



W.P(MD)No.27496 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.27496 of 2022
and
W.M.P(MD)Nos.21595, 21597 & 21598 of 2022**

S.Prem Singh

... Petitioner

VS.

- 1.The University Grants Commission,
Represented by its Secretary,
Bahadurshah Zafar Marg,
New Delhi – 110 002.
- 2.The State of Tamil Nadu,
Represented by its Secretary,
Department of High Education,
Fort St. George,
Chennai.
- 3.The Director of Collegiate Education,
577, Anna Salai,
Saidapet,
Chennai – 600 015.
- 4.The Regional Joint Director of Collegiate Education,
Palam Station Road,
Sellur,
Madurai.



W.P(MD)No.27496 of 2022

WEB C

5.The Bishop/President,
Governing Council of American College,
162, 1st Floor - AVH Building,
East Veli Street,
Madurai.

6.M.Davamani Chistober

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records in connection with the impugned order passed by the third respondent vide his proceedings Ref.No.Mu.Mu.No.2827/G4/2022 dated 24.01.2022 and quash the same.

For Petitioner

: Mr.K.Muthu Ganesa Pandian

For Respondents

: Mr.V.Maharajan
for R.1

: Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.D.Sadiq Raja
Additional Government Pleader
for R.2 to R.4

: Mr.M.Ajmal Khan
for R.5 & R.6



W.P(MD)No.27496 of 2022

WEB COPY

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for in this Writ Petition is for a Writ of Certiorari, to quash the impugned order passed by the third respondent vide his proceedings Ref.No.Mu.Mu.No.2827/G4/2022 dated 24.01.2022.

2.The petitioner herein is working as a Professor in a College called American College at Madurai. He has filed this Writ Petition challenging the order, dated 24.01.2022 passed by the third respondent, namely, the Director of Collegiate Education. Under the said order, which is impugned in this Writ Petition, the Secretaryship of the sixth respondent of the College for the period between 28.01.2022 and 27.01.2025 has been approved.

3.Mr.K.Muthu Ganesa Pandian, learned counsel appearing for the petitioner has raised two grounds under which he has chosen to assail the order impugned. According to him, the first ground was that the sixth respondent is working as a Principal of the College, when that being so, he cannot become the Secretary, as he is only a teaching faculty of the College



W.P(MD)No.27496 of 2022

WEB COPY

concerned, whereas the Secretaryship is nothing but the representative of the Management of the College, namely, the educational agency. Therefore, one cannot be the Principal cum Secretary as in dual capacity one cannot act upon.

4.The second ground he raised was that even though the University Grants Commission restricts the principalship of any College only with a maximum of five years period, beyond such period since he is continuing as a Principal of the College and by virtue of such continuance, now he has become the Secretary as his name has been sponsored by the educational agency based on the bye-law and therefore, his continuance of Principal itself since is questionable, the question of he became the Secretary of the College does not arise, therefore, on that ground also his appointment or nomination as the Secretary of the College cannot be countenanced, therefore, the approval given for such Secretaryship of the sixth respondent by the third respondent through the impugned order is unsustainable. Hence, he seeks indulgence of this Court to set aside the said order.



W.P(MD)No.27496 of 2022

WEB COPY

5.Heard Mr.K.Muthu Ganesa Pandian, learned counsel appearing for the petitioner, Mr.V.Maharajan, learned counsel appearing for the first respondent, Mr.Veera.Kathiravan, learned Additional Advocate General appearing for the respondents 2 to 4 and Mr.Ajmal Khan, learned senior counsel appearing for the respondents 5 and 6.

6.Insofar as the first ground raised by the petitioner's counsel is concerned, the approval order that has been given by the third respondent is under Rule 9 of the Tamil Nadu Private Colleges Regulations Rules, 1976 (in short hereinafter referred to as 'the said Rules'). For quick reference, the relevant portion of Rule 9(1) is extracted hereunder:

'9.Secretary of the Committee.- (1) The educational agency shall nominate one of its representatives as Secretary of the committee:

Provided that it shall be open to the educational agency to nominate the Principal as Secretary of the committee.'



W.P(MD)No.27496 of 2022

WEB COPY

7.On a plain reading of Rules 9(1) of the said Rules, it discloses that the educational agency can nominate one of its representatives as Secretary of the committee.

8.If any nomination is made by the educational agency, such a nomination can be accepted by the competent authority as a Secretary of the committee.

9.When such being the position, whether a Principal working in the very same College can become a Secretary or a Principal working in the same College can be nominated by the educational agency to be nominated or appointed as a Secretary is the next question which alone has been raised by the learned counsel appearing for the petitioner as a plausible reason or a ground to interfere with the impugned order.

10.However, if we read the proviso to Rule 9(1) of the said Rules, it makes clear that it shall be open to the educational agency to nominate the Principal as Secretary of the committee.



W.P(MD)No.27496 of 2022

WEB COPY

11. Therefore, merely because a person is a Principal, he is not disqualified from becoming the Secretary of the College or the committee provided if he is nominated by the educational agency as such.

12. Here, in the case in hand, the sixth respondent being the Principal is not disqualified to become the Secretary by virtue of Rule 9(1) proviso and therefore, the first ground raised by the petitioner is to be rejected.

13. The second ground that was raised by the petitioner's counsel is by virtue of the continuation of Principal by the sixth respondent, despite the restriction that has been made by UGC through that regulations as it is restricted, the Principal's tenure only a maximum of five years and beyond five years if anybody continues, he cannot be construed as a Principal, therefore, by virtue of his position being continued as a Principal since he has been sponsored by the Educational Agency, based on which, now approval has been given by the third respondent that approval is bad in law, he contended.



W.P(MD)No.27496 of 2022

WEB COPY

14.It is a complete misconception of the legal position as well as the factual matrix. Insofar as Rule 9(1) of the said Rules, as has been discussed herein above, is concerned, anybody who has been nominated as a representative of the educational agency can become a Secretary, provided he has not been disqualified expressly.

15.But at the same time, if one person being a Principal of the College by virtue of such position alone, he cannot be disqualified from becoming the Secretary of the committee.

16.Here in the case in hand, the sixth respondent even if he is not continuing as a Principal or if he is not at all a Principal, even then, his name can be sponsored or nominated by the educational agency to become the Secretary of the Committee, provided if he does not suffer with any other disqualification. Therefore, the second ground raised by the petitioner's counsel also is not countenanced and therefore, is to be rejected.



W.P(MD)No.27496 of 2022

WEB COPY

17.Apart from these two grounds that have been raised on behalf of the petitioner, no other plausible reasons or grounds are available before us to consider to assail successfully the order impugned in this Writ Petition. Therefore, we do not have any hesitation to hold that the impugned order cannot be said to be an infirm one and therefore, it is to be sustained in all force and therefore, the Writ Petition fails, hence, it is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[R.S.K.,J.] [G.A.M.,J.]
11.06.2024

NCC : Yes / No
Index : Yes / No
ps



W.P(MD)No.27496 of 2022

WEB COPY

To

- 1.The Secretary,
Represented by University Grants Commission,
Bahadurshah Zafar Marg,
New Delhi – 110 002.
- 2.The Secretary,
Represented by State of Tamil Nadu,
Department of High Education,
Fort St. George,
Chennai.
- 3.The Director of Collegiate Education,
577, Anna Salai,
Saidapet,
Chennai – 600 015.
- 4.The Regional Joint Director of Collegiate Education,
Palam Station Road,
Sellur,
Madurai.
- 5.The Bishop/President,
Governing Council of American College,
162, 1st Floor - AVH Building,
East Veli Street,
Madurai.



WEB COPY



W.P(MD)No.27496 of 2022

R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
W.P(MD)No.27496 of 2022

DATED : 11.06.2024