



W.P.No.27361 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27361 of 2022
and W.M.P.Nos.26555, 26556 and 26558 of 2022

Er.Perumal Manimekalai College of Engineering
represented by its Chairman, Nallaganakothapalli
Koneripalli Post, Krishnagiri District-635 117.

.... Petitioner

-Vs-

1. Anna University
represented by its Registrar
Chennai 600 025.
2. Centre for Academic Courses
represented by its Director
Anna University, Chennai 600025.
3. University Grants Commission
represented by its Secretary
Bahadur Shah Zafar Marg
New Delhi 110 002.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent ending with its letter No.3338/AU/CAC/Autonomous/2022 dated 30.06.2022 and quash the same and consequently direct the University Grants Commission, the 3rd respondent herein to consider the application of the petitioner dated 06.05.2022 / 27.06.2022 for conferment of autonomous status in the light of the order of this Hon'ble Court in W.P.No,25506 of 2022.



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W.P.No.27361 of 2022

For Petitioner : Mr.Kandhan Duraisami
For Respondents : Mr.V.Meenakshi Sundaram
Standing Counsel – for R1 and R2
Mr.B.Rabu Manohar
Senior Central Government Standing
Counsel-for R3

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records of the 1st respondent ending with its letter No.3338/AU/CAC/Autonomous/2022 dated 30.06.2022 and quash the same and consequently direct the University Grants Commission, the 3rd respondent herein to consider the application of the petitioner dated 06.05.2022 / 27.06.2022 for conferment of autonomous status in the light of the order of this Court in W.P.No.,25506 of 2022.

2. The petitioner is an Engineering Institute called Er.Perumal Manimekalai College of Engineering approved by the All India Council for Technical Education (AICTE) and affiliated to the Anna University. Since the Institution has been functioning from 2009-10 and the recognition was also granted by the University Grants Commission (UGC) under Sections 2(f) and 12(b) of the UGC Act, on that strength the petitioner wanted to get autonomous status to the institution, for which an application was made on 06.05.2022 and 27.06.2022 to the Anna University and UGC respectively.



W.P.No.27361 of 2022

WEB COPY

3. As per the procedure in vogue, the decision as to whether autonomous status to be given to a particular institution can be given only by the UGC under its 2018 Regulations, however such application should be submitted to the concerned affiliating university, who on considering the same can forward the applications by way of a reasoned order to the UGC within 30 days. If no such order is passed within 30 days with or without considering the same, uninfluenced by the input to be supplied, the UGC can independently consider the said application and pass orders thereon on merits and in accordance with law with regard to the plea raised by the institution to get autonomous status.

4. In this process, the application submitted by the petitioner institution to the second respondent / Anna University, having been considered, was rejected by order dated 30.06.2022 by way of a speaking order. The only reason cited by the Anna University in rejecting the plea of the petitioner is that the petitioner did not satisfy the criteria prescribed by the Anna University Guidelines 2018 for award of fresh autonomous status. Challenging the said order and for a consequential direction to the UGC the petitioner has moved the present writ petition.



W.P.No.27361 of 2022

WEB COPY

5. Heard Mr.Kandhan Duraisami learned counsel appearing for the petitioner, Mr.V.Meenakshi Sundaram, learned Standing Counsel for the 1st and 2nd respondent and Mr.Rabu Manohar, learned Senior Central Government Standing Counsel for the third respondent UGC.

6. The issue raised in this writ petition is no more *res integra* as number of such cases where the rejection order passed by the Anna University having been challenged, was considered and orders were passed by this Court. One such order was passed in W.P.No.25506 of 2022 in the matter of "**Shree Venkateshwara Educational & Charitable Trust -Vs- University Grants Commission**" dated 29.09.2022, wherein this Court, having considered the earlier orders passed by the Division Bench of this Court, had issued the following directions.

" 19. That apart, insofar as the validity of the guidelines prescribed by the University is concerned, as per the orders passed by the writ Court dated 06.09.2021 in Annapoorana case referred to above, the learned Judge has declared that these guidelines does not have any statutory force, therefore, it is a self imposed guidelines on the part of the University as to how to conduct the inspection and process the application and to complete the same before preparing the reasoned order to send



W.P.No.27361 of 2022

it to the UGC. Therefore, that kind of self imposed guidelines cannot be the sole criterion to testify the infrastructure and instructional facilities of the institution concerned, who seek for such an autonomous status from the UGC.

20. The reason being that, the power is vested with the UGC to independently consider the application to be submitted in this regard for getting autonomous status and this has been clearly mentioned in their Regulations, which has been considered and reiterated by the Division Bench judgment referred to above followed by other decisions and this has also been clarified now by the learned Standing counsel appearing for the UGC that they will conduct their own independent inspection and after conducting their inspection the input whatever made by the affiliating University can only be taken as an additional input, therefore, based on such an additional input alone normally the UGC would not decide the merits of the claim made by the Management or Institution concerned.

21. In that view of the matter, since the guidelines itself of the University having been declared so by the orders of this Court a year back, now the present order also, which is impugned herein, since has been passed by the respondent University citing only the very same guidelines as the sole criterion to reject the plea of the petitioner by the order dated 07.09.2022, I am of the considered view that, the impugned order does not stand in the legal scrutiny for the reasons stated the order itself.



W.P.No.27361 of 2022

22. *In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:*

That the impugned order is set aside. As a sequel, there shall be a direction to the respondent UGC to consider the application submitted by the petitioner dated 26.05.2022 independently on its own merits and in accordance with law by conducting an inspection and pass orders thereon within a period of four(4) weeks from the date of receipt of a copy of this order."

7. Learned counsel for both sides have not controverted with the aforesaid legal position, where the similar rejection order passed by the very same Anna University in respect of other institute on the ground that 2018 guidelines were not fulfilled by the Institute, was considered and accordingly the order passed by the Anna University was set aside and a consequential direction was given to the UGC to consider the application submitted by the institute independently by conducting an independent inspection and pass orders thereon within a time frame.

8. Following the said judgment, in the similar lines this writ petition is disposed with the following order.



W.P.No.27361 of 2022

WEB COPY

- That the impugned order dated 30.06.2022 is set aside.
- As a sequel, there shall be a direction to the 3rd respondent University Grants Commission (UGC) to process the application submitted by the petitioner dated 27.06.2022 uninfluenced by the rejection order passed by the Anna University and pass orders thereon on merits and in accordance with law of course by conducting an inspection, on the plea raised by the petitioner with regard to the grant of autonomous status to the petitioner institution within four weeks from the date of receipt of a copy of this order.”

9. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition are closed.

14.10.2022

Index : Yes/No

Internet : Yes/No

KST

Note : Issue order copy on 17.10.2022

To

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

2.The Registrar Anna University
Chennai 600 025.

R. SURESH KUMAR, J.



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W.P.No.27361 of 2022

KST

W.P.No. 27361 of 2022

14.10.2022