

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.16091 OF 2022

&

W.M.P.NO.15444 OF 2022

Rathinam Techninical Campus,
represented by its Chairman,
Pollachi Main Road,
Eachanari,
Coimbatore - 641 021.

... Petitioner

.Vs.

1. Anna University,
Represented by its Registrar,
Chennai - 600 025.
2. Centre for Academic Courses
represented by its Director,
Anna University,
Chennai - 600 025.
3. University Grants Commission,
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

... Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus calling for the records of the 1st respondent ending with its letter No.446/AU/CAC/Autonomous/2022 dated 13.06.2022 and quash the same and consequently, direct the University Grants Commission, the third respondent to consider the application of the petitioner dated 22.01.2022 for conferment of autonomous status in the light of the judgment of the Division Bench of this Court in W.A.No.51 of 2020 and confirmed by the Hon'ble Apex Court in SLP (C). Nos.8324-8325 of 2020.

For Petitioner : Mrs.Muthumani Doraisami

For Respondents : Mrs.V.Meenakshi Sundaram
1 & 2 Standing Counsel

For Respondent 3 : Mr.B.Rabu Manohar

ORDER

This writ petition has been filed challenging the letter No.446/AU/CAC/Autonomous/2022 dated 13.06.2022 rejecting the petitioner's application dated 22.01.2022 seeking for grant of fresh autonomous status for the academic year 2022-23 and also for a direction to the third respondent to consider the petitioner's application dated 22.01.2022 in the light of the judgment of the Division Bench of this Court in W.A.No.51 of 2020 which was upheld by the Hon'ble Apex Court in SLP (C). Nos.8324-8325 of 2020.

2. According to the petitioner, they had applied for autonomous status with the third respondent on 22.02.2022. According to the petitioner, based on the invalid guidelines, the first respondent has rejected their application dated 22.02.2022.

3. Heard the learned counsel for the petitioner, the learned counsel appearing for the first and second respondents and the learned counsel appearing for the first respondent.

4. Learned counsel for the petitioner would submit that the guidelines framed by the first respondent which is the basis of its rejection 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:

"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."

5. Therefore, according to him, the third respondent has to independently make its assessment and thereafter decide as to whether the petitioner institution is eligible for autonomous status or not and the said assessment should not be 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.

6. Learned standing counsel for the third respondent on instruction would submit that the petitioner has 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 impugned order and the petitioner has also not satisfied the 'h' index of college which has to be 10 whereas the petitioner Institution is only 9.

7. Without going into the merits of the respective contentions with regard to the eligibility of the petitioner institution to be declared as an autonomous institution, this Court is of the considered view that no prejudice would be caused to the third respondent, if the petitioner's application seeking to declare them as an autonomous college is considered afresh and independently on merits and in accordance with law.

8. For the foregoing reasons, this Court permits the petitioner to submit the documents/orders before the third respondent in support of their request for autonomous and this Court also directs the third respondent to consider afresh and independently the petitioner's application dated 22.02.2022 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 within a period of six weeks from the date of receipt of a copy of this order.

9. Since the third respondent is the competent authority to grant autonomous status to the petitioner and in view of the fact that the direction has been issued to them to make an independent assessment of the petitioner institution, the question of quashing of the impugned order issued by the first respondent will not arise.

10. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Registrar,
Anna University,
Chennai - 600 025.
2. The Director,
Centre for Academic Courses,
Anna University,
Chennai - 600 025.
3. The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.40243
+1cc to Mrs.Muthumani Doraisami, Advocate, S.R.No.40398

W.P.NO.16091 OF 2022

PL(CO)
PBS/20/07/2022