



WEB COPY



W.P.Nos.29715 & 29728 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.29715 & 29728 of 2022

and

W.M.P.No.29111 of 2022

W.P.No.29715 of 2022

Prince Shri Venkateshwara
Padmavathy Engineering College,
Rep. by its Chairman,
Medavakkam - Mambakkam Road,
Ponmar, Chennai - 600 127.

...Petitioner

Vs.

1. Anna University,
Rep. by its Registrar,
Chennai - 600 025.

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

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent Anna University to forthwith issue notification for the petitioner institution in terms of Regulation 4.1 of UGC Regulations 2018 to function as an autonomous entity in terms of Regulations 3.11 and 3.12 pursuant to the



W.P.Nos.29715 & 29728 of 2022

conferment order of the 2nd respondent in No.F.22-1/2022(AC) dated 27.10.2022.

WEB COPY

For Petitioner : Mr.Kandhan Duraisami

For R1 : Mr.V.Meenakshi Sundaram, SC

For R2 : Mr.B.Rabu Manohar, SCGC

W.P.No.29715 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,
Rep. 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 to issue a Writ of Mandamus, directing the 2nd respondent University to issue notification as per 4.1 and provide nominees to the statutory bodies of the petitioner College as per 13.3 of University Grants Commission



W.P.Nos.29715 & 29728 of 2022

(Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018.

For Petitioner : Mr.D.Prabhu Mukunth Arun Kumar

For R1 : Ms.V.Sudha, CGSC

For R2 : Mr.Meenakshi Sundaram, SC

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, with the consent of learned counsel appearing for both sides, both these writ petitions were heard together and are disposed of by this common order.

2. The Petitioners-Institutions are Engineering Colleges duly approved by the All India Council for Technical Education (AICTE) and affiliated to the respondent-Anna University. They have been functioning for more than a decade.

3. In respect of the College in W.P.No.29715 of 2022, the National Assessment and Accreditation Council's (NAAC) accreditation point was 3.6 A++ and for the said college with such distinction, the University



W.P.Nos.29715 & 29728 of 2022

Grants Commission (UGC), after verifying the infrastructural and academic standards of the institution, had conferred the autonomous status, by order dated 27.10.2022.

4. In respect of the petitioner College in W.P.No.29728 of 2022, the UGC, having considered the infrastructural and academic standards, had conferred the autonomous status of the college, by order dated 10.10.2022.

5. Once the autonomous status is conferred by the UGC to the institutions, the next course of action to be followed is that the status should be published by way of a notification by the respondent University. This has been emphasized under Regulation 4.1 of the University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018 (in short, 2018 Regulations).

6. The UGC has also given only 30 days time for the affiliated Universities to issue such notification.



W.P.Nos.29715 & 29728 of 2022

7. When that being so, in respect of W.P.No.29175 of 2022, even though the 30 days period is over after issuance of the conferment order of autonomous status dated 10.10.2022, no such notification has been issued by the respondent University. In respect of W.P.No.29728 of 2022, though more than 20 days period is over after the issuance of conferment order, no steps have been taken by the respondent University to issue such notification. Therefore, to seek for a Mandamus to the respondent University to issue such a notification, the present writ petitions have been filed.

8. Heard Mr.Kandhan Duraisami and Mr.D.Prabhu Mukunth Arun Kumar, learned counsel appearing for the respective petitioners, who having reiterated the aforestated, seek indulgence of this Court.

9. However, Mr.V.Meenakshi Sundaram, learned Standing Counsel appearing for the respondent-Anna University, on instructions, would submit that, after the autonomous status is given, the same has to be placed before the academic Council of the University, where it would be deliberated and a decision would be taken to issue such notifications. Therefore, the University requires some time to issue the notifications.



W.P.Nos.29715 & 29728 of 2022

10. The learned Standing Counsel for the University would also submit that, merely because an autonomous status is given, the petitioner institutions cannot jump over to any autonomous syllabus to be prescribed in this regard for the current academic year and therefore, the same also requires to be deliberated and accordingly, the notification would be issued after taking a decision in this regard, he contended.

11. On the other hand, the learned Standing Counsel appearing for the UGC in both the writ petitions have submitted that, there is no role for UGC as their job is over after passing the conferment order of autonomous status to the petitioner institutions. Therefore, it is for the University to issue notification and declare the status of the institutions as per Regulation 4.1 of the 2018 Regulations, they contended.

12. I have considered the rival submission made by the learned counsel appearing for the respective parties and perused the materials placed before this Court.

13. As has been rightly pointed by the learned counsel for the petitioners and endorsed by the learned Standing Counsel appearing for



W.P.Nos.29715 & 29728 of 2022

the respondent-UGC, once the UGC grants autonomous status to the institutions concerned, it is for the University to issue notification and declare the autonomous status within a period of 30 days from the date of the conferment order. In the present cases, the period of 30 days is over insofar as the petitioner institution in W.P.No.29715 of 2022 is concerned and nearly about 20 days is over insofar as the petitioner institution in W.P.No.29728 of 2022 is concerned. So far, no notifications have been issued by the respondent University, declaring the autonomous status of the institutions.

14. By taking into account the submission made by the learned Standing Counsel appearing for the Anna University that the issue has been placed before the academic Council of the University and a decision in this regard would be taken at the earliest, this Court is inclined to dispose of these writ petitions with the following orders:-

(i) There shall be a direction to the respondent-Anna University to take a decision with regard to the publication of notification declaring the autonomous status of the petitioner institutions, as per the conferment orders passed by the respondent-UGC on 27.10.2022 and 10.10.2022 respectively, by applying Regulation 4.1 of the 2018 Regulations. Such



W.P.Nos.29715 & 29728 of 2022

notifications shall be issued by the respondent-Anna University, within a period of one week from the date of receipt of a copy of this order.

15. With these directions, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

09.11.2022

Index: Yes/No

Speaking order/Non-speaking order

hvk

Note: Issue order copy on 14.11.2022

To

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

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



WEB COPY



W.P.Nos.29715 & 29728 of 2022

R. SURESH KUMAR, J.

hvk

W.P.Nos.29715 & 29728 of 2022

09.11.2022