



W.P.(MD).No.17466 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 16.08.2023

PRONOUNCED ON : 12.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.17466 of 2023

and

W.M.P(MD)Nos.14634, 15617 & 15934 of 2023

K.Raja @ Pranmalai

... Petitioner

Vs.

1.V.P.R.Sivakumar

2.The Vice Chancellor (Additional Charge),
Gandhigram Rural Institute,
(Deemed to be University), Gandhigram,
Dindigul District – 624 302.

3.The Chairman,
Board of Management,
Gandhigram Rural Institute,
(Deemed to be University), Gandhigram,
Dindigul District – 624 302.

4.The Secretary,
Ministry of Education,
Union of India,
New Delhi.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Quo-Warranto, to call for the records of the first respondent to show cause under what capacity the first respondent continues to hold the office of the Registrar, Gandhigram Rural Institute, Gandhigram, Dindigul District.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R – 1	: Mr.N.Dilip Kumar
For RR 2 & 3	: Mr.Arul Vadivel @ Sekar Senior Counsel

ORDER

The present Writ Petition has been filed for issuance of a Writ of Quo-Warranto, to call for the records of the first respondent to show cause under what capacity the first respondent continues to hold the office of the Registrar, Gandhigram Rural Institute, Gandhigram, Dindigul District.

2.Case of the petitioner:-

2.1.The Petitioner Association is an Association of all the faculties of the Gandhigram University, Gandhigram, Dindigul District and the same is registered as a Society under the Tamil Nadu Societies



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Registration Act, 1975. The respondent University is governed under the terms of the Memorandum of Association and Rules framed in accordance with UGC regulations as approved by the Ministry of Education, Government of India. The said Memorandum of Association provides for the power and functions of the Gandhigram Rural Institute (hereinafter referred to as "the GRI Society") and the composition of the Board of Management. The second respondent is the Vice-Chancellor (Additional charge) of the GRI Society, the third respondent is the Chairman of the Board of Management and the fourth respondent is the Secretary, Ministry of Education, Union of India. The third respondent is the Chairman of the Board of Management, and the Registrar is the Ex-Officio Secretary. The second respondent Vice-Chancellor shall exercise general supervision and control over the affairs of the GRI Society and shall be mainly responsible for the implementation of the decision of all its authorities.

2.2.The first respondent was appointed as the Registrar of the GRI Society on 09.10.2017 for a period of five years. On the expiry of the said period of five years, his tenure was extended for six months. However, he assumed office on the claim of being extended twice for a period of three months, though such extensions were not



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made by the Board of Management i.e. the appointing authority. Not only the assumption of the office by the first respondent in the post of Registrar on extension is void, but he also does not have the minimum required qualification for the post of Registrar as per the Recruitment Rules framed in the GRI Society in the line of the Model Cadre Recruitment Rules for Central Universities as framed by the UGC. In view of the same, earlier the Board of Management appointed a Committee of three eminent personalities to enquire into the qualification of the first respondent to hold the post of Registrar. The said Committee after completing a detailed enquiry submitted a report on 01.12.2021 concluding that the first respondent did not have qualifications as prescribed for the post of Registrar. Despite the said report, shockingly and strangely, it is still ridiculous as to how the first respondent's tenure as the Registrar of the GRI Society has been extended twice after expiry of his period of five years tenure as the Registrar. During his service as the Registrar of the GRI Society, on 13.04.2022, the first respondent was suspended on the charges of (a) willful insubordination (b) negligence in discharging of official duties with dishonest motive and (c) misuse of official position to personal gain. Assailing the said suspension order, the first respondent filed two Writ Petitions before this Court in W.P.(MD)Nos.10352 and 10353 of



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2022. Though this Court granted interim protection on 26.05.2022, both the said Writ Petitions were dismissed as withdrawn by order of this Court on 08.08.2022. Thereafter, the University did not proceed further to conduct any enquiry as against the first respondent, though an enquiry officer was appointed in this regard.

2.3. Though the Recruitment Rules of the respondent University provide for a Master's degree with atleast 55% of marks as the minimum educational qualification for the post of Registrar, it is unknown as to how the first respondent, who is a post graduate in Physiotherapy who admittedly had scored only 54.18%, which falls short of the required 55%, has been appointed as the Registrar of GRI Society. That apart, the first respondent completed his Doctorate in Physiotherapy only in September 2002 that is after being appointed as the Registrar of the GRI Society on 09.10.2017. The Comptroller and Audit General office has raised objections to the first respondent holding the post of Registrar in its audit slip. In addition to that, the Committee of 3 eminent personalities appointed by the Board of Management has clearly stated that the first respondent did not have the qualifications to hold the post of the Registrar. An Alumnus of GRI Society namely K.Annamalai had filed a Writ Petition in



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W.P(MD)No.19636 of 2019 before this Court as against the first respondent, which was later dismissed as withdrawn on 29.04.2022.

Hence, there had been no occasion for this Court to test the qualification of the first respondent against the rules framed. After completion of the tenure of the post of Registrar, the same could be extended only by the resolution of the Board of Management. However, no resolution has been passed by the Board of Management in extending the first respondent as Registrar atleast in the last two extensions each for a period of 3 months on 10.04.2023 and 10.07.2023. It is only the Board of Management who can appoint a person as Registrar. Without the resolution of the Board of Management, the Vice Chancellor does not have any authority to appoint any person as Registrar.

2.4. Whenever there is a vacancy in the office of the Registrar, the power of the Vice Chancellor is limited to direct any other staff of the University to perform the function of the Registrar in charge. The Vice-Chancellor has no authority to appoint a person in the post of Registrar. Despite the first respondent not having academic credentials to occupy the prestigious post of Registrar in the GRI Society and despite the fact that he is only a postgraduate in



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Physiotherapy, which is not at all a discipline available in the GRI Society, the first respondent has been appointed as the Registrar of GRI Society. Precisely, the first respondent does not have any qualifications to hold the office of the Registrar of GRI Society. Hence, the petitioner apprehends that the continuance of the first respondent in the office of the Registrar of GRI Society would be to the detriment of the Institute and that the selection and extension of the first respondent as the Registrar of GRI Society is nothing but for malafide purposes as the Institute is having more than 100 vacancies both teaching and non-teaching and as such it is highly inappropriate to allow such persons to sit in office when the faculties are dissatisfied by the extension of tenure of the first respondent. Hence, it has become necessary to refrain the first respondent from carrying out any duty as the Registrar of the GRI Society. In view of the same, the petitioner has filed this Writ of Quo-warranto calling for the records of the first respondent to show cause as to under what capacity he continues to hold the office of the Registrar, Gandhigram Rural Institute, Gandhigram, Dindigul District.



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3.The learned counsel appearing for the petitioner took me through each and every contention putforth before this Court in his affidavit.

4.The first respondent has filed a counter affidavit along with a vacate stay petition in W.M.P(MD)No.15934 of 2023 and the second and third respondents have filed a counter affidavit along with a vacate stay petition in W.M.P(MD)No.15617 of 2023.

5.The learned counsel appearing for the first respondent and the learned senior counsel appearing for the respondents 2 and 3 reiterated every defence which has been raised in the counter-affidavits.

6.Heard Mr.G.Prabhu Rajadrurai, learned counsel appearing for the petitioner, Mr.N.Dilip Kumar, learned counsel appearing for the first respondent and Mr.Arul Vadivel @ Sekar, learned senior counsel appearing for the respondents 2 and 3 and anxiously perused the entire materials available on record.



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7.The short question which has to be decided in this Writ of Quo-Warranto is whether the first respondent is entitled to hold the office of the Registrar in the Gandhigram Rural Institute.

8.A Brief introduction on GRI:

The Gandhigram Rural Institute is deemed to be a University fully funded by the Union of India and the same is run by a Registered Society by the name Gandhigram Rural Institute (hereinafter referred to as 'the GRI Institute'). The Memorandum of Association and the Rules of the Gandhigram Rural Institute are in accordance with UGC (Institutions Deemed to be Universities) Regulations, 2019 duly approved by UGC and the Ministry of Education, the Government of India governs the affairs of the GRI Society.

9.The crux of the issue in the case in hand is that:-

(i) As to under what authority, the first respondent is holding the post of Registrar in the GRI Institute despite the conclusion of his tenure as Registrar of GRI Institute which commenced on 09.10.2017 on the completion of 5 years?

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(ii) Whether the two extensions for 3 respective months given to the first respondent to continue in the post of Registrar of the respondent University is legally sustainable?

9.1.To decide the two questions mentioned supra, it is necessary to understand how the GRI Institute functions. The GRI Institute is fully funded by the Union of India through UGC. The Board of Management of the GRI Institute is the principal organ of the Management and the apex executive body of the Institute with powers to make the rules of the Institute. It is only the Board of Management which could function as the final decision-making body of the Institute with respect to every matter of the Institute including academic, administration, personnel, financial and development matters.

9.2.Clause 17 of the Memorandum of Association of the GRI Institute provides the power of the Board of Management, by a resolution, to delegate to the Vice Chancellor or any other officer/faculty or to a Committee of officers/faculties of the Institute. Such powers as it may deem fit, subject to the condition that the action taken by the Vice Chancellor or the officer/faculty or the



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Committee in the exercise of the powers so delegated, shall be reported at the next meeting of the board of the Management.

9.3.The Vice-Chancellor is appointed by the Chancellor as a whole-time salaried officer of the Institute after approval of the Central Government. As the principal executive officer of the Institute, the Vice Chancellor shall exercise general supervision and control over the affairs of the GRI Institute and shall be responsible for the implementation of the decisions of all its authorities.

9.4.No doubt, the Board of Management being the Principal organ of the Management and apex executive body of the Institute is the ultimate authority of the GRI Institute. The Registrar is a whole-time salaried officer of the Institute and shall be appointed by the Board of Management on the recommendations of the selection committee consisting of the Vice Chancellor as an ex-officio Chairperson, one nominee of the Chancellor, one nominee of the Board of the Management and one expert, not being an employee of the Institute to be appointed by the Board of the Management. However, Clause 36(iii) of the Memorandum of Association mandates that whenever the office of the Registrar is vacant or whenever the



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Registrar is on leave or absent due to any other reasons, the duties and functions of the Registrar shall be performed by such person as the Vice Chancellor may appoint for the purpose. Thus, it is clear that only when a serving Registrar is on leave or absent or when the office of the Registrar is vacant, the Vice Chancellor is empowered to appoint "some other person" as in-charge Registrar and the Registrar is the ex-officio Secretary of the Board of the Management and shall be directly responsible to the Vice-chancellor and shall work only under his directions. The GRI Institute vide Advertisement No.3/2017 dated 25.06.2017 invited applications from eligible candidates for the post of Registrar for a tenure of 5 years with prescribed minimum qualifications as detailed below:-

"4.a) Minimum Qualifications:

1. A Master's degree with at least 55% of the marks or its equivalent grade of 'B' in the UGC seven post scale.

2. At least 15 years' of experience as Assistant Professor in the AGP of Rs.7000 and above or with 8 years' of service in the AGP of Rs.8000 and above including as Associate Professor along with experience in educational administration.



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(or)

Comparable experience in research establishment and/or other institutions of higher education.

(or)

15 years of administrative experience, of which 8 years shall be as Deputy Registrar or an equivalent post.

Note: 5% relaxation at Master's level shall be allowed for those candidates of SC/ST category and those who are already in the University system.

b). Desirable: Experience in

1. Administration in Education/Research Institution.

2. Additional degree / Diploma in Management or Law

3. Experience in Communication network / (e-governance)

4. Dealing with large body of students, scholars and staff

5. Familiar with Establishment and Financial Rules of Govt. of India."



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9.5.The said advertisement was made in the line of Recruitment Rules for the post of Registrar. The selection committee constituted in terms of clause 36(i) met on 06.10.2017 to interview and select a suitable candidate for the post of Registrar. The scrutiny committee short-listed 19 candidates out of 28. Of which the first respondent is the sixth candidate and the President of the petitioner Association namely K.Raja alias Pranmalai is the 19th candidate, among 19 short-listed candidates, who appeared for the interview. On 09.08.2017 the service particulars of 19 shortlisted candidates were called for, for assessing the minimum period of experience in terms of the recruitment rules for the post of Registrar. From the service register submitted by the first respondent herein, it was revealed that the first respondent i.e Professor V.P.R.Sivakumar, had been serving since 1996 as a faculty member in various positions in SRM College of Physiotherapy, as extracted as below:-



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Sl. No.	Post Held	Employer	Last Drawn Pay Band with AGP/GP	Nature of Assignment	Period of Service		
					Year	Month	Day
1.	Dean from 10.06.2008 to till date	SRM College of Physiotherapy	Rs.81,955/- Basic pay Rs.50260 Grade Pay Rs.10000 D.A.21695 HRA as per SRM University Norms	Academic Administration including all the courses offered in College of Physiotherapy and clinical services.	9	1	8
2.	Principal (23.07.2003 to 16.02.2008)	SRM College of Physiotherapy	Rs.30,000/- consolidated	Academic Administration including all the courses offered in College of Physiotherapy and clinical services.	4	6	24



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3.	Vice Principal (01.01.2003 to 22.07.2003)	– SRM College of Physiotherapy	Rs.22,000/- consolidated	Academic Administration including all the courses offered in College of Physiotherapy and clinical services.	0	6	21
4.	Assistant Professor (01.01.2002 to 31.12.2002)	SRM College of Physiotherapy	Rs.18,000/- consolidated	Teaching for Under Graduate & Post Graduate Courses	0	11	30
5.	Tutor / Lecturer (02.01.1996 to 31.08.1999)	SRM College of Physiotherapy	Rs.3,000/- consolidated	Teaching for Under Graduate & Post Graduate Courses	3	7	29

9.6. Thereafter, the Board of Management of GRI Institute vide its resolution in the Board meeting which was held on 07.10.2017 in item No.1874/BOM.2017.X considered and approved the recommendations of the Selection Committee for the appointment of the Registrar of GRI Institute to appoint Dr.V.P.R.Sivakumar, the first respondent, as the Registrar of the GRI Institute directing the Vice



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Chancellor to issue necessary orders appointing him for a period of five years with effect from the date of joining, following which the first respondent was appointed as the Registrar of the GRI Institute and joined service on 09.10.2017.

9.7.While so, the Comptroller and Audit General of India during the period from 13.02.2019 to 22.02.2019 for the financial year 2017-2018 in Audit Slip No.20, dated 21.02.2019 made certain observations with respect to the appointment of an ineligible person to the post of Registrar of the GRI University and the same is extracted as follows:-

"1.On verification of application of Shri V.P.R.Shivakumar, it was notified that he had admitted to the course of Master Degree in Physiotherapy during the academic year September 1999 to September 2001 and completed the course only during September 2002 with second class securing 54.18%. Thus the first mandatory condition of at least 55% marks in Master Degree was not full filled.

2.GRI in Letter No.GRI-DU/Regr. Application/2017 dated 09.08.2017 called for the details of pay drawn and period of experience of Shri V.P.R.Sivakumar from the Registrar, SRM University since the same was not clearly



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mentioned in his application. As per the documents attached with the application and the documentary evidence/particulars furnished by the SRM University, Shri V.P.R.Sivakumar has 14 years, 2 months and 23 days of working experience as detailed below:-

Sl. No.	Post Held	Last Pay Drawn (Pay Band with AGP) (Rs.)	Name of Employer	Period of service in each post		Total Experience		
				From	To	Year	Month	Days
1.	Vice Principal	Rs. 22,000/- Consolidated	SRM College of Physiotherapy, Ramapuram, Chennai – 89	01.01.2003	22.07.2003	-	6	21
2.	Principal	Rs. 30,000/- Consolidated	-do-	23.07.2003	16.02.2008	4	6	24
3.	Dean	Rs. 81,955/-	-do-	10.06.2008	20.07.2017 (Date of application)	9	1	8
Total						14	02	23



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Thus the mandatory requirement of minimum experience of 15 years was not fulfilled on the date of submission of application.

As per the particulars submitted in the application, Shri.V.P.R.Sivakumar had drawn consolidated pay of Rs.22,000/- in the post of Vice Principal and Rs.30,000/- for Principal. He had drawn a salary of Rs.87,487/- for the Dean post. On verification of salary slip for the month of April and May 2017 (printed on 18.07.2017) attached with the application it was noticed that he had drawn a salary of Rs.81,955/- (basic pay Rs.24,586.50 + DA Rs.24,586.50 + HRA Rs.24,586.50 + Conv. Rs.8195). However the last pay certificate issued by the SRM University shows that he had drawn Rs.84,414/- salary for the month of September 2017 (pay Rs.51,768 + AGP Rs.10000+ DA Rs. 22646) in the Pay Band of 37400-67000+AGP 10000/-. Further the SRM University in response to GRI letter dated 09.08.2017 had furnished two different pay drawn particulars. The pay drawn particulars stated in the covering letter was Rs. 81,955/- (Basic pay Rs.50,260 + Grade Pay Rs. 10,000+ Rs.21,695 as DA, HRA) and in the statement attached to the covering letter was Rs.81,955/- (Basic pay Rs.71955+ Rs.AGP Rs.10000). Thus the candidate and his employer SRM University had



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furnished different salary particulars contradicting each other.

From the above it could be seen that he had worked neither as Assistant Professor nor Associate Professor with the Grade pay of Rs.7000/- or Rs.8000/- or as Deputy Registrar.

Thus the candidate had not fulfilled any of the three mandatory conditions for work experience. The mandatory minimum qualification of 55% mark in the Master Degree was also not fulfilled by the candidate. Thus Shri V.P.R.Sivakumar was not eligible for direct recruitment to the post of Registrar.

But Shri. V.P.R. Sivakumar was appointed as Registrar on deputation basis. From the certificates produced by the candidate and the SRM University, Shri.V.P.R.Sivakumar had all along worked in the SRM University alone which is a private University.

Deputation is a type or form of recruitment. Officers and employees of the Central Govt, State Govt., Union Territories, State and Central Govt. Public Sector Undertakings and Autonomous Bodies are appointed or elected to posts within the above entities for a specified period, which on that period ending the employees must have to go back to their previous positions of their parent organization. Thus a person working in any private organizations cannot be appointed/recruited on deputation basis as per the



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instructions contained in DOPT OM. No. 6/8/2009-Estt. (Pay II) dated 17.06.2010. As such Shri. V.P.R Sivakumar was not entitled to be appointed on deputation basis in central autonomous organization. Thus Shri. V.P.R. Sivakumar appears to be eligible neither for direct recruitment nor for recruitment/appointment on deputation basis to the post of Registrar in GRI.”

9.8.In the meanwhile, one K.Annamalai filed a Writ Petition in W.P(MD)No.19634 of 2019 before this Court for issuance of a Writ of Quo-warranto as a 'Public Interest Litigation' and the Hon'ble Division Bench of this Court in W.M.P(MD)No.16095 of 2019 in W.P(MD)No. 19634 of 2019, dated 01.04.2021 passed an interim order in favour of the first respondent herein and the relevant portion of which is extracted as follows:-

"3.On a perusal of the documents, we find that the private respondent has got all the qualifications having worked as a Dean in the Professor Cadre, Faculty of Medical and Health Sciences at SRM College of Physiotherapy, SRM University, Kattankulathur, Kancheepuram District, which is a deemed University under Section 3 of the



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UGC Act, 1956, apart from being eligible for 5% relaxation at Master's level, as he is already in the University System.

4.In view of the above and taking note of the fact that the private respondent has been working in the Gandhigram University from the year 2017 onwards and the Writ Petition has been filed only in the year 2019, we are inclined to dismiss the injunction application filed in W.M.P.(MD)No.16095 of 2019. Accordingly, W.M.P.(MD)No.16095 of 2019 in W.P.(MD)No.19634 of 2019 is dismissed."

9.9.However, with due respect to the order passed by the Hon'ble Division Bench of this Court in W.M.P(MD)No.16095 of 2019 in W.P(MD)No.19634 of 2019, dated 01.04.2021, this Court hereby observe that the Audit objection dated 21.02.2019 vide Audit Slip No. 20 of the audit conducted by the Comptroller and Audit General of India during the period 13.02.2019 to 22.02.2019 for the financial year 2017-18 would not have been brought to the notice of the Hon'ble Division Bench of this Court in the said case.



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9.10. In the meanwhile, the Board of Management vide its resolution in BOM Item No.1976/BOM.2021-V, dated 20.10.2021 constituted an Enquiry Committee with three members to prepare a report to enable the GRI University to file an affidavit in the case in W.P(MD)No.19634 of 2019. However, later the aforesaid Writ Petition was dismissed as withdrawn on 29.04.2022.

9.11. The said Committee, after elaborate consideration of the various facts and circumstances pertaining to the appointment of the first respondent as the Registrar of the GRI Institute, submitted its findings before the Board of Management of GRI Institute. The relevant portion of the findings of the said Committee is extracted as follows:-

"A.GRI has provided certain relaxation with the regard to qualifications and experience. One of the conditions related to educational qualification is about giving 5% relaxation in marks scored by the candidates. This has been done based on UGC circular dated 27.11.2001 (Ref.No.F.1-13/99(PS) Pt. File). It is not clear whether this circular is still applicable. This committee doubts whether this circular is applicable even after 17 years. This committee felt that the scrutiny committee has not taken cognizance of



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later /new circulars from UGC withdrawing this concession, for obvious reasons.

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E.The service certificate issued by SRM university with respect of Mr.V.P.R.Sivakumar and the pay slip provided by him in his application are found to be contradictory. The SRM university document says that he was paid Rs.37400+ AGP of Rs.10000, but the pay slip submitted by him indicates the basic pay to be Rs.24586.50. In addition, the appointment letter issued to him by SRM university during 29.07.2008 states that he is paid a consolidated pay of Rs. 30000 (Annexure-IX). A person appointed on consolidated pay is not on a pay scale associated with the grade pay (AGP). Therefore, all the pay drawn particulars suggest that he was not in an academic grade pay. Hence, the entire service rendered at SRM university cannot be considered as the work experience towards selection as Registrar GRI. However, instead of rejecting the application of Mr.V.P.R. Sivakumar on the threshold, it is observed that scrutiny committee has shortlisted him for the interview.

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G. In grant of 5% relaxation in educational qualification to Mr.V.P.R. Sivakumar, the UGC circular dated 27.11.2001 has been followed (Annexure-X). This committee observed that the scrutiny committed ought



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to have verified the validity of 2001 circular during September 2017.”

9.12.The operative portion of the conclusion of the said Committee is further extracted as follows:-

“Based on the above findings, this committee conclude that neither UGC regulations nor GRI prescribed qualification criteria published in their advertisement were followed and it is violated in the selection and appointment/deputation of Mr.V.P.R.Sivakumar. This committee opines that the appointment of an ineligible candidates has denied the rights and chances of genuine qualified candidates in appointment/deputation as Registrar of GRI.

These findings are based on the five meetings of this committee held on various dates. (Annexure – XX).

This findings are submitted to GRI to assist them to file detailed counter in the pending writ petition, W.P(MD)No.19634 of 2019. This is a fact finding report and not a public document to be circulated or used as evidence in any court of law.”



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9.13. On 13.04.2022, the first respondent was suspended by the respondent University and the first respondent managed to get interim protection by filing Writ Petitions before this Court in W.P(MD)Nos.10352 and 10353 of 2022. However, those Writ Petitions were dismissed as withdrawn by order of this Court on 08.08.2022 and thereafter the respondent University did not further proceed as against the first respondent. However, the Board of Management in its 158th Meeting held on 28.07.2022 resolved to revoke the suspension of the first respondent and reinstated him in the post of Registrar and the disciplinary proceedings initiated against him were also closed on the basis of the Resolution, dated 28.07.2022. This decision was taken by the Board on the basis of the recommendations made by the two Member Committee of the UGC. The two Member Committee consists of one Prof.T.V.Kattimani, Vice Chancellor, Central Tribal University of Andhra Pradesh and Prof.R.P.Tiwari, Vice Chancellor, Central University of Punjab. This two Member Committee was constituted to look into the findings of the Enquiry Committee with respect to the Gandhigram Rural Institute, Dindigul. The findings of the said Committee which is relevant to the first respondent are extracted as follows:-



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(b) The issue of suspension of the Dr.VPR.Sivakumar, Registrar of GRI, Dindigul.

Dr.VPR.Sivakumar, Registrar of GRI, Dindigul was suspended mainly on the ground that he wrote a letter to the Audit Office concerning his own case of ineligibility to the post of the Registrar, without permission of the competent authority (Annexure-8). Prior approval of the BOM (the appointing authority of the Registrar) was not obtained for placing Registrar under suspension. Moreover, a close look at the content of the letter written by Dr.Sivakumar clearly shows that he simply informed to the audit office that "The matter will be examined at the appropriate level and the final report will be sent to the AG" (Annexure-9)

The Committee found nothing wrong in this letter.

As far as eligibility of Dr.Sivakumar to the post of Registrar is concerned, it is interesting to note that the advertisement issued by the GRI for the post of Registrar (Annexure- 10) has a provision in the form of a note that "5% relaxation at the Master's level shall be allowed for those candidates of SC/ST category and for those who are already in the University system. Of course Dr.Sivakumar has scored only 54.18% in the Post-Graduation, he previously worked in SRM University. Thus, he is eligible for 5% relaxation on the score of the Master's level.



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It is noteworthy that the Madurai Bench of the Hon'ble Madras High Court has granted interim stay to the suspension of Dr.Sivakumar as the Registrar (Annexure-11). Even Madurai Bench of the Hon'ble Madras High Court did not entertain the writ petition challenging the continuation of Dr.Sivakumar as the Registrar of GRI (Annexure-12).

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It is a matter of record that Dr.VPR Sivakumar's term of five years as the Registrar of GRI will end in October, 2022.

In view of the above, we are of considered opinion that the present administration is unnecessarily lengthening the Court Case defending the suspension of the Registrar. As such, we unanimously recommend that, if found legally tenable, Dr.VPR.Sivakumar may be allowed to resume the charge of the office of the Registrar, GRT with immediate effect."

9.14.It is only on the basis of the aforesaid recommendation that the respondent University made its resolution vide Item No.2017/BOM.2022/VII in Clause iv(b), dated 28.07.2022, revoking the suspension of the first respondent and reinstated him in the post of Registrar on 29.07.2022 treating the disciplinary proceedings against him as closed. Thereafter, the first respondent



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continued his post till the completion of his five years tenure on 08.10.2022. Vide Notification dated 10.10.2022 of the Registrar ie., the first respondent himself extended his term as Registrar of the GRI Institute for a period of six months from the forenoon of 09.10.2022, but the said notification came to be issued on the order passed by the Vice-Chancellor (Additional charge) of GRI Institute bearing Order No.VC/F.41/2022-23, dated 07.10.2022.

9.15.It is pertinent to mention here that neither before the date of the Vice Chancellor order dated 07.10.2022 nor prior to the date of Notification of the first respondent/Registrar dated 10.10.2022 to extend the tenure of the first respondent to a further period of six months from forenoon, on 09.10.2022 as the Registrar of the GRI Institute, no resolution of the Board of Management was passed as mandated in Clause 14.02 of the Memorandum of Association and Rules of the GRI Institute. In furtherance to the same on 10.04.2023 another notification came to be issued by the first respondent/Registrar extending his tenure as Registrar of GRI Institute for a further period of three months from the forenoon on 09.04.2023 on the basis of the order from the Vice-Chancellor (Additional charge), GRI Institute, dated 05.04.2023. In furtherance to the same on

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10.07.2023 once again the tenure of the first respondent/Registrar was extended for a further period of three months from the afternoon on 09.07.2023 by the Registrar himself on the basis of the order of the Vice Chancellor (Additional Charge) of GRI Institute dated 08.07.2023. It is significant to mention here that on the occasions of extending his tenure as Registrar of GRI Institute for a period of six months, three months and three months respectively, no prior resolution by the Board of Management of the GRI Institute permitting the extension of tenure of the first respondent as the Registrar of GRI Institute was resolved. Only under these circumstances, the petitioner had preferred this Writ Petition calling upon on what capacity the first respondent is continuing to hold the office as Registrar?

10.Submissions:-

10.1.The learned senior counsel appearing for the respondents 2 and 3 vehemently argued that the ultimate findings of the two Member Committee of the University Grants Commission which was constituted to look into the issues of the findings of the enquiry committee in the Gandhigram Rural Institute has given a clean chit in favour of the first respondent. That apart, both the members of

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the aforesaid committee are not ordinary persons but are the Vice Chancellors of two prestigious Universities of various States namely the Central Tribal University of Andhra Pradesh and the Central University of Punjab and both of them one Prof.T.V.Kattimani and Prof.R.P.Tiwari are persons with grade academic excellence and integrity. Hence, their unanimous recommendations that it is legally tenable for the first respondent to be allowed to resume the charge of office of the Registrar of GRI Institute with immediate effect would gain unshakeable importance and only on that basis, the Board of Management was left with no other option rather resolving to revoke the suspension order of the first respondent considering the disciplinary enquiry as closed and reinstating him as the Registrar of GRI Institute back to service.

10.2.The learned counsel appearing for the respondents 2 and 3 drew my attention to the draft minutes of the 160th meeting of the Board of Management held on 21.12.2022 in which the extension of the services of the first respondent as the Registrar of GRI Institute for a further period of six months with effect from forenoon on 09.10.2022 was considered and the same is extracted as follows:-



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"Resolved to ratify the action taken by the Vice-Chancellor (Additional Charge) regarding the extension of the services of Dr.V.P.R.Sivakumar, Registrar, GRI (DTBU) for a further period of six months with effect from the forenoon of 09.10.2022 on the same terms and conditions of his original appointment and admissible pay and allowances, without prejudice to the final outcome of the Writ Petition filed before the Honourable High Court of Madras (Madurai Bench) in W.P(MD)No.26667 of 2022 in W.M.P(MD)No.20857 of 2022."

10.3.It was further submitted by the learned counsel appearing for the respondents 2 and 3 that since the extension of the tenure of the first respondent as the Registrar of the GRI Institute has been ratified for the first instance after a period of two months from the date of the first extension of the first respondent as the Registrar of the GRI Institute, obviously the other two extensions will also be ratified by the Board of Management shortly in due course of time and the fact that the second and third extensions of the first respondent as Registrar of GRI Institute is not ratified by prior resolution of the post of GRI Institute will not disqualify the first respondent from continuing as the Registrar of GRI Institute.



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10.4.The learned counsel appearing for the first respondent drew my attention to the UGC Notification issued by the University Grants Commission, New Delhi, dated 24.12.1998 with respect to the revision of pay scales, minimum qualifications for appointment of Teachers in Universities and Colleges and other measures for maintenance of standards, 1998. Clause 3.0 of the relevant Clause of which is extracted as follows:-

"3.0.The minimum requirements of a good academic record, 55% of the marks at the master's level and qualifying in the National Eligibility Test, or an accredited test, shall remain for the appointment of Lecturers. It would be optional for the University to exempt Ph.D. holders from NET or to require NET, in their case, either as a desirable or essential qualification for appointment as Lecturers in the University Departments and Colleges. The minimum requirement of 55% should not be insisted upon for Professors, Readers, Registrars, Deputy Registrars, Librarians, Deputy Librarians, Directors of Physical Education, Deputy Directors of Physical Education for the existing incumbents who are already in the University system. However, these marks should be insisted upon for those entering the system from



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outside and those at the entry point of Lecturers, Assistant Registrars, Assistant Librarians, Assistant Director of Physical Education.

3.4.0 A relaxation of 5% may be provided, from 55% to 50% of the marks, at the master's level for the SC/ST category."

10.5. Pointing out the aforesaid Clause, the learned counsel appearing for the first respondent submitted that the minimum requirement of 55% should not be insisted upon for the post of Registrars and hence, there is no indiscrepancy in the appointment of the first respondent as Registrar. However, while reading in between the lines of the aforesaid measures for the maintenance of standards in higher education, it is palpable that the minimum requirement of 55% should not be insisted upon for those Registrars only who exist as incumbents already in the University system. However, the said 55% marks should be insisted upon for those entering the system from outside and those at the entry point of Registrars, Lecturers, Assistant Registrars, Assistant Librarians and Assistant Directors of Physical Education.



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11. Discussion on facts and law:-

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11.1. In the case in hand, the first respondent obviously is the one who entered into the system of GRI Institute as Registrar from outside ie., SRM University from the entry point and to be more particular the minimum educational qualification for the post of Registrar as invited by the Notification, dated 25.06.2017 of the GRI Institute, the minimum required qualification is not only a Master's degree with at least 55% of the marks but also should possess at least 15 years of experience as Assistant Professor in the Academic Grade Pay of Rs.7,000/- and above or with 8 years of service in the Academic Grade Pay of Rs.8,000/- and above including as Associate Professor along with experience in educational administration. Hence, the word "entry point of Lecturer" in the said measures for maintenance of standards, 1998 of UGC would mean Associate Professor. A Lecturer with 8 years of experience in the Academic Grade Pay of Rs.8,000/- is normally an Associate Professor.

11.2. This Court cannot outrightly negate the audit objection made by the Comptroller and Audit General of India vide slip No.20, dated 21.02.2019, wherein it is categorically observed that the



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first respondent has not fulfilled the mandatory condition of having atleast 55% marks in Master's Degree and that the documentary evidence/particulars furnished by SRM University and the first respondent would prove that the first respondent has working experience of only 14 years 2 months and 23 days as Assistant Professor thereby the mandatory requirement of the minimum experience of 15 years was also not fulfilled on the date of submission of the application.

11.3.Though the learned counsel appearing for the first respondent claims that in view of Note to the minimum qualification prescribed under Notification No.3 of 2017, dated 25.06.2017 inviting applications for the post of Registrar in GRI Institute giving 5% relaxation at Master's level shall be allowed for those candidates of SC/St category and for those who are already in the University system, the petitioner having served in the SRM University system for the past several years, he is entitled for the aforesaid 5% relaxation and hence, his minimum educational qualification with Master's Degree in Physiotherapy with 54.18% cannot be rejected as unqualified.



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11.4.However, a clear perusal of the records would reveal that relaxation is permitted only for the candidates of SC/ST category and for those who are already in the University system. However, as far as the first respondent is concerned, it is categorically stated in paragraph No.12 of the counter affidavit of the respondents 2 and 3 that the first respondent is eligible for 5% relaxation on the score of the Master's Level since he had previously worked in SRM University. The academic experience as submitted by the Registrar (In-charge) of the SRM University would reveal that the first respondent had served in various posts including Tutor/Lecturer/Assistant Professor/Vice Principal and Dean in the SRM College of Physiotherapy.

11.5.The learned counsel appearing for the first respondent categorically submitted that the Hon'ble Division Bench of this Court in W.M.P(MD)No.16095 of 2019 in W.P(MD)No.19634 of 2019, by its impugned order, dated 01.04.2021 has observed that the first respondent is eligible for 5% relaxation at Master's Level as he is already in the University system. However, the said Writ Petition was dismissed as withdrawn on 29.04.2022.



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11.6. Refuting the contention of the learned counsel appearing for the first respondent, the learned counsel appearing for the petitioner relied upon the Judgment of the Hon'ble Apex Court in the case of **State of Assam Vs. Barak Upatyaka D.U.Karmachari Sanstha** reported in **(2009) 5 SCC 694** and the relevant portion which is applicable to this case is extracted as follows:-

"21. A precedent is a judicial decision containing a principle, which forms an authoritative element termed as ratio decidendi. An interim order which does not finally and conclusively decide an issue cannot be a precedent. Any reasons assigned in support of such non-final interim order containing prima facie findings, are only tentative. Any interim directions issued on the basis of such prima facie findings are temporary arrangements to preserve the status quo till the matter is finally decided, to ensure that the matter does not become either infructuous or a fait accompli before the final hearing.

22. The observations and directions in Kapil Hingorani (2003) 6 SCC 1 and Kapila Hingorani (2005) 2 SCC 262 being interim directions based on tentative reasons, restricted to the peculiar facts of that case involving an extraordinary situation of human rights violation resulting in starvation deaths



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and suicides by reason of non- payment of salaries to the employees of a large number of public sector undertakings for several years, have no value as precedents. The interim directions were also clearly in exercise of extra-ordinary power under Article 142 of the Constitution. It is not possible to read such tentative reasons, as final conclusions, as contended by the respondent. If those observations are taken to be a final decision, it may lead to every disadvantaged group or every citizen or every unemployed person, facing extreme hardship, approaching this Court or the High Court alleging human right violations and seeking a mandamus requiring the state, to provide him or them an allowance for meeting food, shelter, clothing, salary, medical treatment, and education, if not more. Surely that was not the intention of Kapil Hingorani (2003) 6 SCC 1 and and Kapila Hingorani (2005) 2 SCC 262.”

11.7.In line of the observation made by the Hon'ble Apex Court in the above case, though an interim order was passed in favour of the first respondent in W.M.P(MD)No.16095 of 2019 in W.P(MD)No.19634 of 2019, dated 01.04.2021, finally the same was dismissed as withdrawn on 29.04.2022 and hence the interim order will not finally and conclusively decide the issue with respect to the



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question of appointment of the first respondent to the post of Registrar of the GRI Institute, since the said case was not adjudicated and decided on merits.

11.8.Relying upon the report of the two Member Committee constituted by the UGC, the learned counsel appearing for the first respondent categorically submitted that the said Committee had unanimously recommended and found that it is legally tenable for allowing the first respondent to resume the charge of the office of the Registrar in the GRI Institute with immediate effect. Only on the basis of the said recommendation, the Board of Management of the GRI Institute had resolved to reinstate the first respondent back to the service of the Registrar and since the said recommendation has been taken by the said Committee overlooking the audit objections made by the Comptroller and Auditor General of India, the said issue shall not be racked up anymore. However, the said argument of the learned counsel appearing for the first respondent is not sustainable for the reason that the recommendation made by Prof.T.V.Kattimani, Vice Chancellor, Central Tribal University of Andhra Pradesh and Prof.R.P.Tiwari, Vice Chancellor, Central University of Punjab is based only on the interim order and final order of withdrawal passed by the



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Hon'ble Division Bench of this Court in W.M.P(MD)No.16095 of 2019 and W.P(MD)No.19634 of 2019.

11.9.A critical reading of the said letter addressed to the Secretary of University Grants Commission by the two Member Enquiry Committee would clearly reveal that the said two Member Committee had not gone into detail with respect to the elaborate audit objection which has been raised in Audit Slip No.20, dated 21.02.2019 with respect to the appointment of ineligible person with regard to the post of Registrar of GRI University by the Comptroller and Auditor General of India. It is not only the audit objection that has been taken into account, but also the detailed enquiry report submitted by the three Member Enquiry Committee consisting of retired District Judge/Thiru.M.Dakshina Moorthy, Dr.R.Muthuchellan, Former Vice Chancellor of Periyar University, Salem and Dr.G.Muralidharan, Chief Vigilance Officer, Gandhigram Rural Institute, were also not taken into account. That apart, the two-member committee having made adverse observations on the acting Registrar G.Muralidharan and the acting Vice Chancellor of the GRI University, who occupied the office of acting Registrar and Vice Chancellor at that point of time recommended to allow the first respondent to resume the charge of office as Registrar.



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11.10.Thus, I have no hesitation to observe that by the appointment of the two members Committee by the UGC, a silent burial has been given to the audit objection raised in audit slip No.20, dated 21.12.2019 with respect to the appointment of an ineligible person to the post of Registrar of the University made by the Comptroller and Auditor General of India.

11.11.In view of the same, now the short point which has to be decided is, **whether a Writ of Quo-Warranto would lie with respect to the appointment of the first respondent as the Registrar of the GRI Institute and the subsequent three extensions given by the second respondent extending the tenure of the first respondent as Registrar for a period of six months, three months and three months respectively on 07.10.2022, 05.04.2023 and 08.07.2023 without the prior approval of the Board of Management especially, with respect to the second and third extensions?**

11.12.With respect to three extensions given by the second respondent extending the tenure of the first respondent as the Registrar of the GRI Institute, it is necessary to mention here that the



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said extensions have been made violating the mandates of Clause 14.02 of the Memorandum of Association and Rules of GRI Institute. Clause 14.02 of the said Memorandum of Association and Rules of GRI Institute is extracted as follows:-

"14.02.The Board of Management shall be the final decision making body of the Institute in respect of every matter of the Institute, including in the academic, administrative, personnel, financial, developmental matters."

11.13.Since it is contemplated in the said Clause that each and every matter of the Institute should be decided finally by the Board of Management and only thereafter, the same could be implemented by the Vice Chancellor in the exercise of the powers conferred on him by Clause 33 sub-Clause (i) of the Memorandum of Association and Rules of GRI Institute, but violating the said Clause 14.02 and 33(i) of the Memorandum of Association and Rules of GRI Institute, in all three occasions of extension of the tenure of the first respondent as Registrar, the second respondent passed an order extending the tenure of the first respondent as Registrar, following which the first respondent/Registrar himself vide Notification notified



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the extension of his term for a period of six months at the first instance and a further period of three + three months in the second and third instances respectively.

11.14.It is no more res integra that if a statute requires certain things to be done in a particular manner, then that has to be done in that particular way and in no other manner. This principle which emanated from the case of ***Taylor Vs. Taylor (1875) [1 Ch.D. 426]*** has been scrupulously followed by a number of decisions by the various High Court including the Hon'ble Apex Court in several cases.

11.15.In the case in hand, the claim of the first respondent is that the extension of the tenure of the first respondent as the Registrar of GRI Institute for the second and third time dated 10.04.2023 and 10.07.2023 could be very well ratified subsequently, as done in the case of the first extension dated 10.10.2022. I have no hesitation to hold that the procedure adopted by the GRI Institute even in extending the tenure of the first respondent as the Registrar of the GRI Institute at the first instance on 10.10.2022 was not done in that particular way, which was required to be done in terms of Clause 14.02 and Clause 33(i) of the Memorandum of Association and Rules of



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the GRI Institute respectively. As such, the argument of the learned counsel appearing for the first respondent that the extension of the tenure of the first respondent in the post of the Registrar of GRI Institute for the second and third time on 10.04.2023 and 10.07.2023 could be ratified by the Board of Management in a later point of time cannot be sustained, since the same is against the principle contemplated in ***Taylor Vs. Taylor (1875) [1 Ch.D.426]***.

11.16.This is a clear case where the power given by the Memorandum of Association and Rules of the GRI Institute to the Board of Management in the case of the appointment of an eligible candidate to the post of the Registrar and the further extension of the term of the already appointed Registrar in a particular way has not been done in that way as mandated and the same has been done superseding the powers of the Board of Management. The second respondent/Vice Chancellor at his own will has passed three orders one after other extending the tenure of the incumbent Registrar thrice, following which the incumbent Registrar at his own volition has notified one after the other declaring the extension of his own tenure as the Director of the GRI Institute one after other thrice.



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11.17.The Hon'ble Supreme Court in the case of **B.Srinivasa Reddy vs. Karnataka Urban Water Supply and Drainage Board Employees' Association and Others** reported in **2006 (11) SCC 731 (1)** while dealing with the case of Writ of Quo-Warranto has made several observations and the portion relevant to this case is extracted as follows:-

"49. The law is well settled. The High Court in exercise of its writ jurisdiction in a matter of this nature is required to determine, at the outset, as to whether a case has been made out for issuance of a Writ of Quo Warranto. The jurisdiction of the High Court to issue a Writ of Quo Warranto is a limited one which can only be issued when the appointment is contrary to the statutory rules.

.....

51. It is settled law by a catena of decisions that Court cannot sit in judgment over the wisdom of the Government in the choice of the person to be appointed so long as the person chosen possesses prescribed qualification and is otherwise eligible for appointment. This Court in R.K. Jain v. Union of India 1993(65)ELT305(SC) was pleased to hold that the



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evaluation of the comparative merits of the candidates would not be gone into a public interest litigation and only in a proceeding initiated by an aggrieved person, it may be open to be considered. It was also held that in service jurisprudence it is settled law that it is for the aggrieved person that is the non- appointee to assail the legality or correctness of the action and that third party has no locus standi to canvass the legality or correctness of the action. Further, it was declared that only public law declaration would be made at the behest of public spirited person coming before the Court as a petitioner having regard to the fact that the neither of respondent Nos. 1 and 2 were or could have been candidates for the post of Managing Director of the Board and the High Court could not have gone beyond the limits of Quo Warranto so very well delineated by a catena of decisions of this Court and applied the test which could not have been applied even in a certiorari proceedings brought before the Court by an aggrieved party who was a candidate for the post.”

11.18.However, as far as the case in hand, the Writ of Quo-Warranto has been filed by one K.Raja @ Pranmalai in the capacity of the President of Gandhigram Rural Institute Faculty Association. That apart, he had also participated in the selection process of the post of Registrar in response to the Advertisement No.3



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of 2017, dated 25.06.2017 inviting the applications to the post of the Registrar in the GRI Institute. Interestingly, the petitioner as well as the first respondent were among the list of 28 candidates, who were shortlisted by the scrutiny committee. The petitioner stood in the 19th place, the first respondent was ranked 6 in the shortlisted candidates for interview. The complete details with respect to the scrutiny of the applications received for the post of Registrar from the opening date of 25.06.2017 and closing date of 24.07.2017 with respect to the 28 shortlisted candidates were placed before me.

11.19.A careful perusal of it would reveal that as many as 17 candidates among 28 candidates have scored more than 60%, 4 candidates have scored more than 70%, 2 persons have scored 80% and 1 person has scored more than 90%. The petitioner scored 67% while the first respondent scored 54.18%. Even with respect to the experience, many other candidates including the petitioner had better score than the first respondent. However, it is a settled proposition of law that the Court cannot sit in Judgment over the wisdom of the Government in the choice of the person to be appointed, so long as the person chosen possesses the prescribed qualification and is otherwise eligible for appointment. But in this case, the minimum education



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qualification of the person who has been chosen for the post of Registrar is obviously in the following terms:-

Sl.No.	Minimum required qualification	Qualification of the first respondent
1.	A master's Degree with atleast 55% of marks or its equivalent Grade of B in the UGC 7.A. Note: 5% relaxation at Master's level for those who are already in the University system.	54.18%, However the first respondent is entitled for 5% relaxation at Master's level since he was in the University system of SRM University for the past several years from 02.01.1996 to 08.10.2017.



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2.	15 years of experience as Assistant Professor in the Academic Grade Pay of Rs. 7,000/- and above or with 8 years of service in Academic Grade Pay of Rs.8,000/- and above including as Associate Professor along with experience in educational administration.	01.01.2003 to 22.07.2003 – Vice Principal in consolidated pay. 23.07.2003 to 16.02.2008 – Principal in consolidated pay. 10.06.2008 to 20.07.2017 – Dean Academic Grade Pay. Thus, he has 14 years, 2 months and 23 days of working experience of which during his term as Vice Principal and Principal he was provided only with consolidated pay. Hence, he cannot claim that he has 15 years experience as Assistant Professor in the Academic Grade Pay of Rs.7,000/- and above. However, since he served as Dean with basic pay of Rs.50,260/- with Grade Pay of Rs.10,000/- for a period of 9 years, hence he will fall under the category of a candidate with 8 years of service in Academic Grade Pay Rs.8,000/- and above including Associate Professor along with experience in educational administration.
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11.20.However, the Comptroller and Auditor General of India vide audit Slip No.20, dated 21.02.2019 with respect to the appointment of an ineligible person to the post of Registrar of the



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University, has been recorded without considering the first respondent's 8 years of service in the Academic Grade Pay of Rs.8,000/- and above. That apart, the Comptroller and Auditor General of India has totally calculated his total service including the post of Vice Principal, Principal and Dean and has concluded that the first respondent lacks the mandatory requirement of minimum experience of 15 years as Assistant Professor in the Academic Grade Pay of Rs. 7,000/- and above on the date of submission of the application. However, the two-member committee constituted by the UGC, without considering the first clause of the minimum educational qualification, has considered the first respondent's 8 years of service in the Academic Grade Pay of Rs.8,000/- and above including as Associate Professor along with experience and educational administration in SRM University system and has recommended his case for allowing to be reinstated in the office of the Registrar of the Institute of GRI with immediate effect. Following which the Board of Management in line with the recommendation of the two-member committee of the UGC resolved to revoke the suspension of the first respondent and reinstated the first respondent as Registrar of the GRI Institute, considering the disciplinary proceedings as closed. But the term of the first respondent as Registrar expired with the afternoon of 08.10.2017



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and thereafter his term was extended at the first instance on 10.10.2022 by the notification of the first respondent on the basis of the order of the second respondent dated 07.10.2022 and the same was ratified by the resolution of the Board of Management on 21.12.2022 vide Item No.2045-BOMM.2022(XII) ie., precisely after two months from the date of extension of the tenure of the first respondent vide notification dated 10.10.2022. The said exercise is in violation of the procedure contemplated under Clause 14.02 and 33(i) of the Memorandum of Association and Rules of the GRI Institute and the principle of ***Taylor Vs. Taylor (1875) [1 Ch.D.426]*** and the subsequent extensions dated 10.04.2023 for a period of three months and 10.07.2023 for a period of another three months which would extend till 09.10.2023, vide notification of the first respondent following the order of the second respondent, dated 05.04.2023 and 08.07.2023 respectively are also per se illegal since both of those notifications violates the procedure contemplated under Clause 14.02 and 33(i) of the Memorandum of Association and the Rules of the GRI Institute and the principle of ***Taylor Vs. Taylor (1875) [1 Ch.D. 426]***.



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12.Decisions:-

12.1.The Hon'ble Apex in the case in ***Central Electricity Supply Utility of Odisha Vs. Dhobei Sahoo and others*** reported in ***2014 (1) SCC 161*** has dealt with Writ of Quo-Warranto and the relevant portion applicable to this case is extracted as follows:-

"19.In High Court of Gujarat and Anr. v. Gujarat Kishan Mazdoor Panchayat and Ors. (2003) 4 SCC 712, S.B. Sinha, J., in his concurring opinion, while advertng to the concept of exercise of jurisdiction by the High Court in relation to a writ of quo warranto, has expressed thus:

"22. The High Court in exercise of its writ jurisdiction in a matter of this nature is required to determine at the outset as to whether a case has been made out for issuance of a writ of certiorari or a write of quo warranto. The jurisdiction of the High Court to issue a writ of quo warranto is a limited one. While issuing such a writ, the Court merely makes a public declaration but will not consider the respective impact of the candidates or other factors which may be relevant for issuance of a writ of



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certiorari. (See R.K. Jain v. Union of India (1993) 4 SCC 119, SCC para 74).

23. A writ of quo warranto can only be issued when the appointment is contrary to the statutory rules. (See Mor Modern Coop. Transport Society Ltd. v. Financial Commr. and Secy. To Govt. of Haryana (2002) 6 SCC 269.)"

20. In Centre for PIL and Anr. v. Union of India and Anr. MANU/SC/0179/2011 : (2011) 4 SCC 1, a three-Judge Bench, after referring to the decision in R.K. Jain (supra), has ruled thus:

"64. Even in R.K. Jain case, this Court observed vide para 73 that judicial review is concerned with whether the incumbent possessed qualifications for the appointment and the manner in which the appointment came to be made or whether the procedure adopted was fair, just and reasonable. We reiterate that the Government is not accountable to the courts for the choice made but the Government is accountable to the courts in respect of the lawfulness/legality of its decision when impugned under the judicial review jurisdiction."

21. From the aforesaid exposition of law it is clear as noon day that the jurisdiction of the High



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Court while issuing a writ of quo warranto is a limited one and can only be issued when the person holding the public office lacks the eligibility criteria or when the appointment is contrary to the statutory rules. That apart, the concept of locus standi which is strictly applicable to service jurisprudence for the purpose of canvassing the legality or correctness of the action should not be allowed to have any entry, for such allowance is likely to exceed the limits of quo warranto which is impermissible. The basic purpose of a writ of quo warranto is to confer jurisdiction on the constitutional courts to see that a public office is not held by usurper without any legal authority.

12.2.The jurisdiction of issuance of Writ of Quo-Warranto is a limited one. I am inclined to conclude that the Writ of Quo-Warranto would not lie in the case in hand. Though the incumbent first respondent Registrar of the GRI Institute by a hectic somersault has managed to fulfil the eligibility criteria with respect to the minimum educational qualification required for the post of the Registrar in the GRI Institute and though his appointment has been done in accordance with the mandates of the Memorandum of Association and Rules of the GRI Institute, I have no hesitation to hold that the extension of the



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tenure of the first respondent as Registrar of the GRI Institute done thrice ie., on 10.10.2022, 10.04.2023 and 10.07.2023, thereby extending his tenure as Registrar for 6 + 3 + 3 months respectively till 09.10.2023 vide notifications of the Registrar/first respondent himself on the basis of the order of the second respondent dated 07.10.2022, 05.04.2023 and 08.07.2023 respectively is per se illegal.

12.3.A writ of Quo-Warranto would lie only when the person holding the public office lacks the eligibility criteria or when the appointment is contrary to the statutory Rules. But in this case the first respondent, in view of the relaxation to which he is eligible in terms of the Note of the Notification No.3 of 2017, dated 25.06.2017, has the eligible minimum educational qualification and his appointment has also been done as contemplated by the Memorandum of Association and Rules of the GRI Institute. However, observing that the three extensions of the tenure of the first respondent as the Registrar of the GRI Institute on 10.10.2022, 10.04.2023 and 10.07.2023 are per se illegal, this Court is inclined to dismiss the Writ Petition. **Accordingly, this Writ Petition is dismissed** and this Court as an abundant caution makes a mention that considering the perspective of larger public interest and the basic concept of pertaining to good Governance,



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the observation as to the illegality in extending the tenure of the first respondent as the Registrar of the GRI Institute thrice violating the mandates contemplated by the Memorandum of Association and the Rules of the GRI Institute has been made. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

12.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

- 1.The Vice Chancellor (Additional Charge),
Gandhigram Rural Institute,
(Deemed to be University), Gandhigram,
Dindigul District – 624 302.
- 2.The Chairman,
Board of Management,
Gandhigram Rural Institute,
(Deemed to be University), Gandhigram,
Dindigul District – 624 302.
- 3.The Secretary,
Ministry of Education,
Union of India,
New Delhi.

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L.VICTORIA GOWRI, J.

ps

W.P.(MD)No.17466 of 2023

12.10.2023