftment of oppressed classes including Scheduled Castes, Scheduled Tribes, Most Backward Classes, De-notified Communities and Backward Classes;

(8)to institute degrees, titles, diplomas and other academic distinctions;

(9)”

5. The petitioner states that he got elected as member of the Syndicate from Teachers Constituency during November 2006 and at the very first meeting of the Syndicate of Thiruvalluvar University held on 27.12.2006, he moved a resolution for instituting a new Department in the University called “Department of Dr. B.R.Ambedkar Studies”. The said resolution was unanimously



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passed with the wholehearted support of the then Principal Secretary to Government, Department of Higher Education and the then Ex-officio Member of the Syndicate of Thiruvalluvar University.

6. The petitioner also stated that, on 17.3.2008, at the meeting of the Syndicate it was unanimously resolved to recommend to the first respondent for the institution of Dr. B.R.Ambedkar Studies in Thiruvalluvar University, Vellore and it was further resolved to consult Dr. Ambedkar Foundation, Ministry of Social Justice and Empowerment, Government of India, New Delhi for creation of Dr. Ambedkar Chair in Thiruvalluvar University, Vellore. On 30.3.2007, the Academic Council also approved the proposal to start the Department of Dr. B.R.Ambedkar Studies and the petitioner also emphasized the need to start the said Department. While so, the respondent University without minding to start the Department of Dr. B.R.Ambedkar Studies evinced more interest in creating the Department of English, Department of Tamil, Department of Biotechnology, Chemistry, Mathematics and the like and the successive Vice Chancellors of Thiruvalluvar University did



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not pay heed to the initiative taken by the petitioner. The said issue was time and again raised by the petitioner at the subsequent Academic Council meetings. However, the respondent University had decided to start the Department of Physics, Department of Computer Science and many other new Departments from the academic year 2022-23. The petitioner has been all along requesting to start the Department of Dr. B.R.Ambedkar Studies at Thiruvalluvar University and he was running from pillar to post, but in vain. In this regard, the petitioner has made several representations, which includes the representations dated 27.10.2011, 30.7.2021, 9.11.2021 and 2.1.2022, to various authorities to start the Department of Dr. B.R.Ambedkar Studies in Thiruvalluvar University. Despite receipt of the representations, the authorities concerned have not taken any action. Therefore, the petitioner has filed the present public interest litigation.

7. The respondent Thiruvalluvar University filed counter stating that proposal for creation of the Department of Dr. B.R.Ambedkar Studies in Thiruvalluvar University was placed before



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the 14th Syndicate meeting held on 27.12.2006 and it has been resolved to create Department of Dr. B.R.Ambedkar Studies. Further, the Syndicate, in its 23rd meeting held on 17.3.2008 had resolved to recommend to His Excellency-Chancellor for institution and commencement of the Department of Dr. B.R.Ambedkar Studies in Thiruvalluvar University and it has been further resolved to consult Dr. B.R.Ambedkar Foundation, Ministry of Social Justice and Empowerment, Government of India, New Delhi for the creation of Dr. B.R.Ambedkar Chair in Thiruvalluvar University.

8. It is stated that following the recommendations of the Syndicate, the Chancellor of the University has accorded his assent for the creation of Department of Dr. B.R.Ambedkar Studies in Thiruvalluvar University vide communication dated 23.4.2008. Following the assent from the Chancellor, the then Registrar of Thiruvalluvar University vide his letter dated 18.9.2008 addressed to the second respondent, after explaining the financial constraints faced by the Thiruvalluvar University on account of disaffiliation of as many as 73 Constituent Colleges and extreme financial burden in



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commencing the newly approved Department of Dr. B.R.Ambedkar Studies, had sought for sanction of posts for the said Department, namely one Professor, two Readers and three Assistant Professors as per UGC norms and also necessary financial assistance towards infrastructure, followed by a reminder dated 7.9.2009 to the second respondent seeking sanction of posts in the Department of Dr. B.R.Ambedkar Studies and also for financial assistance for the infrastructure of the Department.

9. It is also stated that vide communication dated 24.2.2010, the then Vice Chancellor requested the second respondent to sanction the posts proposed for the Department of Dr. B.R.Ambedkar Studies and the said communication was followed by further reminders. In view of serious financial constraints, it was constrained to seek financial assistance from the Ministry of Social Justice and Empowerment vide communication dated 17.9.2008, followed by reminders dated 7.7.2017 and 23.3.2018 respectively. The respondent University vide its communication dated 14.10.2019 addressed to the Ministry of Social Justice and Empowerment, New



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Delhi, has sent a detailed proposal for setting up the Dr. B.R.Ambedkar Chair in the Department of English of Thiruvalluvar University in furtherance and fulfillment of the object, namely upliftment of social, economic and financial status of the oppressed communities by making provision for research and dissemination of knowledge with focus on the same.

10. It is stated that a proposal was sent for approval and for financial assistance under the Central Assistance Scheme contemplated under Section 12B of the UGC Act, followed by a reminder dated 3.2.2021. However, the same did not evoke any response till date. An agenda for creation of Department of Dr. B.R.Ambedkar Studies in the respondent University with both teaching and non-teaching staff in the ratio of 1:1:3 and for financial sanction for the same was placed before the 49th Finance Committee in-circulation on 29.6.2022 and it has been resolved that the said proposal has been deferred on account of financial deficit as per the Budget estimate of Thiruvalluvar University for the year 2022-23. It is stated that the authorities of the respondent



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University are taking all possible steps and efforts towards the creation and commencement of Department of Dr. B.R.Ambedkar Studies and Dr. B.R.Ambedkar Chair in Thiruvalluvar University and the process will be undertaken by the University as soon as the financial assistance sought from the concerned authorities is sanctioned.

11. The second respondent has filed counter stating that for creating a Department of Dr. B.R.Ambedkar Studies would require creation of certain teaching and non-teaching posts, which would eventually involve huge additional financial commitment to the Government exchequer and also involves policy decision of the Government. Hence, the prayer of the petitioner requires a detailed examination in consultation with the other advisory Departments, namely Human Resources Management Department/Finance Department. It is stated that the Government will consider the request of the petitioner dated 9.11.2021 after the financial crisis of the Government is resolved.



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12. Learned counsel for the petitioner submitted that the State Government as well as the Chancellor of Thiruvalluvar University are requested by the petitioner to take all necessary and appropriate steps to start the Department of Dr. B.R.Ambedkar Studies without any further delay by creating necessary teaching and non-teaching posts at the University. However, the said request of the petitioner has not been considered by the Government and the respondent University. Hence, the petitioner has approached this Court for direction on the respondents to start the Department of Dr. B.R.Ambedkar Studies as prayed for by him in his representations.

13. In reply, learned Advocate-General, appearing for the second respondent submitted that the request of the petitioner to start the Department of Dr. B.R.Ambedkar Studies in Thiruvalluvar University was placed before the Finance Committee on 29.6.2022 and the Committee has resolved to defer for better time the creation of Department of Dr. B.R.Ambedkar Studies and sanction of both teaching and non-teaching posts due to financial deficit as per the Budget estimate for the year 2022-23 in respect of Thiruvalluvar



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University. Therefore, for the present academic year 2022-23 there is no feasibility for considering to start the Department of Dr. B.R.Ambedkar Studies in Thiruvalluvar University and the said proposal will be considered for the next academic year 2023-24, subject to the availability of funds.

14. We have also heard learned counsel appearing for the respondent Thiruvalluvar University, who adopted the argument of learned Advocate-General.

15. We have considered the submissions raised by learned counsel for the petitioner and learned Advocate-General appearing for the second respondent.

16. The petitioner urged for starting the Department of Dr. B.R.Ambedkar Studies in Thiruvalluvar University. On the other hand, it is the say of the respondent State that creating the Department of Dr. B.R.Ambedkar Studies in Thiruvalluvar University involves creation of certain teaching and non-teaching posts, which



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would eventually involve huge additional financial commitment to the Government exchequer. Further, the creation of the Department of Dr. B.R.Ambedkar Studies and sanction of teaching and non-teaching posts are deferred by the Finance Committee in its meeting held on 29.6.2022 due to financial deficit as per the Budget estimate for the year 2022-23 in respect of Thiruvalluvar University. In such view of the matter and recording the submission of learned Advocate-General that the proposal for starting the Department of Dr. B.R.Ambedkar Studies in Thiruvalluvar University will be considered in the next academic year 2023-24, subject to the financial position of the State Government, a direction in the nature as sought for by the petitioner now cannot be acceded to.

17. Accordingly, the writ petition is disposed of. The respondent State shall consider the request of the petitioner for starting the Department of Dr. B.R.Ambedkar Studies in Thiruvallur University in the next academic year 2023-24, as submitted by learned Advocate General and resolved by the Finance Committee. There will be no order as to costs.



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(D.K.K., J.) (T.V.T.S., J.)
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Index : Yes/No
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