



W.P.No.28855 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.28855 of 2022

Sri Shanmugha Educational Charitable Trust
Rep.by its Chairman Mr.K.Shanmugham
106D, Sankari Road, Seetharampalayam
Thiruchengode, Namakkal District-637 209.
Established and Administering
Sri Shanmugha College of Engineering and
Technology, Morur Post, Sankari TK.,
Salem District 637 304, Tamil Nadu.

.... 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 under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent University Grants Commission to pass order on the application of the petitioner college (Sri Shanmugha College of Engineering and Technology) for grant of fresh autonomous status for the academic year 2022-23 dated 18.04.2022 which was forwarded to the University Grants Commission on 25.06.2022 as per UGC Regulation 2018.



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For Petitioner : Mr.D.Prabhu Mukunth Arun Kumar
For Respondents : Mr.B.Rabu Manohar,
Senior Central Government Standing Counsel
- for R1
Mr.V.Meenakshi Sundaram
Standing Counsel - for R2

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent University Grants Commission to pass order on the application of the petitioner college (Sri Shanmugha College of Engineering and Technology) for grant of fresh autonomous status for the academic year 2022-23 dated 18.04.2022 which was forwarded to the University Grants Commission on 25.06.2022 as per UGC Regulation 2018.

2. The petitioner Trust is running a College called Sri Shanmugha College of Engineering and Technology after getting necessary approval from All India Council for Technical Education (AICTE) and got affiliated to the second respondent University.

3. As the petitioner has become eligible to seek autonomous status as the first respondent University Grants Commission (UGC) included the petitioner under Section 12B of the UGC Act, the petitioner had made an application as per the procedure in



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vogue to the second respondent University on 18.04.2022. The petitioner also submitted an application to the first respondent UGC on 25.06.2022.

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4. The application submitted by the petitioner having been processed by the second respondent University, they had forwarded their recommendation through their communication dated 19.09.2022 to the first respondent UGC. Despite the aforesaid development has taken place, where the application submitted by the petitioner having been processed was forwarded with its recommendation by the second respondent University to the first respondent, the first respondent has so far not completed the process and passed orders on the plea of the petitioner to get autonomous status for its institution. Therefore, seeking a writ of mandamus to that effect, the petitioner has approached this Court with the aforesaid prayer.

5. Heard Mr.D.Prabhu Mukunth Arunkumar, learned counsel for the petitioner who would submit that the power to consider and grant autonomous status to an institution vests with the first respondent UGC and in this regard, number of such cases having been considered, orders were passed by the UGC and if at all there is any delay in processing the application, those institutions have approached this Court and this Court, after considering the issue, has granted orders, where, even if the affiliating university has not forwarded the report within a time frame or has passed a negative report to the UGC, even then the UGC can independently consider the same



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by processing the application and grant autonomous status to such institution if the institution is otherwise eligible to such status. This position has been reiterated in the orders passed by this Court in the following writ petitions.

- W.P.No.24797 of 2022 dated 29.09.2022 **(V.S.B.Educational Trust -Vs- University Grants Commission and another)**, and
- W.P.No.27342 of 2022 dated 14.10.2022 **(Knowledge Institute of Technology -Vs- University Grants Commission and another)**.

6. Relying upon the above orders, the learned counsel for the petitioner seeks the indulgence of this Court to issue a similar order in this writ petition also.

7. Heard Mr.B.Rabu Manohar, learned Senior Central Government Standing Counsel for the first respondent and Mr.V.Meenakshi Sundaram, learned Standing Counsel appearing for the second respondent.

8. Learned Senior Central Government Standing Counsel appearing for the first respondent UGC would submit that, based on the input supplied by the University and also after having independently considered the application of the petitioner by conducting inspection in this regard, the first respondent UGC shall complete the processing of the application of the petitioner and orders would be passed with regard



to the claim of the petitioner for grant of autonomous status within a period that may be stipulated by this Court.

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9. Learned Standing Counsel appearing for the second respondent Univesity has submitted that the application submitted b the petitioner was processed and a recommendatory report has already been forwarded by way of a reasoned order to the first respondent by the University on 19.09.2022.

10. I have considered the submissions made by the learned counsel appearing for both sides and have perused the materials placed on record.

11. As has been rightly pointed out by the learned counsel for the petitioner, the issue raised in this writ petition is no more *res integra* as number of such writ petitions have been filed, where orders have been passed by this Court and the two orders cited by the learned counsel for the petitioner are of the recent origin, where this kind of issue was dealt with and Mandamus has been issued. In the first case ie., W.P.No.24797 of 2022, this Court passed the following order.

" 13. In view of the said legal position and by taking into account of the factual matrix in this case, where, the University counsel has submitted that the reasoned order with a positive note would be forwarded soon to the UGC within a period of one week and having



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recorded the same, this Court is inclined to dispose of this writ petition with the following orders:

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That there shall be a direction to the 1st respondent University Grants Commission to complete the process of the application of the petitioner dated 08.08.2022 and pass orders thereon, with regard to the plea of the petitioner for getting autonomous status for its college i.e. V.S.B. Engineering College for the academic year 2022~2023 after completion of the inspection in this regard by the UGC and after taking into account of the report and reasoned order to be submitted by the 2nd respondent Anna University, which the Anna University would forward to the UGC within a period of one week from the date of receipt of a copy of this order, on merits and in accordance with law within a period of four weeks thereafter. In this regard, if any further input is required from the petitioner by the UGC, that can also be sought for and after getting such further input, the needful as indicated above shall be completed within outer time limit of four weeks and orders shall be passed by the UGC.

14. With these directions, this Writ Petition is disposed of. No costs."

12. In respect of the second case ie., W.P.No.27342 of 2022 (Knowledge Institute of Technology -Vs- UGC) is concerned, this Court, following the earlier case as stated supra, has passed the following order.

" 8. Therefore, this Court is inclined to dispose of this writ petition with the following order.



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" That there shall be a direction to the 1st respondent University Grants Commission to consider the application submitted by the petitioner dated 18.04.2022 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 directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed."

13. It cannot be controverted that the issue raised in this writ petition is also similar and the petitioner is also similarly placed as that of the writ petitioners in the above writ petitions. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

" That there shall be a direction to the 1st respondent University Grants Commission to consider the application submitted by the petitioner dated 18.04.2022 and subsequently on 25.06.2022 and after completing the processing of application, by conducting an inspection either on the basis of the order passed by the University or otherwise independently, shall pass orders thereon on merits and in accordance with law 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."



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

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Index : Yes/No
Internet : Yes/No
KST

Note : Issue order copy tomorrow (03.11.2022)

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.



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R. SURESH KUMAR, J.

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