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W.A Nos. 2514, 1778 and 1840 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Appeal Nos. 2514, 1778 and 1840 of 2025 AND

CMP Nos. 19674, 13552 and 14106 of 2025

The Registrar
Anna University, Guindy
Chennai 600 025.

... Appellant in all the W.As

-Vs-

1.P.S.V.College of Engineering and Technology
rep.by its Chairman, Bangalore-Chennai
Highway, Mittapalli, Balinayanapalli Post
Krishnagiri District- 635 108.

2.University Grants Commission
Rep.by its Secretary, Bahadur Shah Zafar
Marg, New Delhi - 110 002.

... Respondents in
W.A.No.2514 of 2025

1.Mahendra College of Engineering
rep.by its Principal, Attur Main Road
Minnampalli, Salem - 636 106.

2.University Grants Commission
Rep.by its Secretary, Bahadur Shah Zafar
Marg, New Delhi - 110 002.

... Respondents in
W.A.No.1778 of 2025

1.Mount Zion College of Engineering and Technology
Rep.by its Principal, Lenavilakku, Pilivalam Post
Pudukkottai District.



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2.University Grants Commission
Rep.by its Secretary, Bahadur Shah Zafar
Marg, New Delhi - 110 002.

... Respondents in
W.A.No.1840 of 2025

Prayer: Writ Appeals under Clause XV of the Letters Patent to set aside the order in W.P.Nos.38 and 39 of 2025 dated 05.02.2025 and W.P.No.5066 of 2025 dated 14.02.2025.

In all W.As.

For Appellant : Mr.J.Ravindran, Additional Advocate General
assisted by Mr.U.Baranidharan
Special Government Pleader

For Respondents : Mr.N.L.Rajah, Senior Counsel
For Mr.Kandan Duraisamy - for R1
Mr.B.Rabu Manohar,
Senior Central Government Counsel - for R2

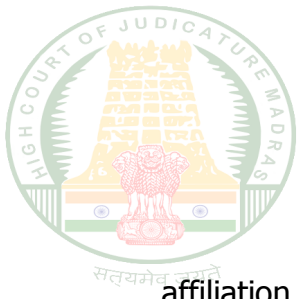
COMMON JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

Since the issue raised in these writ appeals is one and the same, with the consent of the learned counsel appearing for both sides, all these writ appeals were heard together and are disposed of by this common judgment.

2. Since the facts are almost similar, the facts pertaining to W.A.No.1840 of 2025 is traversed hereunder.

3. The first respondent is the Engineering College duly approved by the All India Council for Technical Education and affiliated to the parent University viz., Anna University (In short 'the University'). The respondent College enjoyed such an



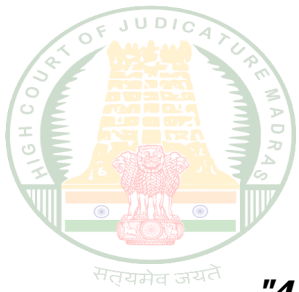
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affiliation with the University for more than ten years. If an academic institution enjoys the continuous status of approval and affiliation for more than ten years, they can seek for conferment of autonomous status from the second respondent University Grants Commission (In short 'UGC'). How such application filed seeking for autonomous status to be dealt with has been provided under the Regulations called University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards of Autonomous Institutions) Regulations 2023 (In short 'Regulations 2023').

4. Under Clause 6 of the Regulations, the eligibility criteria for an institution to seek for such autonomous status has been provided. Since the first respondent college as well as the respective first respondent colleges in other two writ appeals have fulfilled the eligibility criteria to seek for such autonomous status, they made necessary application to the UGC seeking such autonomous status.

5. In this context, it is to be noted that under Regulation 4 'Role of Parent University' ie., the present University in general and subject to the provisions of the Regulations have been provided. For the sake of convenience, Regulation 4 is extracted hereunder.



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"4. ROLE OF THE PARENT UNIVERSITY : *The role of the Parent University in general and subject to the provisions of Regulations will be as under:*

- 4.1. To examine the application of the College for autonomous status on the UGC portal and give the recommendations along with reasons / justification within 30 working days on the UGC portal. If the parent University does not respond on the UGC portal within 30 working days, it shall be presumed that the parent University has no objection to the processing of the application by the UGC for conferment of autonomous status.*
- 4.2. Issue notification within 30 days for a college to function as an autonomous entity once the autonomous status is conferred on the college by UGC.*
- 4.3. The College, on attaining autonomous status will continue to be affiliated with the parent University, but will enjoy the privileges of autonomy.*
- 4.4. To provide nominees on various Statutory Bodies of the Autonomous College.*
- 4.5. To facilitate the implementation of these regulations.*

6. Under Regulation 4.1, the application submitted by the college for autonomous status is to be examined, for which the University can give its recommendation in the UGC Portal along with reasons and justifications within 30 working days. If the Parent University does not respond on the UGC Portal within 30 working days, it shall be presumed that the Parent University has no objection for the processing of the application by the UGC for conferment of autonomous status.



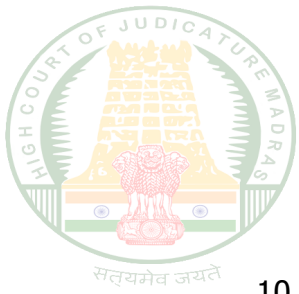
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7. In these cases, such objections / recommendations having been made by the University, ultimately the order of conferment of autonomous status has been issued by the UGC. For instance, in W.A.No.1840 of 2025, after receiving objection from the Parent University, the UGC has granted such autonomous status to the college on 02.01.2025. This order was passed under Regulation 4.1, where, the Parent University was also requested by the UGC to issue necessary notification within 30 days regarding grant of autonomous status to the college as per UGC Regulations ie., Regulation 4.2.

8. It is to be noted that, the order dated 02.01.2025 granting such autonomous status has become final and still holds good as it has not been questioned by anyone. Now, the only action left on the part of the University is to come forward to notify this autonomous status in respect of the college concerned within 30 days from the date of receipt of the order passed by the UGC when conferring such autonomous status.

9. Since within 30 days the University has not come forward to notify the autonomous status of the college concerned, the college approached the Writ Court and sought for a Writ of Mandamus.



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10. Pausing for a moment, in fact the University on 09.06.2023 has sent the objection in one line by stating the following " The college has low enrolment of students" to the UGC, thereby, they have not recommended the grant of autonomous status to the college concerned.

11. Followed by the said communication dated 09.06.2023, the UGC vide its proceedings dated 28.11.2023 has communicated to the University with a copy marked to the institute stating that the Standing Committee constituted by the UGC in its meeting held on 03.11.2023, having considered the response of the affiliated University in the negative (non-recommendation), the Committee was constrained not to recommend the autonomous status.

12. This negative order ultimately passed by the UGC was put under challenge by the College in W.P.No.34986 of 2023 seeking quashing of the order passed by the UGC as well as the order dated 09.06.2023 making the negative recommendation by the University.

13. The learned Writ Court, by order dated 10.09.2024 has quashed those orders and thereby remitted the matter to the UGC for reconsideration and decide the same in terms of Regulation 23 in the light of the observations made thereunder as expeditiously as possible.



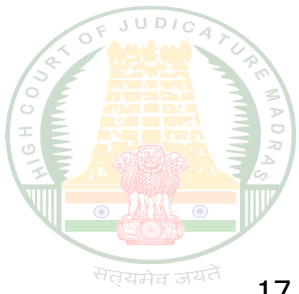
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14. The said order passed by the writ Court also has become final as the same has not been questioned by the University and only thereafter, the order dated 02.01.2025 was passed conveying the autonomous status of the UGC to the college concerned.

15. Almost similar facts are available in respect of the other two colleges, which are the subject matter in the remaining two appeals, except the case where negative order has not been passed by the UGC and therefore there had been no occasion to consider the same by way of judicial review as in the case of the present first respondent viz., Mount Zion College of Engineering and Technology, Pudukkottai.

16. In respect of these colleges pursuant to to the orders of autonomous status granted by UGC as that of the order in the present college dated 02.01.2025 since the same had not been acted upon by the University by publishing the notification under Regulation 4.2, that situation triggered these institutions to separately file the respective writ petitions before the writ Court seeking for a writ of Mandamus to act upon under Regulation 4.2 by making the notification published.



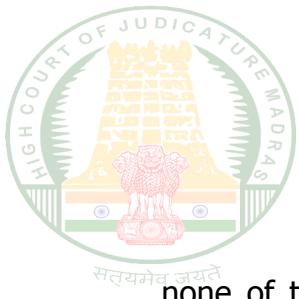
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17. Those writ petitions in each of the cases having been considered, were disposed of by separate orders by the writ court on 05.02.2025 and 14.02.2025 respectively. In all these cases, the respective writ petitions seeking for such a mandamus as stated supra were allowed by the learned Writ Court and those orders are under challenge in these writ appeals.

18. The respective orders passed by the writ court issuing such a mandamus since have been questioned in these writ appeals, where common grounds were raised by the University, who is the appellant herein, all these appeals were heard together.

19. Mr.J.Ravindran, learned Additional Advocate General appearing for the appellant University would submit two fold submissions. In the first limb of his submissions, learned Additional Advocate General would contend that, insofar as the granting of autonomous status by the UGC is concerned, since under Regulation 4.1 it is mandated that the appellant University can make recommendation / objection with reasons and documents and in all these cases, and when within the time frame such an objection has been made by the University, the same should have been considered by the UGC and after considering such objections made by the University, if the UGC, overlooking such objections, granted autonomous status to these institutions, that is altogether a different matter, whereas, according to him, in



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none of these three cases, the UGC has considered such objections made by the University, as nothing is reflected to that effect in the orders granting autonomous status by the UGC.

20. The second limb of his argument is that, at least more than a dozen colleges, where earlier such an autonomous status having been conferred by UGC, those colleges, prior to the conferment of such status had achieved only lower result ie., pass percentage in the yesteryears, but once they have been conferred with autonomous status, those institutions were able to achieve more pass percentage, thereby it is the strong belief and the assumption of the University that those autonomous technical institutions, after getting such status has considerably reduced their educational standards for obvious reasons, thereby the pass percentage has been enhanced doubly in some cases. Therefore, ultimately it is the concern of the University to state that the educational standards of higher learning institutions for technical education in this State, especially in those institutions which are getting autonomous status, are getting deteriorated. Therefore, the University is duty bound to have a check and balance with regard to the deterioration of educational standards in these institutions and hence, whatever the objection that has been made by the University shall be objectively considered by the UGC before taking a decision under Regulation 4.1, otherwise the very provision under Regulation 4.1 becomes redundant and therefore, on that ground also, the UGC's decision to grant

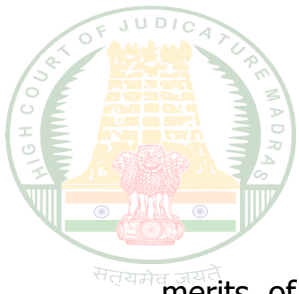


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autonomous status to these institutions following the demand of issuance of notifications under Regulation 4.2 may not be justifiable. Therefore, the University had strongly opposed the writ petitions seeking a mandamus before the Writ Court, despite that the learned Judge in all those cases, since has granted the Mandamus by allowing the writ petitions through the impugned orders, it became necessitated for the University to challenge those orders and that is how these appeals have been filed, learned Additional Advocate General contended.

21. On the other hand, Mr.N.L.Rajah, learned Senior Counsel appearing for the respondent Colleges would contend that, the Scheme of considering the applications for grant of autonomous status by the UGC has been exhaustively provided under Regulation 4.1, wherein, as to how the UGC has to consider the applications has been made very clear, whereby, within 30 days if any recommendation or objection is made by the parent University, that would be considered by the UGC and ultimately they may grant or refuse autonomous status. Assuming that within 30 days there has been no such recommendation being made by the University, even then the UGC since can proceed to verify the merits of the claim made by the college concerned and ultimately can take its final decision as to the grant of autonomous status, which shows that whether any recommendation / objection is made or not by the Parent University, the UGC can otherwise decide the



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merits of the claim made by the College for such grant of autonomous status independently, he contended.

22. Learned Senior Counsel would also submit that, once the autonomous status is granted, as per the UGC Regulations under Clause 12, how such an autonomous status are governed has been provided under the heading "Governance of an Autonomous College", whereby, each of such autonomous college shall have the following statutory bodies to ensure proper management of academic, financial and general administrative affairs;

- a) Governing Body
- b) Academic Council
- c) Board of Studies
- d) Finance Committee

23. Pointing out this provision, which is exhaustively available in the Regulations, learned Senior Counsel would contend that, once such autonomous status is conferred, the college shall have all the above bodies which are *pari materia* or equal to the similar bodies of the University itself. Therefore, in all practicality the very governance of autonomous educational institutions is to be ensured by having all these academic bodies and therefore, the apprehension that has been raised by the learned Additional Advocate General appearing for the



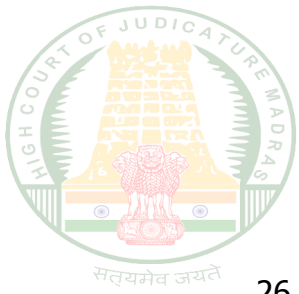
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University that once the autonomous status is conferred, the educational standards of those institutions would get deteriorated or diminished, may not have any substance, he contended.

24. Mr.Rabu Manohar, learned Senior Central Government Standing Counsel appearing for the UGC, by relying upon the contentions made in the counter affidavit filed by the UGC would submit that, in respect of each of the cases where such an application is considered by the UGC, only upon receipt of the recommendation / objection from the parent University, if it is made within 30 days time, the final decision would be taken by the UGC by placing everything before the Committee.

25. He would also submit that, if within 30 days no such objection or recommendation is made by the University, even then the UGC can proceed to complete the process of deciding such application for grant of autonomous status, which means, the objection or recommendation being made by the Parent University is only a guiding factor and it is not binding on the UGC. Therefore, no much credence can be given to state that the order passed by the UGC granting such autonomous status must also have the reflection of consideration of such objection or recommendation made by the University, he contended.



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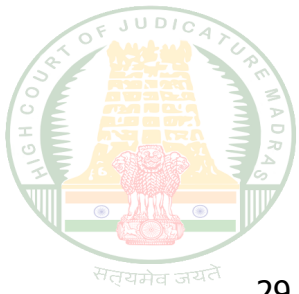
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26. We have considered all these rival submissions made by the learned counsel for the parties and have perused the materials placed on record.

27. Insofar as the power of the UGC to confer autonomous status to the educational institutions, provided they are eligible to make such application, has already been considered by the Courts of law by way of judicial review and at least two judgments have already been rendered by this Court, one by a Division Bench of this Court and another by a single Judge, as to the power of the UGC *vis-a-vis* the Parent University ie., the very same appellant University.

28. The first judgment was made in W.A.No.51 of 2020 by the First Division Bench of this Court by order dated 14.02.2020 in the matter of **Anna University -vs- Mahendra Institute of Technology and another**, where ultimately the Division Bench in Para 19 has held as follows:

" 19. Learned Additional Advocate General urged that while taking a decision to grant the autonomous status, the University Grants Commission has nowhere mentioned about the fact of the objection taken by the University as noted in the letter dated 29.05.2019. In our considered opinion, once we have come to the conclusion that any decision taken by the Syndicate in the year 2014, no longer binds the University Grants Commission, then the said argument deserves rejection."



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29. The said decision, though had been questioned by the University in S.L.P.(Civil) Nos.8324 and 8325 of 2020, the same was dismissed by the Hon'ble Supreme Court by its order dated 24.07.2020, where the Court held that in the peculiar facts and circumstances of the case, the Court finds no grounds to interfere with the impugned orders passed by the High Court and the SLPs are accordingly dismissed.

30. Therefore, it has become final as to the said findings given by the Division Bench of this Court in W.A.No.51 of 2020. Following the said judgment, yet another order was also passed by one of us (R.Suresh Kumar, J.) in W.P.No.27361 of 2022 dated 14.10.2022. Therefore, this Court has consistently taken the view that, insofar as the UGC is concerned, their power to grant autonomous status is absolute and complete, that means, the UGC need not depend on any other external agency including the Parent University. Nevertheless, there is a provision under Regulation 4.1, which gives some limited right to the University to make recommendations or objections to the UGC within 30 days. If such recommendations or objections are made, even such kind of recommendation or objection, whether positively or negatively, will not bind the UGC. Moreover, the second limb of Regulation 4.1 had made it clear that, if within 30 days period, the University has not given any such recommendation or objection, it shall be presumed that the Parent University has no objection to the processing of the application by the UGC for conferment of



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autonomous status. By thus, the intention of the Regulation makers is very clear and unambiguous to state that the recommendation or objection to be made by the Parent University is only a guiding factor, that too within a period of 30 days within which the recommendation / objection, if any, is expected to come. It means, beyond 30 days even if any recommendation / objection is made by the parent University, the UGC since is empowered to proceed, that is not binding on the UGC. The very importance of sending such recommendation / objection by the Parent University lost its significance in view of the language being used in Regulation 4.1 of the UGC Regulations.

31. In this context, we remind ourselves that, insofar as the powers of the UGC to frame regulations is concerned, such a power is vested with the UGC under the UGC Act. Once they make Regulations by utilizing such powers as provided under the UGC Act and utilizing such powers, the UGC has already made several Regulations and whenever such Regulations were tested by Courts of law at various points of time, the law Courts have taken a view that those regulations made under the rule making power as provided under the UGC Act, will have the effect of a law or Statute and that can be enforced by the UGC notwithstanding that there is contrary law available by any State Legislature.



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32. The reason being that, the plenary nature of the UGC Regulations is always upheld in number of decisions. When that being so, the Regulations 2023 since has made it clear under Regulation 4.1 to state that, within 30 days they can make recommendations / objections if any, and on receipt of such recommendations / objections, the UGC will consider the same and, if any recommendation / objection is made beyond 30 days, the same will not have any effect on the UGC. This position has been amplified by the Division Bench decision at Para 19, as against which the appellant University has unsuccessfully filed SLP before the Hon'ble Supreme Court.

33. Here in the case in hand, neither the Regulation 4.1 has been questioned by the University nor the orders conferring autonomous status granted to these institutions have been challenged by the University. The same have become final and still holds good. However, when the institutions approached the Court seeking for a Writ of Mandamus to implement the order by issuing a notification under Regulation 4.2, that was opposed by the University stating that their objection made to the UGC has not been considered by the UGC before granting such autonomous status under Regulation 4.1.



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34. The proposition projected by the learned Additional Advocate General appearing for the University is not appealing to us for the simple reason that, whether the University is liable to execute the order passed under Regulation 4.1 by issuing a notification as contemplated under Regulation 4.2 or not was the only question posed before the Writ Court. It was answered by the writ Court through the impugned order. Therefore, to that extent within that framework alone the issue raised in these appeals have to be considered. If we look at the language used in the Regulations as well as the decisions already made by this Court in the aforesaid writ appeal and writ petition and one such judgment has been confirmed by the Hon'ble Supreme Court, in all those cases there has been no non-eligibility criteria of the institutions concerned, as the merits of the claim made by each of the institute since has been considered by the UGC at various stages ultimately the UGC granted autonomous status. When that being so, that Regulations or steps to be followed under these Regulations since have not been violated by any action of the UGC, the refusal to give notification under Regulation 4.2 by the appellant University is not justifiable and therefore, there was every justification on the part of the writ Court to issue a writ of Mandamus as prayed for in those writ petitions filed by the respondent colleges.



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35. Therefore, we do not find any iota of reasons to interfere with the orders passed by the learned Writ Court, which are impugned in these writ appeals and they are accordingly sustained. The writ appeals fail and are accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K.,J.) (H.C.,J.)
02-09-2025

Index : Yes
Neutral Citation : Yes

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To

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Chennai 600 025.
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3. The Chairman
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