



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

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THE HONOURABLE MRS JUSTICE N. MALA

WP No. 9026 of 2025

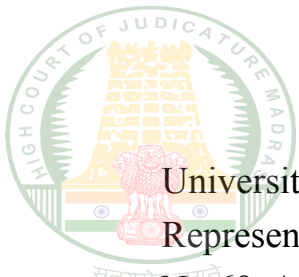
and WMP.Nos.10130 & 10131 of 2025

Karpaga Vinayaga Educational Trust
Represented By Its Managing Trustee
Saroja Regupathy Having Office At
3108, East 2nd Street,
Pudukottai - 622 001.

Petitioner(s)

Vs.

1. The Union Of India
Represented By Its Joint Secretary To
Government, Department Of Higher
Education(ier Division), Ministry Of
Education, Shastri Bhawan,
New Delhi - 110 001.
- 2.University Grants Commission,
Represnted By Its Chairman, Bahdadur
Shah Zafar Marg, New Delhi - 110002.
- 3.The State Of Tamil Nadu,
Rep By Its Secretary To Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 4.The Tamil Nadu Dr.M.G.R. Medical



University,
Represented By Its Registrar,
No.69, Anna Salai, Guindy,
Chennai - 600 032.

5.The Anna University,
Represented By Its Registrar,
Sardar Patel Road, Chennai - 600 025.

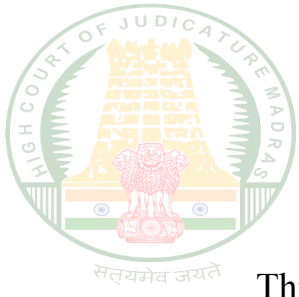
Respondent(s)

PRAYER

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent pertaining to order in F.No. 9-8/2025-U.3(A) dated 10.03.2025 and to quash the same and consequently direct the Respondents 1 and 2 to grant deemed to be university status on the Petitioner's proposed 'University Karpaga Vinayaga Educational Lore for Learning' under the University Grants Commission(Institutions deemed to be Universities) Regulations, 2023 within a time frame to be fixed by this Hon'ble Court.

For Petitioner(s): Mr.Richardson Wilson

For Respondent(s): Mr.V.Chandrasekaran Senior
Panel Counsel For R1
Mrs. V.Sudha(UGC) For R2
M/s.S.Indhubala
Addl.Govt.Pledaer For R3
Mr.L.Praveenkumar For R4
Mr.U.Baranidharan For R5

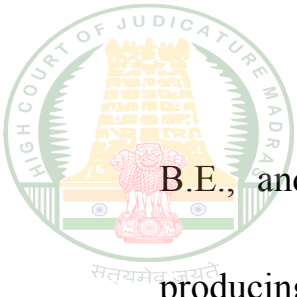


ORDER

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This Writ Petition is filed to call for the records of the 1st Respondent pertaining to order in F.No. 9-8/2025-U.3(A) dated 10.03.2025 and to quash the same and consequently direct the Respondents 1 and 2 to grant deemed to be university status to the Petitioner's proposed 'University Karpaga Vinayaga Educational Lore for Learning' under the University Grants Commission(Institutions deemed to be Universities) Regulations, 2023, within a time frame to be fixed by this Hon'ble Court.

2.The petitioner is the Trust responsible for operating the Karpaga Vinayaga Institute of Medical Sciences & Research Centre, the Karpaga Vinayaga Institute of Dental Sciences, Karpaga Vinayaga College of Nursing, Karpaga Vinayaga Institute of Pharmaceutical Sciences, and Karpaga Vinayaga College of Engineering and Technology. There Institutions offer a wide range of undergraduate and Post Graduate programs such as MBBS, BDS, B.Pharm,



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B.E., and M.E., are known for maintaining high academic standards and producing skilled professionals in various fields. The Institutions employ highly qualified faculty and staff, and their seats are in high demand each year. The University Grants Commission (UGC) introduced the University Grants Commission (Institutions Deemed to be Universities) Regulations, 2023, allowing Institutions to apply for “Deemed to be University” status. According to the petitioner, these regulations do not mandate a No Objection Certificate (NOC) from the affiliating University, although such a document is required to be uploaded if available. The petitioner applied for conversion to Deemed to be University status, on 07.06.2023, and requested NOC's from the 4th and 5th respondents, (the affiliating Universities), which were granted after the required formalities and submission of documentation. However, the same were subsequently withdrawn, challenging which the petitioner filed a Writ Petition in W.P.No.39255 of 2024, requesting the second respondent to consider the petitioner's application for Deemed University status irrespective of the withdrawal of the NOCs. This Court vide order dated 30.01.2025, dismissed the writ petition by directing the UGC to decide on the petitioner's application



within eight weeks, from the date of receipt of a copy of the order. The

petitioner claims to have complied with all procedural requirements, however,

based on the UGC's recommendation, the first respondent vide the impugned

order rejected the petitioner's application. Aggrieved by the rejection order, the

petitioner filed the above writ petition seeking appropriate relief.

3.The second respondent UGC filed a detailed counter stating interalia that since the Institutions are affiliated Colleges, clause 6(2)(a) of the 2023 Regulations, mandates the submission of a No Objection Certificate (NOC) from the affiliating University. It was clarified that both the Anna University and Tamil Nadu Dr. M.G.R. Medical University initially issued NOCs' to the petitioner, but later withdrew them. The second respondent noted that the Government of Tamil Nadu, took a policy decision and issued instructions to State Universities not to issue NOC's for conversion of any Medical College to deemed to be University status. The UGC further stated that the Regulations and amendments framed following deliberations by an Expert Committee were mandatory in nature. All the Universities/Institutions/Colleges were advised to



strictly comply with them. The second respondent therefore prayed for the dismissal of the writ petition.

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4.The learned counsel for the second respondent submitted that as the impugned order was passed by the first respondent, the counter of the first respondent was necessary and in the absence of the same the matter should not be heard.

5.The learned counsel for the petitioner contended that the rejection of the petitioner's application was based on the UGC's Expert Committee recommendation, which did not favour the petitioner's request as the affiliated Universities had withdrawn the NOC's. The learned counsel contended that the counter of the first respondent was not essential since the matter could be adjudicated on the basis of the 2nd respondent's counter. The learned counsel asserted that the second respondent and the first respondent were not bound by the withdrawal letters of the 4th and 5th respondents dated 21.11.2023 and 15.11.2023 respectively. He argued that blindly following the NOCs'



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withdrawal was illegal and contrary to the principles of natural justice. The learned counsel pointed out that Regulation 6(2)(a) of the UGC Regulations provides for deemed grant of NOC. The affiliating University ought to have granted the NOC within 60 days, from the date of application. As the 4th and 5th respondents failed to grant NOC before the expiration of 60 days (i.e.) on or before 06.08.2023, the subsequent grant and withdrawal were ineffective and inconsequential. The learned counsel therefore submitted that the impugned order deserved to be set aside.

6. The learned counsel for the respondents on the other hand submitted that as the affiliating Universities withdrew the NOCs, there was nothing wrong in the UGC not recommending the petitioner Institution for grant of deemed to be University Status.

7. I have heard both the learned counsels and I have perused the materials placed on record.



8. Upon perusal of the impugned order, it is evident that NOCs initially issued by the 4th and 5th respondents were subsequently withdrawn by them.

The learned counsel for the petitioner has rightly argued that such withdrawal cannot be considered in isolation. The key legal issue to be determined is whether the 4th and 5th respondents could unilaterally withdraw the NOCs' previously granted on 27.09.2023 and 29.09.2023, and whether such withdrawal could validly form the basis for the UGC's refusal to recommend the petitioner's application for declaration of deemed to be University status. It is essential to interpret this action in the context of Clause 6(2)(a) of the UGC (Institutions Deemed to be Universities) Regulations, 2023, which governs the procedure for such declaration. Clause 6(2)(a) of the UGC (Institutions Deemed to be Universities) Regulations, 2023 reads as follows:

“6.Procedure for declaration of an institution as an institution deemed to be University.--

(2) The following documents shall be uploaded on the web portal referred to in sub-regulation (1)--

(a) no objection certificate (NOC) from the affiliating University in the case of an affiliated College:

Provided that, if no NOC is received by the



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applicant sponsoring body within sixty days from the date of application, it shall be presumed that the affiliating University has no objection to the request and in such cases, the acknowledgment for receipt of the request shall be submitted as a document;”

9. Upon reading of the Clause 6(2)(a) of the UGC (Institutions Deemed to be Universities) Regulations, 2023, it is evident that the sponsoring body is required to submit a No objection certificate (NOC) from the affiliating University in the case of an affiliated College. However, if no NOC is received by the applicant sponsoring body within sixty days from the date of application, it shall be presumed that the affiliating University had no objection to the request. In such cases, the acknowledgement for receipt of the request shall be submitted as a document.

10. In the present case, the petitioner submitted a request for an NOC to both the fourth and fifth respondents, on 07.06.2023. The application was received by them on the same day. Therefore, as per the condition laid in Clause 6(2)(a) of the UGC (Institutions Deemed to be Universities)



Regulations, 2023, the respondents 4 and 5 having received the application on 07.06.2023, ought to have granted the NOC on or before 07.08.2023.

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11. From the materials placed on record, it is seen that the original NOCs granted by the 4th and 5th respondents were granted on 27.09.2023 and 29.09.2023 respectively. By that time the proviso to Clause 6(2)(a) of the UGC (Institutions Deemed to be Universities) Regulations, 2023, had already come into operation, thereby presuming the NOC to have been granted on the expiry of the 60 days. Consequently, the subsequent grant of NOC by the respondents had no legal effect, and so also the later withdrawal of the NOC. Upon expiry of sixty days from the date of application, and in the absence of a response, the NOC is presumed to have been granted by virtue of the proviso to Clause 6(2)(a) of the 2023 Regulations. Once the NOC is presumed to have been granted by such operation of law, any subsequent act of granting or withdrawing the NOC beyond the statutory 60 day period will have no legal sanctity. Such actions are rendered null and void, having no bearing on the presumed grant of



the NOC already conferred under the aforesaid Regulation. Hence, in my view

the UGC's reliance on the withdrawal of the NOCs' by the 4th and 5th

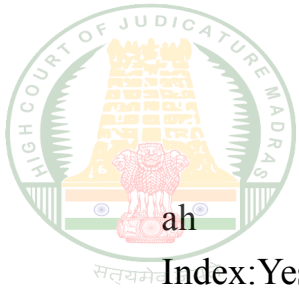
respondents for not recommending the petitioner/Institution for grant of deemed

to be University status, is totally unfounded and legally unsustainable.

12.The impugned order is therefore set aside and the matter is remitted to the first respondent for fresh consideration. The second respondent is directed to send his recommendations to the first respondent, again without reference to the withdrawal of the NOC, which is found to be legally ineffective and invalid, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such recommendation, the first respondent shall pass orders on merits and in accordance with law, within a period of four weeks, thereafter.

13.Accordingly, this Writ Petition is allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

22-04-2025



WEB Speaking

Index: Yes

Internet: Yes

Neutral Citation: Yes

To

1.The Union Of India

Represented By Its Joint Secretary To
Government, Department Of Higher
Education(ier Division), Ministry Of
Education, Shastri Bhawan,
New Delhi -110 001.

2.University Grants Commission,

Represnted By Its Chairman, Bahdadur
Shah Zafar Marg, New Delhi -110002.

3.The State Of Tamil Nadu,

Rep By Its Secretary To Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai -600 009.

4.The Tamil Nadu Dr.M.G.R. Medical
University,



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Represented By Its Registrar, No. 69,
Anna Salai, Guindy,
Chennai - 600 032.

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5.The Anna University,
Represented By Its Registrar, Sardar
Patel Road, Chennai - 600 025.



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N.MALA J.
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