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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.15503 of 2022

Alamelu Ammaal Educational Trust,
No.24/2, Q Block, 17th Street,
Annanagar Chennai - 600 040.
Established and Administering
JNN Institute of Engineering
Ushaa Garden, 90, Kannigaipair Village,
Uthukottai Taluk,
Thiruvallur District,
Tamil Nadu 601 102.
Rep by its Chairman
S.Jayachandran

... Petitioner

vs.

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

2. The Registrar,
Anna University,
Sardar Patel Road,
Chennai - 600 025.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the first respondent University Grants Commission to pass order on the application of the petitioner college for grant of Fresh Autonomous Status for the academic year 2022-23 dated 21.02.2022 received on 24.02.2022 independently and uninfluenced by the letter of rejection of the second respondent University dated 21.03.2022 based on invalid Guidelines of the University not served on the petitioner as required under the UGC Regulation 2018.



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For Petitioner : Mr.G.Masilamani,
Senior Advocate
for Mr.D.Prabhu Mukunth Arun Kumar

For Respondent 1: Mr.Rabu Manohar

For Respondent 2: Mr.V.Meenakshi Sundaram

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to pass orders on the application submitted by the petitioner college for grant of fresh autonomous status for the academic year 2022-23 independently uninfluenced by the letter of rejection of the second respondent University dated 21.03.2022.

2. Mr.Rabu Manohar, learned counsel accepts notice on behalf of the first respondent and Mr.V.Meenakshi Sundaram, learned counsel accepts notice on behalf of the second respondent. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3. According to the petitioner, they had applied for autonomous status with the first respondent on 21.02.2022 and the said application was received by the first respondent on 24.02.2022. According to them, they came to know that the second respondent University by a recommendation letter dated 21.03.2022 has informed the first respondent that the petitioner is not entitled for autonomous status. According to the petitioner, based on the invalid guidelines, the said recommendation was made by the second respondent University to the first respondent.

4. Heard Mr.G.Masilamani, learned Senior Counsel representing Mr.D.Prabhu Mukunth Arun Kumar, learned counsel for the petitioner, Mr.Rabu Manohar, learned counsel for the first respondent and Mr.V.Meenakshi Sundaram, learned counsel for the second respondent.

5. Mr.G.Masilamani, learned Senior Counsel for the petitioner would submit that the guidelines framed by the second respondent which is the basis of its recommendation to the first respondent has been declared to be invalid by orders of this Court dated 06.09.2021 in W.P.No.14351 & 14353 of 2021. He relied upon paragraph 20 of the said judgment which reads as follows:



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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."

6. Therefore, according to him, the first respondent has to independently make this assessment and thereafter decide as to whether the petitioner institution is eligible for autonomous status or not and they should not be influenced by the letter of rejection of the second respondent University dated 21.03.2022 which according to him has been based on invalid guidelines of the University as the said guidelines has been declared as invalid by the orders of this Court referred to supra.

7. Mr.Rabu Manohar, learned standing counsel for the first respondent has placed before this Court, the written instructions which he has received from the first respondent who has pointed out that the petitioner has not satisfied the mandatory requirement of 60% enrolment of students for the first years (average of the last three years) and has also not satisfied that the pass percentage of students which has to be 70% but instead the petitioner institution's pass percentage is only 46.95% in the tabular column of the written instruction. However, the same is disputed by the learned Senior Counsel for the petitioner on instructions.

8. Without going into the merits of the respective contentions with regard to the eligibility of the petitioner's institution to be declared as an autonomous institution, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's application seeking to declare them as an autonomous college is considered on merits and in accordance with law after affording a fair hearing to the petitioner, uninfluenced by the letter of rejection of the second respondent University dated 21.03.2022 which has been passed based on invalid guidelines declared by this Court in its order dated 06.09.2021 passed in W.P.Nos.14351 & 14353 of 2021.

9. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's application dated 21.02.2022 which was received by the first respondent on 24.02.2022 seeking for declaration of the petitioner as an autonomous institution and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner independently and uninfluenced by the letter of rejection by the second respondent University on 21.03.2022



within a period of six weeks from the date of receipt of a copy of this order.

10. With the aforesaid direction, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Registrar,
Anna University,
Sardar Patel Road,
Chennai - 600 025.

+1cc to Mr.D.Prabhu Mukunth Arun Kumar, Advocate, S.R.No.37980
+1cc to Mr.Rabu Manohar, Advocate, S.R.No.37971

W.P.No.15503 of 2022

SR-II[co]
NSK/29/06/2022