



W.P.No.10787 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.04.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.10787 of 2023 and
WMP.No.10731 of 2023

New Prince Shri Bhavani College
of Engineering and Technologym
represented by its Chairmann
Vengaivasal Main Road,
Sandhosapuram,
Chennai 600073.

... Petitioner

Vs

1.University Grants Commission,
represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi 110002.

2.Anna University
represented by its Registrar,
Chennai 600025.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a writ of Mandamus to direct the 1st Respondent University
Grants Commission to pass order on the application of the Petitioner institution
for grant of fresh autonomous status for the academic year 2023-24 dated



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09.03.2023 sent on 09.03.2023 and received on 10.03.2023 independently as per Regulation 7.4 of the University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations 2018.

For Petitioner : Mr.Muthumani Doraisami

For Respondents : Mr.Meenakshi Sundaram
Standing Counsel

ORDER

The petitioner is a College of Engineering and Technology and has approached this Court seeking a mandamus directing the first respondent, being the University Grants Commission (UGC)/R1, to pass orders on its application for grant of fresh autonomous status for academic year 2023-24, pursuant to its application dated 09.03.2023 independently, as per Regulation 7.4 of the University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations 2018 (UGC 2018 Regulations).

2. Similarly placed colleges have been approaching this Court routinely seeking identical orders and necessity for the same arises from the action of Anna University arrayed as R2 in this writ petition and hereinafter refer to as R2. To trace the history, the Mahendra Institute of Technology had filed a writ petition in WP.No.29486 of 2019 seeking to quash a communication of R2



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dated 31.07.2019 and a consequential direction to UGC to issue necessary orders with respect to its autonomous status.

3.The order challenged in that writ petition had been passed by R2 rejecting the request to notify autonomous status as per clause 4.1 of the UGC 2018 Regulations. The stand of R2, while rejecting the request for such notification was that that Institute has not satisfied the requirements under a resolution passed on 27.05.2014 being the 231st meeting of the University Syndicate wherein certain guidelines had been formulated for forwarding of applications for grant of autonomous status.

4.An order was passed by a learned Single Judge on 26.11.2019 wherein after detailed discussion, this Court concluded that it is the UGC which is the statutory body conferred with the power to grant autonomous status and the parent university being Anna University does not have an over-riding power under the guise of either the resolution passed in 2014 or the 2018 regulations of the Anna University. To be noted that all parties before me are in consonance with the position that the 2014 resolution and the 2018 guidelines of Anna University are identical and read as follows:

'AWARD OF FRESH AUTONOMOUS STATUS
GUIDELINES



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Guidelines for forwarding the applications received from Colleges to UGC for Award of Fresh Autonomous Status.

- 1) *The college should have at least 10 years of existence.*
- 2) *The colleges must be accredited by either NAAC with minimum 'A' Grade or by NBA for at least three programme(s) with a minimum score of 675 individually or a corresponding accreditation Grade/Score from a UGC empanelled accreditation agency. However, if the number of programme(s) being run by the Institution is less than three, then each of the programmes should secure 675 or more marks. Accreditation status must be valid at the time of application.*
- 3) *Average experience of the eligible faculty should be atleast 4 years for all the courses put together which are offered for the last 10 years or more including the faculty belonging to General Engineering, Science and Humanities. The experience in that particular institution alone should be taken into account.*
- 4) *Students enrollment in the first year should be at least 60% of the sanctioned intake on an average during the last three years.*
- 5) *The overall pass percentage of the students in the University examinations shall be not less than 70% on an average over the last three years.*
- 6) *The College should have an 'h' index of 10 or above as on date.*
- 7) *Whether the College comes Under section 2(f) of UGC act (Original to be Verified)'*

5. In conclusion, learned Judge quashes letter dated 31.07.2019 of Anna University and directs it to act in tune with clause 4.1 of the regulations within



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30 days from date of pronouncement of the order. Clause 4.1 of the UGC 2018 regulations reads thus:

'4.ROLE OF THE PARENT UNIVERSITY

4.1 To forward the application of the college for autonomous status/provide nominee on the Expert Committee/various Statutory Bodies and issue notification within 30 days for a college to function as an autonomous entity once autonomous status is conferred on the college.'

6.The order of the learned Single Judge came to be challenged before the Division Bench by Anna University in W.A.No.51 of 2018 and the Writ Appeal was dismissed, the First Bench of this Court holding the unequivocal view that the 2018 UGC Regulations governed the field and thus there could be no regulations framed by the Anna University either by way of the Syndicate Resolution dated 27.05.2014 or the 2018 Anna University Regulations, which would override the UGC regulations. The eligibility for grant of autonomous status would thus flow from the 2018 UGC Regulations only. This order was carried further in appeal by Anna University in SLP.Nos.8324 and 8325 of 2020 that, by order dated 24.07.2020, came to be dismissed on 24.07.2020 at the stage of admission.

7.Thus, three judges of the Hon'ble Supreme Court have categorically held that there is no merit in the SLP filed by Anna University. A review of the



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order passed by the First Bench in W.A.No.51 of 2020 was sought at the instance of Anna University and by order dated 17.06.2020, Review Application No.46 of 2020 was dismissed as lacking merit. However, R2, undeterred by the position that the Hon'ble Apex Court has made it clear that it would be the UGC 2018 Regulations that occupy the field as regards the grant of autonomous status, has continued to reject applications filed by educational institutions finding the applications wanting qua its own 2018 Regulations.

8.In fact, the regulations of Anna University have been the subject matter of challenge in W.P.Nos.1603 and 1834 of 2020 in the case of *Sengunthar Charitable Trust and another v. Anna University and another* and by order dated 16.03.2020 learned single Judge of this Court has, referring to the order passed in Writ Appeal by the First Bench, allowed the writ petitions. The only distinction between those matters and the present writ petition is that in those matters the challenge was at the final stage where Anna University had rejected the request for Notification whereas the present challenge is at the initial stage itself where the application of the petitioner for grant of Autonomous Status has not been forwarded to UGC citing conflict with the Anna University 2018 Guidelines. To be noted that both situations are covered under clause 4.1 of the 2018 UGC Regulations.



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9. That apart, and what pains the Court, is the obvious and apparent contempt by Anna University in not adhering to the dictum of the orders of not just this Court, but the Hon'ble Supreme Court to the effect that it is the UGC 2018 Regulations that would prevail in matters concerning the grant of autonomous status. Even pursuant to having failed in defending the challenge to the 2018 University Guidelines, Anna University continues undaunted, to insist upon its own regulations in preference of those of the UGC.

10. The petitioner has annexed with this writ affidavit, orders in WP.Nos.14351 of 2021 (dated 06.09.2021), 21961 of 2022 (dated 22.08.2022), 24797 of 2022 (dated 29.09.2022), 25506 of 2022 (dated 29.09.2022), 27361 of 2022 (dated 14.10.2022), 27369 of 2022 (dated 14.10.2022), 30822 of 2022 (dated 18.11.2022) and 31272 of 2022 (dated 19.01.2023), wherein identical prayers as before me have been made by those Educational Institutions. Those writ petitions have been allowed, this Court directing UGC to consider the applications for Autonomous Status without being influenced by the actions of Anna University.

11. It is indeed unfortunate that educational institutions are forced to approach this Court seeking mandamus in a matter where the orders of the Hon'ble Supreme Court and this Court (First Division Bench and Single



Judges), have clearly settled the legal position in their favour. The role of an Apex body to regulate Educational Institution in the State is to facilitate and further the cause of education and not frustrate the same.

12. In the present case, the impugned order reads thus:

'Letter No.504/AU/CAC/Autonomous/2023 21.03.2023

Speaking Order (LoR)

Sub Anna University – Center for Academic Courses – New Prince Shri Bhavani College of Engineering and Technology, Chennai-600 073 – Forwarding the Applications to UGC for Accord of Academic Autonomy – Rejected – Reg.

*Ref 1. Letter received from the Principal, New Prince Shri Bhavani College of Engineering and Technology, dated 16.02.2023 and application processing fee received on 24.02.2023
2. Letter No.504/AU/CAC/2023, dated 20.02.2023.*

.....

It is informed that the New Prince Shri Bhavani College of Engineering and Technology, Chennai-600 073 has submitted an application with regard to grant of Autonomous Status. It is also informed that, as per the Clause 7.3 of University Grants Commission regulation 2018, the Affiliating University is vested with authority to forward the application to University Grants Commission for the award of Autonomous Status. Further, it also suggests that, if the proposal is rejected then that decision is to be communicated to the college and University Grants Commission through a Speaking Order.

Considering the above, the University Syndicate had approved the norms vide Resolution No.250.14, dated 09.11.2018 & Resolution No.260.17, dated 16.02.2021 for forwarding the proposal to University Grants Commission. The application submitted by the Principal, New Prince Shri Bhavani College of Engineering and Technology, Chennai-600 073 has been scrutinized with due diligence and the following observations have been made.



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Sl. No.	Description	Prescribed	Actual
1.	Existence of the College	10 years	15 years
2.	Whether the College comes Under section 2(f) of UGC act	Yes	Yes
3.	Students enrollment in the first year (Last three Academic Years)	60%	46.08%
4.	Pass percentage of the students in the University examinations (Last three years)	70%	79.76%
5.	Experience of the faculty member (atleast 4 years for all the courses put together which are offered for the last 10 years or more including the faculty belonging to General Engineering, Science and Humanities)	4 years	4 years 7 months
6.	College Accreditation	NAAC A grade or NBA Score 675 for atleast 3 programmes	NAAC A+ Grade
7.	'h' index	10 or above	6

The college satisfied 10 years of existence, experience of the faculty member, NAAC accreditation Students pass percentage and comes under section 2(f) of UGC act. However, the college has not satisfied Students enrollment and h Index as prescribed above.

Based on Clause 7.3 of University Grants Commission Regulations and subsequent norms approved by the University Syndicate. University has taken a decision not to forward the application to the University Grants Commission for the said reasons.

This is issued with the approval of the competent authority.'



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13.The reasons assigned for not forwarding the petitioner's application to UGC is that the petitioner has not satisfied 'students enrollment' and 'h index' as prescribed in the 2018 Anna University Guidelines. This is apparent from a comparison of the 2018 Anna University Guidelines, 4 and 6 with Serial Nos.3 and 7 in the tabular column extracted above. The 2018 guidelines have been extracted at paragraph 4 above.

14.Thus, despite the judgment of the Hon'ble Supreme Court, it is its own Regulations that Anna University insists upon, and this cannot be countenanced. It is this act of the University that has resulted in so many instances where institutions have had to approach this Court time and again merely to seek and obtain mandamus to the effect that UGC must consider its application '*uninfluenced by the non-forwarding of the application by Anna University*'. Even before me, the stand of all parties, including learned counsel for the University, is that such orders are routinely sought and granted.

15.For the above reasons, Anna University is put to terms and shall pay a sum of Rs.1,00,000/- (Rupees one lakh only) to the Cancer Institute, Adyar, Chennai-600 020 within a period of two weeks from the date of receipt of a copy of this order. As far as the relief sought for in this writ petition is concerned, mandamus is issued to R1 to consider application dated 09.03.2023



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on its own merits and in accordance with its Regulations and pass orders within a period of six (6) weeks from date of receipt of a copy of this order.

16.This writ petition is allowed in terms of the above order, with costs.

Connected miscellaneous petition is closed.

06.04.2023

vs

Index : Yes

Speaking Order

Neutral Citation : Yes

To

1.University Grants Commission,
represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi 110002.

2.Anna University
represented by its Registrar,
Chennai 600025.



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Dr.ANITA SUMANTH, J.

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