



W.P.No.34233 of 2022 & W.M.P.No.33684 of 2022 and W.P.No.198 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Delivered on
31~08~2023	15~09~2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.34233 of 2022 &
W.M.P.No.33684 of 2022 and
W.P.No.198 of 2023

W.P.No.34233 of 2022

Dr.S. Manoharan

... Petitioner

vs.

1. Government of Tamil Nadu,
Rep.by its Secretary,
Higher Education Department,
Chennai 600009.
2. Director of Collegiate Education
E.V.K. Sampath Building, 9th Floor,
College Road,
Chennai 600006.
3. Joint Director of Collegiate Education
Coimbatore Region
Race Course Road,
Coimbatore, Tamil Nadu – 641018.
4. Chikkaiah Naicker College,
Rep.by its care taker,
Joint Director of Collegiate Education,



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Coimbatore Region, Race Course Road,
Coimbatore, Tamil Nadu.

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5. Dr.P. Kamalakkannan ... Respondents
[R5 impleaded vide order dt.14.08.2023
Made in WMP.1061/2023]

W.P.No.198 of 2023

Dr.P. Kamalakkannan ... Petitioner

vs.

1. The Principal Secretary to Government,
Department of Higher Education,
Chennai 600009.
2. Director of Collegiate Education
Directorate of Collegiate Education
Institute of Advance Study in Education Campus,
No.577, Anna Salai, Saidapet,
Chennai 600015.
3. The Regional Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore – 641018.
4. The Principal,
Chikkaiah Naicker College,
Veerappan Chatram (Po.)
Erode – 638004.

... Respondents

Prayer in W.P.No.34233 of 2022: Writ Petition filed under Section 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to issue in proceedings in Na.ka.No.2783/B2/2015 dated



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13.12.2022 issued by the 3rd Respondent, quash the same and to direct the Respondents to make appointment of of Principal as per UGC Regulations (Amended 2018) read with Tamil Nadu Private Colleges (Regulation) Act 1976.

Prayer in W.P.No.198 of 2023: Writ Petition filed under Section 226 of the Constitution of India to issue a Writ of Mandamus to direct the Respondent No.3 to continue and conclude the process for an appointment of a Regular Principal to the 4th Respondent College as per the proceedings in Na.Ka.No.2783/A2/2015 dated 13.12.2022 and consequently direct the 3rd Respondent to consider the Petitioner's application dated 22.12.2022 and his candidature to the appointment of a Regular Principal of the 4th Respondent College in compliance with the Universities and Colleges and Measures for the Maintenance of Standards in Higher Education., 2018.

For Petitioner : Mr. R. Subramanian
[in W.P.No.34233/2022]

Mr.S. Sathiya Chandran
[in W.P.No.198/2023]

For Respondents : Mr. P. Baladhandayutham
Spl. Govt. Pleader
[for R1 to R3 in both Wps.]

R4 – No appearance
[in W.P.No.34233/2022]

Mr. R. Subramanian
[for R4 in W.P.No.198/2023]



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Mr.S. Sathia Chandran
[for R5 in W.P.No.34233/2022]

COMMON ORDER

1.a. Writ Petition No.34233 of 2022 has been filed to quash the proceedings in Na.ka.No.2783/B2/2015 dated 13.12.2022 issued by the 3rd Respondent and to direct the Respondents to make appointment of Principal as per UGC Regulations (Amended 2018) read with Tamil Nadu Private Colleges (Regulation) Act 1976.

1.b. Writ Petition No.198 of 2023 has been filed to direct the Respondent No.3 to continue and conclude the process for an appointment of a Regular Principal to the 4th Respondent College as per the proceedings in Na.Ka.No.2783/B2/2015 dated 13.12.2022 and to direct the 3rd Respondent to consider the Petitioner's application dated 22.12.2022 and his candidature to the appointment of a Regular Principal of the 4th Respondent College in compliance with the Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018.



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2.a It is the case of the Writ Petitioner in W.P.No.34233 of 2022 that he is working as Principal-In-Charge in the Chikkaiah Naicker College (4th Respondent herein). The said college was taken over by the Tamil Nadu Government (1st Respondent herein) under Section 30 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 vide G.O.Ms.No.336 dated.18.12.2002. The period of takeover is being extended from time to time and even now the college is under the control of care taker viz., The Joint Director of Collegiate Education, Coimbatore (3rd Respondent herein). 1st Respondent has passed a Bill on 24.03.2022 in the Assembly to convert the Chikkaiah Naicker College as a Government College and the same is pending for assent.

2.a.i It is the further case of the Writ Petitioner in W.P.No.34233 of 2022 that the status of the 4th Respondent as on date is only an aided college and not a Government College. As far as the aided college is concerned appointment of Principal should be by way of direct recruitment and should be in accordance with UGC Regulations and University's statute. As per the Act, it is only the college committee constituted under Section 11 of the Tamil Nadu Private Colleges (Regulation) Act, which is the competent authority to make appointment.



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Therefore, the post of Principal is only a selection post and therefore the question of promoting the senior most teachers as in Government colleges does not arise.

As per UGC regulations, there should be a public advertisement calling for applications from all eligible candidates and thereafter the selection has to be made by constituting the selection committee as per UGC Regulations. However, without complying the mandatory requirement of the UGC Regulations now the proceedings have been issued to appoint the Principal by promotion which is challenged in this writ petition.

3.a. It is the case of the Writ Petitioner in W.P.198 of 2023 that he is working as Associate Professor and HoD of the Department of Tamizh in the Chikkaiah Naicker College (4th Respondent herein). He was originally appointed on 21.11.1990 as a Lecturer in the Department of Tamizh in the same College. He possesses 32 years of teaching experience and he has submitted and published many research papers and publications in the realm of Tamizh studies.

3.a.i. There were allegations of mismanagement of the 4th Respondent College and due to the financial irregularities and mal-administration of the then



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Management Committee of the 4th Respondent College, the Government by G.O.Ms.No.489, Higher Education (D2) Department dated 19.12.2000, appointed a Special Officer to the college in terms of Section 14-A of the Tamil Nadu Private Colleges (Regulation) Act, 1976 for a period of one year or till the reconstruction of the management. Thereafter, the Government took over the management for the period of two years w.e.f.19.12.2002 as per G.O.Ms.No.336 Higher Education D-2 Department dated 18.12.2002 and by virtue of the above G.O.Ms.No.336 the 2nd Respondent appointed the 3rd Respondent as a caretaker of the 4th Respondent College vide his proceedings dated 18.12.2022. Now the State Government of Tamil Nadu declared the 4th Respondent college as a Government College in LA Bill No.16 of 2022 in the Legislative Assembly of the State of Tamilnadu and the same is pending for assent by the President of India.

3.a.ii. Since 2015, the Teaching Faculty of the 4th Respondent college have been repeatedly requesting the 3rd Respondent to appoint a regular Principal, the 3rd Respondent issued a circular in RC.No.462/P/2022 dated 11.07.2022 listing out 6 Associate Professors and calling their willingness/otherwise applying for the post of the Principal. The Writ Petitioner also expressed his willingness applying



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for the post of Principal. Subsequently by letter No.Na.Ka.No.2783/A2/2015 dated 13.12.2022 the 3rd Respondent called upon the candidates to attend the interview for appointment of regular Principal, including this Writ Petitioner (W.P.No.198 of 2023). But in the meanwhile the Writ Petitioner in W.P.No.34233 of 2022 has challenged the above proceedings. Hence, the writ petition in W.P.No.198 of 2023 is filed seeking direction to the 3rd Respondent to continue and conclude the process for an appointment of Regular Principal as per the above proceedings dated 13.12.2022 and also to consider the writ petitioner's application for appointment of Regular Principal.

4. It is the contention of the 3rd Respondent in the Counter that the period of takeover has been extended from time to time till date. The college is under the control of the 3rd Respondent as Caretaker under Section 30 A of the Tamil Nadu Private Colleges (Regulation) Act. The Bill passed by the 1st Respondent to transform Chikkiah Naicker College into Government College and now the same is forwarded to the President of India for assent. As of now, the college is administered by the Caretaker. The 3rd Respondent called 5 Associate Professors who gave willingness for the post of Principal vide proceedings



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R.C.No.2783/B2/2015 dated 07.10.2022 to appear for interview on 15.10.2022.

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Interview was conducted by duly constituted Selection Committee and the Selection Committee has resolved to seek few clarifications from the 2nd Respondent regarding the selection of Principal. The Selection committee has also clarified as to whether the appointment of principal has to be made as per the rules pertaining to Government college or Government aided college. The 2nd Respondent also by letter in RC.No.32743/F1/2022, Dt.03.11.2022 has stated that the 4th Respondent college has been administered by invoking Section 30 and 30A of the Tamil Nadu Colleges Regulations Act at 1976. Hence, it is the contention that the Selection Committee was constituted as per UGC Guidelines. The first Selection Committee which conducted the interview on 15.10.2022 had been constituted in consultation with the Bharathiyar University and it consisted of the following members:-

1. Chair Person - Dr. R. ULAGI, Care-taker of CN College, Erode and the Regional Joint Director of Collegiate Education, Coimbatore Region.
2. Member of Governing Body
3. Member of Governing Body
4. Vice-Chancellor's Nominee Dr.T.Devi, Professor and HOD of Computer Applications, Bharathiar University, Coimbatore.



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5. Vice-Chancellor's Nominee- Dr.T.Poonkodi Vijayakumar, Professor and HOD of Food Science and Nutrition, Periy University, Salem.
6. Principal of a college-Dr. V. Krishnan, Principal, Chikkanna Government Arts College, Tirupur.
7. A Professor Dr.M. Ramesh, Professor and HOD of Zoology Bharathiar University, Coimbatore.
8. Educationist Dr.A. Vimala, Dean-Faculty of Education, Professor, Dept of Extension, Career Guidance and Student Welfare, Bharathiar University, Coimbatore.
9. Subject Expert 1 - Dr.P. Shanmugavel, Professor, Department of Bio-informatics, Bharathiar University, Coimbatore.
10. Subject Expert 2- Dr.V. Vijaya Padma,, Professor, Department of Biotechnology, Bharathiar University, Coimbatore.

The second Selection Committee which was proposed to conduct the interview on 22.12.2022 was also constituted in consultation with the Bharathiar University and it consisted of the following members:

1. Chair Person - Dr. R. ULAGI, Care-taker of CN College, Erode and the Regional Joint Director of Collegiate Education, Coimbatore Region.
2. Member of Governing Body
3. Member of Governing Body
4. Vice-Chancellor's Nominee- Dr.R. Kurnjivendan, Professor and Head, Department of Tamil Studies in foreign Countries, Tamil



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University, Tanjavur.

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5. Vice-Chancellor's Nominee - Dr.S. Boopathy, Professor and HOD of Economics, Bharathiar University, Coimbatore.

6. Principal of a college - Dr. A. Muniyan, Principal, Puratchi Thalaivi Amma Government Arts College, Palladam.

7. A Professor Dr.A. Vimale, Dean-Faculty of Education, Professor, Dept of Extension, Career Guidance and Student Welfare, Bharathiar University, Coimbatore.

8. Educationist - Dr.A. Ekambaram, Professor and Head, Department of Endangered Languages, Department of Tamil Literature, University of Madras.

9 Subject Expert 1 - Dr.A. Anbalagan, Department of Physical Education, Bharathiar University. Coimbatore.

10. Subject Expert 2 - Dr.N.R. Suresh Babu,, Professor, Faculty of Sociology and Population Studies, Bharathiar University, Coimbatore. Professor,

Hence there were no violations of UGC Guidelines in the matter of the constitution of the Selection Committee.

5. Hence, it is the contention that the provisions under the Tamiladu Private Colleges (Regulation) Act 1976 and rules made there under the provisions issued in G.O.Ms.No.5, Higher Education Department dated 11.01.2021 adopting UGC Regulations 2018 have been strictly complied with regarding the procedure for the appointment of regular principal in the 4th Respondent College.



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6. Mr. R. Subramanian learned Counsel appearing for the Petitioner in W.P.No.34233 of 2022 would submit that though the Government has passed a bill to transform the college into Government College the same is pending for the assent by the President of India. However, status of the college remains as Private Aided College. Therefore, it is his contention that the appointment of the Principal has to be made as per the UGC Regulations 2018 which requires direct recruitment based on merit through an all India advertisement followed by duly constituted Selection Committee as per the regulations. The Government also adopted the Regulations as seen from the G.O.Ms.No.5 dated 11.01.2021. However, no advertisement for calling for application has been issued. There is no representation of any educational agency as required in the UGC Regulations and the Joint Director is not appointing authority. Hence it is his contention that the entire process is vitiated and the proceedings in Na.ka.No.2783/B2/2015 dated 13.12.2022 issued by the 3rd Respondent has to be quashed. In support of his contention he relied upon the following judgments:

*1. Dr.T.Venkatraman vs. The Director of College
Education [W.P.No.18939 of 2001 dated 11.04.2003
Madras High Court]*



2. *Aleyamma Kuruvilla vs. Mahatma Gandhi University
and others [W.A.No.29 of 2023 dated 15.02.2023
Kerala High Court]*

7. Mr. P. Baladhandayutham, learned Special Government Pleader appearing for the Respondents would submit that though the status of the college remains as Private College, the rules governing for appointment of Principal has been followed besides, the guidelines of the UGC also clearly followed.

8. Mr. Sathia Chandran appearing for the Writ Petitioner in W.P.No.198 of 2023 also submitted that the entire process has been initiated as per the UGC Regulations and Regulation does not require advertisement. Hence, the Committee has been formed as per the Regulations. There is no violation. Therefore, submitted that the Writ Petition No.34233 of 2022 cannot be maintained and the Respondent having initiated the process for appointing Principal, the same has to be completed and regular Principal to be appointed.

9. Now, point arise for consideration is whether the process initiated by the 3rd Respondent vitiated on the ground of violation of the UGC Regulations and the



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Tamil Nadu Private Colleges (Regulation) Act, 1976.

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10. It is not disputed that the 4th Respondent College was taken over by the Government under Section 30 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 vide G.O.Ms.No.336 dated 18.12.2002. Prior to that the College was under the control of the Special Officer appointed under Section 14 of the Act vide G.O.Ms.No.489 dated 19.12.2000. The period of taking over has been extended from time to time. This fact is not disputed. In the meanwhile, the Government has introduced the LA Bill No.16 of 2022 for transfer and vesting the college in Government. The Bill is now stated to be pending assent by the President of India.

11. The 2nd Respondent, the Director of Collegiate Education also clarified in RC No.32743/F/22 dated 03.11.2022 that the procedure for career advancement for teachers and promotion for non teaching staff are followed as per Rules that are followed by all other aided colleges. Similarly, the letter further clarified to appoint the Regular Principal as per the provisions under Section 11(4)(i) of the Tamil Nadu Private Colleges Regulation Rules and as per the UGC Regulations 2018. From the above stand of the Government makes it very clear that the status



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of the College is still remains as aided college and the Tamil Nadu Private Colleges (Regulation) Rules and also UGC Regulations apply for appointment of the Principal.

12. Pursuant to the above clarification the 3rd Respondent has sent call letters for 5 teachers to appear interview for the post of Principal in the 4th Respondent College held on 22.12.2022 by letter in R.C.No.2783/B2/2015 dated 13.12.2022. The main contention of the Writ Petitioner in W.P.No.34233 of 2023 is that the process for appointing Principal by way of interview is violations of the guidelines of UGC.

13. Much emphasis has been placed in the Judgment of the this Court in ***Dr.T.Venaktaraman vs. The Director of Collegiate Education and others [W.P.No.18939 of 2021 dated 11.04.2003 the Madras High Court]*** wherein this Court held that the post of `Principal` can be filled only by way of promotion and that should be done through open advertisement.

13. It is relevant to note that above judgment was passed when the UGC



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guidelines of the year 2000 was in force. The Annexure to UGC Regulations 2000

made it clear that minimum qualification for the post of Professors, Principles, Readers and lecturers in subjects other than Fine Arts, Management, Engineering and Technology in Universities or Colleges for appointment of persons through open advertisements and for their Career Advancement. The above guidelines stipulated that only by way of open advertisement the post can be filled including the Principal. Based on the stipulation contain in the UGC Regulation 2000 this Court, in the above referred judgments has held that appointment of Principal should be by way of open advertisement.

14. It is also relevant to note subsequent to that, UGC has issued notification in 2018 on minimum qualification of teachers and other academic staff in universities and colleges and measures for the maintenance of standards in higher education. Regulation 3.0 deals with Recruitment and Qualification which reads as follows:

“3.0 Recruitment and Qualifications

3.1 The direct recruitment to the posts of Assistant Professor, Associate Professor and Professor in the Universities and Colleges, and Senior Professor in the



Universities, shall be on the basis of merit through an all-India advertisement, followed by selection by a duly-constituted Selection Committee as per the provisions made under these Regulations. These provisions shall be incorporated in the Statutes/Ordinances of the university concerned. The composition of such a committee shall be as specified in these Regulations.

3.2 The minimum qualifications required for the post of Assistant Professor, Associate Professor, Professor, Senior Professor, Principal, Assistant Librarian, Deputy Librarian, Librarian, Assistant Director of Physical Education and Sports, Deputy Director of Physical Education and Sports and Director of Physical Education and Sports, shall be as specified by the UGC in these Regulations.

3.3 I. The National Eligibility Test (NET) or an accredited test (State Level Eligibility Test SLET/SET) shall remain the minimum eligibility for appointment of Assistant Professor and equivalent positions wherever provided in these Regulations. Further, SLET/SET shall be valid as the minimum eligibility for direct recruitment to Universities/Colleges/Institutions in the respective state only: Provided that candidates who have been awarded a



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Ph.D. Degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil./Ph.D. Degree) Regulation, 2009, or the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil/Ph.D. Degree) Regulation, 2016, and their subsequent amendments from time to time, as the case may be, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor or any equivalent position in any University, College or Institution. Provided further that the award of degree to candidates registered for the M.Phil/Ph.D.programme prior to July 11, 2009, shall be governed by the provisions of the then existing Ordinances / Bye-laws / Regulations of the Institutions awarding the degree. All such Ph.D. candidates shall be exempted from the requirement of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions subject to the fulfillment of the following conditions:

- a) The Ph.D. degree of the candidate has been awarded in regular mode only;*



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b) The Ph.D. thesis has been awarded by at least two external examiners;

c) An open Ph.D. viva voce of the candidate has been conducted;

d) The candidate has published two research papers from his/her Ph.D. work out of which at least one is in a refereed journal;

e) The candidate has presented at least two papers, based on his/her Ph.D. work in conferences/ seminars sponsored/ funded/ supported by the UGC/ ICSSR/CSIR or any similar agency.

The fulfilment of these conditions is to be certified by the Registrar or the Dean (Academic Affairs) of the University concerned.

II. The clearing of NET/SLET/SET shall not be required for candidates in such disciplines for which NET/SLET/SET has not been conducted.



3.4 A minimum of 55% marks (or an equivalent grade in a point-scale, wherever the grading system is followed) at the Master's level shall be the essential qualification for direct recruitment of teachers and other equivalent cadres at any level.

I. A relaxation of 5% shall be allowed at the Bachelor's as well as at the Master's level for the candidates belonging to Scheduled Caste/Scheduled Tribe/Other Backward Classes (OBC)(Non-creamy Layer)/Differentlyabled ((a) Blindness and low vision; (b) Deaf and Hard of Hearing; (c) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid-attack victims and muscular dystrophy; (d) Autism, intellectual disability, specific learning disability and mental illness; (e) Multiple disabilities from amongst persons under (a) to (d) including deaf-blindness) for the purpose of eligibility and assessing good academic record for direct recruitment. The eligibility marks of 55% marks (or an equivalent grade in a point scale wherever the grading system is followed) and the relaxation of 5% to the categories mentioned above are permissible, based only on the qualifying marks without including any grace mark procedure.

3.5. A relaxation of 5% shall be provided, (from 55% to



50% of the marks) to the Ph.D. Degree holders who have obtained their Master's Degree prior to 19 September, 1991.

3.6 A relevant grade which is regarded as equivalent of 55%, wherever the grading system is followed by a recognized university, at the Master's level shall also be considered valid.

3.7 The Ph.D. Degree shall be a mandatory qualification for appointment and promotion to the post of Professor.

3.8 The Ph.D. Degree shall be a mandatory qualification for appointment and promotion to the post of Associate Professor.

3.9 The Ph.D. Degree shall be a mandatory qualification for promotion to the post of Assistant Professor (Selection Grade/Academic Level 12) in Universities.

3.10 The Ph.D. Degree shall be a mandatory qualification for direct recruitment to the post of Assistant Professor in Universities with effect from 01.07.2021.

3.11 The time taken by candidates to acquire M.Phil. and /



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or Ph.D. Degree shall not be considered as teaching/ research experience to be claimed for appointment to the teaching positions. Further the period of active service spent on pursuing Research Degree simultaneously with teaching assignment without taking any kind of leave, shall be counted as teaching experience for the purpose of direct recruitment/ promotion. Regular faculty members upto twenty per cent of the total faculty strength (excluding faculty on medical / maternity leave) shall be allowed by their respective institutions to take study leave for pursuing Ph.D. degree.

3.12 Qualifications: *No person shall be appointed to the post of University and College teacher, Librarian or Director of Physical Education and Sports, in any university or in any of institutions including constituent or affiliated colleges recognised under clause (f) of Section 2 of the University Grants commission Act, 1956 or in an institution deemed to be a University under Section 3 of the said Act if such person does not fulfil the requirements as to the qualifications for the appropriate post as provided in the Schedule 1 of these Regulations.”*

15. The above Regulation makes it very clear that all India advertisement is



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required only to the post of Assistant Professor, Associate Professor and Professor in the Universities and Colleges and Senior Professors. The post of Principal is consciously omitted by the Regulation. Whereas Regulation V. College Principal and Professor (Professor's Grade) deals with Eligibility and Tenure which are as follows:

“A. Eligibility:

- (i) Ph.D. degree
- (ii) Professor/Associate Professor with a total service/ experience of at least fifteen years of teaching/research in Universities, Colleges and other institutions of higher education.
- (iii) A minimum of 10 research publications in peer-reviewed or UGC-listed journals.
- (iv) A minimum of 110 Research Score as per Appendix II, Table 2

B. Tenure

- i) A College Principal shall be appointed for a period of



five years, extendable for another term of five years on the basis of performance assessment by a Committee appointed by the University, constituted as per these regulations.

- ii) After the completion of his/her term as Principal, the incumbent shall join back his/her parent organization with the designation as Professor and in the grade of the Professor.”

The above regulations make it very clear that Principal can be appointed on the basis of the performance assessment by the Committee appointed by the University constituted as per the guidelines.

16. As per Regulation of the year 2018 all India open advertisement for the post of Principal is not made as mandatory. However, only Committee appointed by the University as per the guidelines has to assess the performance for appointment of Principal. The Government in G.O.Ms.No.5 Higher Education Department dated 11.01.2021 has adopted the guidelines in the year 2018. As per the above G.O., Selection Committee constituted for the post of College Principal



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and Professor shall have a following composition:

“A. Selection Committee

(a) The Selection Committee for the post of College Principal and Professor shall have the following composition:

- i) Chairperson of the Governing Body to be the Chairperson.
- ii) Two members of the Governing Body of the college to be nominated by the Chairperson of whom one shall be an expert in academic administration.
- iii) Two nominees of the Vice-Chancellor who shall be Higher Education experts in the subject/field concerned out of which at least one shall be a person not connected in any manner with the affiliating University. In case of Colleges notified/declared as minority educational institutions, one nominee of the Chairperson of the College from out of a panel of five names, preferably from minority communities, recommended by the Vice-Chancellor of the affiliating university of whom one should be a subject expert.
- iv) Three Higher Education experts consisting of the Principal of a College, a Professor and an accomplished educationist not below the rank of a Professor (to be nominated by the Governing Body of the college out of a panel of six experts approved by the relevant statutory body of the university concerned).
- v) An academician representing SC/ST/OBC/Minority/Women/Differently-abled categories, if any of candidates representing



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these categories is the applicant, to be nominated by the ViceChancellor, if any of the above members of the selection committee does not belong to that category.

vi) Two subject-experts not connected with the college to be nominated by the Chairperson of the governing body of the college out of a panel of five names recommended by the Vice Chancellor from the list of subject experts approved by the relevant statutory body of the university concerned. In case of colleges notified/declared as minority educational institutions, two subject experts not connected with the University nominated by the Chairperson of the College governing body out of the panel of five names, preferably from minority communities, recommended by the Vice Chancellor from the list of subject experts approved by the relevant statutory body.

(b) Five members, including two experts, shall constitute the quorum.

(c) All the selection procedures of the selection committee shall be completed on the day/last day of the selection committee meeting itself, wherein, minutes are recorded along with the scoring Proforma and recommendation made on the basis of merit with the list of selected and waitlisted candidates/Panel of names in order of merit, duly signed by all members of the selection committee.

(d) The term of appointment of the College Principal shall be five years, with eligibility for reappointment for one more term only after an assessment by a Committee appointed by the University as per the



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composition given in sub-clause (B) of 5.1 (VIII).

(e) After the completion of his/her term as Principal, the incumbent shall join back his/her parent organisation with the designation as Professor and in the grade of the Professor.

Therefore, as per the UGC guidelines G.O.was passed and indicated manner in which the Selection Committee shall have a composition.

17. It is the specific case of the Respondent that first Selection Committee which conducted the interview on 15.10.2022 had been constituted in consultation with Bharathiar University and it consisted of the following members:

1. Chair Person - Dr. R. ULAGI, Care-taker of CN College, Erode and the Regional Joint Director of Collegiate Education, Coimbatore Region.
2. Member of Governing Body
3. Member of Governing Body
4. Vice-Chancellor's Nominee Dr.T.Devi, Professor and HOD of Computer Applications, Bharathiar University, Coimbatore.
5. Vice-Chancellor's Nominee- Dr.T.Poonkodi Vijayakumar, Professor and HOD of Food Science and Nutrition, Periyar University, Salem.
6. Principal of a college-Dr. V. Krishnan, Principal, Chikkanna Government Arts College, Tirupur.
7. A Professor Dr.M. Ramesh, Professor and HOD of Zoology Bharathiar University, Coimbatore.



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8. Educationist Dr.A. Vimale, Dean-Faculty of Education, Professor, Dept of Extension, Career Guidance and Student Welfare, Bharathiar University, Coimbatore.

9. Subject Expert 1 - Dr.P. Shanmugavel, Professor, Department of Bioinformatics, Bharathiar University, Coimbatore.

10. Subject Expert 2- Dr.V. Vijaya Padma,, Professor, Department of Biotechnology, Bharathiar University, Coimbatore.

The second Selection Committee which was proposed to conduct the interview on 22.12.2022 was also constituted in consultation with the Bharathiar University and it consisted of the following members:

1. Chair Person - Dr. R. ULAGI, Care-taker of CN College, Erode and the Regional Joint Director of Collegiate Education, Coimbatore Region.

2. Member of Governing Body

3. Member of Governing Body

4. Vice-Chancellor's Nominee- Dr.R. Kurnjivendan, Professor and Head, Department of Tamil Studies in foreign Countries, Tamil University, Tanjavur.

5. Vice-Chancellor's Nominee - Dr.S. Boopathy, Professor and HOD of Economics, Bharathiar University, Coimbatore.

6. Principal of a college - Dr. A. Muniyan, Principal, Puratchi Thalaivi Amma Government Arts College, Palladam.

7. A Professor Dr.A. Vimale, Dean-Faculty of Education, Professor, Dept of Extension, Career Guidance and Student Welfare, Bharathiar University, Coimbatore.



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8. Educationist - Dr.A. Ekambaram, Professor and Head, Department of Endangered Languages, Department of Tamil Literature, University of Madras.

9 Subject Expert 1 - Dr.A. Anbalagan, Department of Physical Education, Bharathiar University. Coimbatore.

10. Subject Expert 2 - Dr.N.R. Suresh Babu,, Professor, Faculty of Sociology and Population Studies, Bharathiar University, Coimbatore. Professor.

18. These facts clearly indicate that there was no violation of the UGC

Regulations and in fact the committee has been constituted as per the guidelines.

The status of the college remains as Aided Private College. Section 11 of the Tamil Nadu Private Colleges (Regulation) Act also deals with the constitution of the college committee which reads as follows:

“11. Constitution of College Committee:- Every private college, not being a minority college, shall have a college committee which shall include the following persons employed in the private college, namely:-

(a) the Principal;

(b) the senior-most Selection Grade Lecturer of Reader

(c) on other Selection Grade Lecturer; and

(d) the senior-most Superintendent:



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Provided that if there is no Selection Grade Lecturer in the private college the senior-most Lecturer and one other Lecturer shall be included in the college committee;

Provided further that if the senior-most Selection Grade Lecturer or the senior-most Lecturer, as the case may be, or the senior-most Superintendent is not willing to be included in the advisory committee as a member, the next senior person in the respective category who is willing to be included member shall be included in the college committee;

Provided also that if there is only one post in the category of Superintendent and the person holding the post is not willing to be included in the college committee as a member, the senior-most Assistant shall be included as a member in the college committee.”

19. Therefore it is clear that the Respondents adopted the guidelines as per the G.O.Ms.No.5 referred above constituted a committee. Based on which the appointment of Principal will be made. In such a view of the matter this Court is of the view that there is no violation in the process initiated by the Respondents.

20. The judgment relied upon by the learned counsel for the Petitioner in W.P.No.34233 of 2023 in **Dr.T. Venkatramanan's case** (supra) will not help the



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petitioner in W.P.No.34233 of 2022 since the above judgment based on the UGC

Regulation of the year 2000, clearly stipulate open advertisement in all India basis.

Whereas the UGC Regulations of the year 2018 does not prescribe such requirement, whereas it directs appointment only by a committee constituted by the University. The Committee is also constituted as per the UGC Regulations 2018 and G.O.Ms.No.5. Another judgment cited by the Writ Petitioner in **Aleayamma Kuruvilla's case** (supra), the Kerla High Court has dismissed the appeal and held that it is unnecessary to examine the sustainability or otherwise of the contention raised by the Appellant based on Article 30(1) of the Constitution, as the same is a contention that could be urged only by the institution viz., the College.

21. In view of the above, the petition in W.P.No.34233 of 2022 has to fail. Accordingly, the **W.P.No.34233 of 2022 is dismissed**. The 3rd Respondent/Joint Director of Collegiate Education shall continue and conclude the process of appointment of a Regular Principal to the 4th Respondent College within a period of one month from the date of receipt of copy of this Order. With the above direction **W.P.No.198 of 2023 is disposed of**.



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WEB COPY 22. In the result, W.P.No.34233 of 2022 is dismissed and W.P.No.198 of 2023 is disposed of. No costs. Writ Miscellaneous Petition in W.M.P.No.33684 of 2022 in W.P.No.34233 of 2022 is closed.

15.09.2023

Index : Yes/No

Neutral Citation : Yes/No

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Copy to:

1. The Secretary to Government, Government of Tamil Nadu,
Higher Education Department, Chennai 600009.
2. Director of Collegiate Education, E.V.K. Sampath Building, 9th Floor,
College Road, Chennai 600006.
3. Joint Director of Collegiate Education, Coimbatore Region
Race Course Road, Coimbatore, Tamil Nadu – 641018.
4. The Caretaker, Chikkaiah Naicker College, Joint Director of Collegiate
Education, Coimbatore Region, Race Course Road, Coimbatore, Tamil Nadu.



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N. SATHISH KUMAR, J.

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Common Order in:
W.P.No.34233 of 2022 &
W.M.P.No.33684 of 2022 and
W.P.No.198 of 2023

15.09.2023