



W.P.Nos.34738 of 2023 & 2991 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 18.07.2024

Pronounced on : 07.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.34738 of 2023 & 2991 of 2024 and
WMP.Nos.34700 of 2023, 3260, 13305 & 13460 of 2024

WP.No.34738 of 2023

Dr.K.M.Chinnadorai

... Petitioner

Vs.

- 1.Kamban College of Arts and Science,
Palladam – Pollachi Main Road,
Sulthanpet, Suler Taluk,
Coimbatore District 641 669
- 2.The Principal Secretary to Government,
Higher Education(H1) Dept,
Fort St.George, Chennai-9
- 3.The Registrar,
Bharathiar University,
Coimbatore – 46
- 4.The Director of Collegiate Education,
Institute of Advance Study in Education Campus,
577, Anna Salai, Saidapet,
Chennai 600 015

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to permit the petitioner to continue to the service in the first respondent college as



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Principal till the age of seventy(70) years as per the regulations of the University Grants Commission(UGC) dated 18.07.2018.

WP.No.2991 of 2024

Dr.K.Ramamurthi

... Petitioner

Vs.

- 1.Dr.N.G.P.Arts and Science College,
Dr.N.G.P. Kalapatti Road,
Coimbatore District 641 048
- 2.The Principal Secretary to Government,
Department of Higher Education,
Government of Tamilnadu,
Fort St.George, Chennai-9
- 3.The Registrar,
Bharathiar University,
Coimbatore – 46
- 4.The Director of Collegiate Education,
Institute of Advance Study in Education Campus,
577, Anna Salai, Saidapet,
Chennai 600 015

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in proceedings No.20433/A3/2023 dated 23.01.2024 passed by the third respondent and quash the same and consequently direct the respondents to permit the petitioner to continue his service in the first respondent college as Principal as per the regulations of the University Grants Commission (UGC) dated 18.07.2018 irrespective of the



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GO.Ms.No.5 of 2021, Higher Education(H1) Department, dated 11.01.2021.

For Petitioner
in both WP's

: Mr.K.M.Vijayan,
Senior Counsel
for M/s.K.M.Vijayan Associates

For Respondents
in both WP's

For R2 & 4 : Mr.C.Jayaprakash,
Government Advocate

For R3 : Mr.K.J.Parthasarathy,
Standing Counsel

For R1 : No appearance

COMMON ORDER

The writ petition in WP.No.2991 of 2024 has been filed against the order passed by the third respondent dated 23.01.2024 thereby informed that the petitioner is not eligible for the post of Principal at the first respondent College since he has completed his tenure of 10 years as Principal. The writ petition in WP.No.34738 of 2023 has been filed for direction to the respondents to permit the petitioner to continue the service of Principal of the first respondent College till the age of 70 years.



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2. The issues involved in both the writ petitions are one and the same and as such, this Court is inclined to pass common order.

3. The petitioner in WP.No.2991 of 2024 was appointed as Principal in the first respondent College on 04.10.2023. Originally he had joined as Lecturer and promoted to the post of Assistant Professor. Thereafter, the petitioner was promoted to the post of Associate Professor and he was appointed as Principal. The first respondent College is a self financing college and the petitioner was appointed as per the eligibility laid down by the University Grants Commission norms (hereinafter called as UGC norms). After appointment of the petitioner as Principal, the first respondent had sent proposal for approval of his appointment as Principal. However, it was rejected by citing Government order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021 and also stated that his tenure of 10 years was completed as Principal.



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4. The learned Senior Counsel appearing for the petitioner submitted that the Government passed order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021 on minimum qualifications for appointment of teachers and other academic staff in Universities and Colleges and measures for the maintenance of standards in Higher Education 2018 to the teachers and other academic staff in the Universities under the control of Higher Education Department and Government / Government aided colleges in toto with minor modifications with effect from 01.04.2020. Accordingly, the eligibility for the post of Principal is Ph.D. As per the tenure, the Principal shall be appointed for a period of five years and it is extendable for another period of five years. After completion of 10 years of tenure, the Principal shall join back in his parent organisation with the designation as Professor. However, the learned Senior Counsel submitted that in the first respondent college, there is no Professor post and as such, the petitioner cannot be directed to join as Professor. If the petitioner's tenure is not continued, he will lose the opportunity to get a higher post such as Vice Chancellor. Therefore, the order passed by the third respondent is



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contrary to the Government order as well as the UGC norms. That apart, the Government order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021 is not at all applicable to the self financing colleges. As per the Government order, it is applicable only for appointment of teachers and other academic staff in Universities and Colleges and measures for the maintenance of standards in Higher Education 2018 to the teachers and other academic staff in the Universities under the control of Higher Education Department and Government / Government aided colleges in toto with minor modifications with effect from 01.04.2020. The first respondent is being a self financing college, the Government order is not at all applicable. Therefore, the petitioner did not challenge the norms of the University Grants Commission and also the Government order.

5. Insofar as the petitioner in WP.No.34738 of 2023 is concerned, the petitioner had joined in the first respondent College as Principal in the year 2018 and he is working as Principal till now. Originally he was appointed as Lecturer and promoted to the post of



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Assistant Professor and Professor. The first respondent College is an unaided self financing college and the appointment of the teachers and principals were made by the management as per the UGC norms. As per the Government order in GO.Ms.No.325 Higher Education(H1) Department dated 18.05.2003, wherein directed the Registrars of all Universities and the Director of Collegiate Education that no retired teachers after the age of 62 years can be appointed in any statutory or even non statutory position in Universities / Colleges based on the then Regulations of UGC. Therefore, the second respondent issued letters in respect of the retirement and the same was challenged by the petitioner in WP.Nos.17645 of 2018 and 10511 of 2018. Though the writ petitions were dismissed, the Hon'ble Division Bench of this Court in WA.No.1839 of 2023, directed the second respondent to revisit the Government order in GO.Ms.No.325 Higher Education(H1) Department dated 18.05.2003.

5.1 The learned Senior Counsel submitted that as directed by this Court, the second respondent replied by clarifying that in the said



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Government order, there is no reference about the age limit of Principals in self financing college. As per the UGC Regulations, the teachers such as Assistant Professor, Associate Professor and Senior Professor are only re-employed on contract appointment beyond the age of superannuation and there is no reference about the maximum age of Principals in self financing colleges. UGC Regulations 2.3.2 says that subject to the availability if vacant positions and fitness, teachers such as Assistant Professor, Associate Professor and Professor only, may be re-employed on contract appointment beyond the age of superannuation as applicable to the concerned University, College and Institution, upto the age of 70 years. Since the petitioner is having 44 years of experience and expertise in the field of teaching, he is eligible to continue till the end of 70 years of age as Principal.

6. Heard, the learned counsel appearing on either side.

7. On perusal of the counter filed by the third respondent and on hearing the submissions of the learned Standing Counsel appearing



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for the third respondent revealed that as per the Government order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021, the UGC Regulations dated 18.07.2018 were adopted by the Syndicate on 12.02.2021 and accordingly, communications were issued to all the affiliated colleges. Therefore, the petitioner is estopped from pleading ignorance. In fact, the petitioner did not even question the said Regulations which is the source of the Government order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021. Both the UGC Regulations and the Government order in GO.Ms.No.5 Higher Education (H1) Department dated 11.01.2021 fixed outer time limit to hold the post of Principal and every measure to bring about betterment in the field of education is viewed at larger extent such as improvement of quality and higher standards of education. Therefore, it cannot be diluted at any cost. The Regulations of UGC dated 18.07.2018 clause V (B) prescribes the tenure of the Principal which is 5+5 years.

8. As far as the petitioner in WP.No.2991 of 2024 is concerned, he had already completed 12 years as Principal which is more



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than the prescribed period of 10 years as prescribed by the UGC Regulations. Therefore, he is not entitled to continue as Principal beyond the term prescribed under the Regulations. It is relevant to extract UGC Regulations regarding eligibility and tenure of College Principal and Professor (Professor's Grade) hereunder:

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, 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*



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with the designation as Professor and in the grade of the Professor."

9. Thus it is clear that it is also applicable to self financing colleges. Therefore, the specific contention raised by the learned Senior Counsel that the above Regulations are not binding on the self financing college cannot be countenanced.

10. Insofar as the petitioner in WP.No.34738 of 2023 is concerned, he also approached this Court in WP.No.17645 of 2018 as against the order of rejection of the request made by the petitioner to increase the age limit to 65 years in consonance with GO.Ms.No.325 Higher Education(H1) Department dated 18.05.2003. It was dismissed by this Court by an order dated 27.11.2018 and aggrieved by the same, the petitioner preferred writ appeal in WA.No.1839 of 2019. It was disposed of with directions. In compliance of the directions, after considering the UGC Regulations and other norms, the request for increasing the age beyond 62 years for the post of Principal in self financing college was rejected and became final. Once again, the petitioner has sought for



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direction to permit him to continue as Principal till the age of 70 years in the first respondent college. Therefore it cannot be considered without challenging the earlier rejection order dated 23.12.2019 and the writ petition is liable to be dismissed.

11. That apart, as contended by the learned Senior Counsel, UGC Regulations would not aid the case of the petitioner as it pertains only to contract employment and not regular employment. Already the Trust of the first respondent filed writ petition in WP.No.14890 of 2019 challenging the proceedings citing UGC Regulations dated 18.07.2018 and this Court by an order dated 16.11.2021 dismissed the writ petition holding that in GO.Ms.No.325 Higher Education(H1) Department dated 18.05.2003, the Government resolved to implement UGC guidelines and directed the Registrars of all the Universities and the Director of Collegiate Education to take necessary action whereby no retired teachers after the age of 62 years are appointed in any statutory or even non statutory position in Universities / Colleges based on the then existing Regulations of UGC. Therefore, the direction sought for in the writ petition in WP.No.34738 of 2023 cannot be considered.



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12. In view of the above, both the writ petitions are liable to be dismissed. Accordingly, both the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral Citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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Sulthanpet, Suler Taluk,
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- 2.Dr.N.G.P.Arts and Science College,
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- 3.The Principal Secretary to Government,
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