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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.5633 of 2020
and
WMP.No.6582, 22002 of 2020

1. Rev Dr. D.Maria Antony Raj,
Member Syndicate Thiruvalluvar University (TVU),
Principal Sacred Heart College
(Autonomous), Tirupattur 635 601,
Vellore District.

2. Dr.A. Mohamed Sadiq
Member Syndicate (TVU),
Principal - Adhiparasakthi College of Arts and Science,
(Autonomoun) G.B.Nagar, Kalavai 632 506,
Vellore District.

3. Dr. A. Liyakath Ali
Member Syndicate (TVU),
Associate Professor and Head,
Department of Biochemistry,
Islamiah College, (Autonomous),
Vaniyambadi - 635 752,
Vellore District.

... petitioners

-Vs-

1. The Vice Chancellor
Thiruvalluvar University,
Serkkadu, Vellore - 632 115.



2. The Registrar
Thiruvalluvar University,
Serkkadu, Vellore - 632 115.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorari Calling for the entire records in respect of the 2nd Respondents order made in Impugned Circular No. TVU / R / 2019 / 4762 dated 29.04.2019 followed by another order made in Impugned Circular No. TU / R / Annual Inspection / 2020 / 237 dated 24.01.2020 and quash the same

For petitioner : Mr. V.Karthik, SC
For K.A.Ravindran

For Respondents : Mr.M.C.Swamy

ORDER

The petition has been filed seeking to quash the order passed by the 2nd Respondents in Impugned Circular No. TVU / R / 2019 / 4762 dated 29.04.2019 followed by another order made in Impugned Circular No. TU / R / Annual Inspection / 2020 / 237 dated 24.01.2020.

2. It is the case of the petitioners that they are elected as syndicate members of the respondent university. The first respondent issued Agenda for 37th Finance Committee meeting on 12.04.2019, to consider 16 items for



approval on circulation. The second respondent has issued the impugned circular dated 29.04.2019, by referring the resolution of syndicate in circulation dated 02.04.2019 that Syndicate has approved the Annual Inspection Fees as Rs.14,000/- per college and inspection fee per course every year for Annual inspection till the permanent affiliation is granted at Rs.10,000/-. On receipt of the above said instructions, the members-syndicate requested for deferment of mandatory annual inspection fees for all unaided courses on the ground that the syndicate resolution in circulation has been passed in haste without deliberating the issue in regular full syndicate meeting and also on the ground that issues pertaining to large number of students and colleges and also financial matters should be discussed elaborately only in the regular full syndicate meeting and decisions are taken thereafter. The members have sent a representation to the Higher Education Minister, Higher Education Secretary and Chief Secretary, Government of Tamil Nadu personally on 03.02.2020 to direct the respondents to withdraw the two circulars. The first respondent have also sent letters dated 06.02.2020 individually to Registrar declining the grant of extension of three months time as requested by them since they not have time to conduct annual inspection before the end of this academic year.



3. Challenging the impugned Circulars dated 29.04.2019 and 24.01.2020 issued by the second respondent, the present writ petition has been filed.

4. Learned Senior Counsel appearing on behalf of the petitioner submitted that the respondents have now unilaterally taken a decision for conducting inspection in every college for each and every course by collecting a fees of Rs.10,000/- with 18% GST, which is not sustainable one. According to the learned senior Counsel, the said agenda was not even placed during the meeting of the syndicate that took place on 02.05.2019 and 21.08.2019. The amendment was sought to be brought into effect by way of circulation. Such circulations were not available in the syndicate meeting. The learned counsel submitted that the respondents are hell bent in carrying out the amendment even without the concurrence of the syndicate members and it will cause serious prejudice to nearly 92 colleges which will have to cough up a heavy cost for inspection for each course. Therefore, the learned counsel prays that this Court may set aside the impugned orders and allow the writ petition.

5. Per contra, Learned Counsel appearing for the respondents submitted that the petitioners are not only the syndicate members but they are



holding the post of members of the fee revision committee. The role of the members in the Syndicate is very important and they played very crucial role in the process of taking policy decision in the interest of quality of education to the students. Approval for fee revision for annual inspection at Rs.10,000/- per course for every year has been approved till the permanent affiliation is granted. After approval of the finance committee and approval council, the circular was circulated all the syndicate members. Out of 13 members, majority of the members were agreed and fixed the fee for annual inspection. The petitioners, being the minority members, are not entitled to challenge the same. Further, the petitioners have not raised any dispute in the fee revision committee. Instead of doing that the petitioners have filed the present writ petition, which is not maintainable and the same is liable to be dismissed.

6. Heard the learned counsel on either side and perused the materials available on records.

7. The only ground on which the petitioners claim that the impugned circulars are bad is that the same was not placed for deliberation at the committee meeting; rather the said issue was circulated and orders obtained through circulation. Though the petitioners have raised the aforesaid contention, the



basis on which such a contention is raised is not available. For the mere asking, without there being any embargo for obtaining the resolution by circulation, the petitioners cannot plead that the resolution of the syndicate is bad. The petitioners, also being members of the syndicate, could very well voice their opinion by recording what they wish to state, so that the other members in the syndicate could go through the same before forming any opinion. Nothing prevented the petitioners from recording their opinion. Even for the sake of argument if the stand of the petitioners is accepted that the matter should be placed in the meeting for deliberation, the view of the other members would not change, as each and every member would have their own view, which they have voiced out by way of subscribing their view in the circulated file. When the majority of the members of the syndicate have taken a decision for collecting the aforesaid amount, in the absence of any provision, which precludes obtaining signature in the files by circulation, the stand of the petitioners that such resolution cannot be obtained by circulation does not merit acceptance.

8. Except for the above, the petitioners having not pointed out any infirmity in the orders under challenge, this Court is not inclined to accept the contention of the petitioners and, accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are



closed.

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To

1. The Vice Chancellor
Thiruvalluvar University,
Serkkadu, Vellore - 632 115.

2. The Registrar
Thiruvalluvar University,
Serkkadu, Vellore - 632 115.



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M.DHANDAPANI, J.

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