



W.P.No.37517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 27.03.2025

ORDER PRONOUNCED ON : 24.06.2025

CORAM

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.37517 of 2024

and

WMP.No's. 40549 and 40550 of 2024

Sengunthar Education Trust,
No.47-1, S.N.D.Road, Tiruchengode- 637 211
Established and Administering
Sengunthar Arts and Science College (Autonomous)
Neikkarapatty, Tiruchengode- 637 205,
Namakkal District,
Rep. by its Secretary and Correspondent,
A.Baladhandapani. ... Petitioner

/Vs./

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

2.The Registrar,
Periyar University,
Salem- 636 011. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd Respondent university in Ref.No. PU / CDC / AD2 / 018039 / 24F104606 / 2024 dated 04.11.2024 quash the same and consequently direct the 2nd Respondent University to act in accordance with the conferment of autonomous status of the 1st respondent UGC vide order dated 12.02.2024 in No. F.2-10/2023 (AC-Policy) and notified by the 2nd respondent vide letter no.PU / CDC / AD2 / 003595 / 24F89799 /



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2024 dated 29.02.2024 at the institutional level as per Clause 3.10 of UGC (Conferment of Autonomous Status upon colleges and measures for maintenance of standards in Autonomous Colleges) Regulations 2023.

For Petitioner : Mr.D.Prabhu Mukunth Arunkumar

For Respondents : Mr.B.Rabu Manohar
for R1
Mr.P.Godson Swaminath
for R2

ORDER

Writ petition is filed for a writ of certiorarified mandamus, to quash the impugned order passed by the 2nd Respondent university, dated 04.11.2024, for consequent direction to the 2nd Respondent University to act in accordance with the conferment of autonomous status of the 1st respondent UGC, vide order dated 12.02.2024, notified by the 2nd respondent's letter dated 29.02.2024, at the institutional level as per Clause 3.10 of UGC (Conferment of Autonomous Status upon colleges and measures for maintenance of standards in Autonomous Colleges) Regulations 2023.

2. The petitioner college was started in the year 1991, by the petitioner trust. The petitioner college namely Sengunthar Arts and Science College, is a self financed co-educational institution with approval to conduct 15 Under Graduate programmes, 10 Post Graduate programmes and one research programme. The college is in existence for more than 30 years. The petitioner



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college was recognised under Section 2(f) and 12(b) of UGC Act, and listed under the head Non-Government College teaching up to Master's degree by the 1st respondent UGC, by its order dated 09.02.2016. The petitioner states that it was eligible for conferment of autonomous status, as per Regulation 6 of the University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations 2018, now UGC regulations 2023, which is the same as Regulations 2018. Whiles, the petitioner college submitted an application for grant of autonomous status to the 1st respondent, which in turn, conferred the autonomous status to the petitioner's college vide its order dated 12.02.2024, for a period of 10 years from the academic year 2024-2025 to 2033-2034, with a direction to the 2nd respondent, to issue necessary notification within 30 days of granting the autonomous status. The 2nd respondent University in compliance of the said order, notified the petitioner college as autonomous college for a period of 10 years vide proceedings dated 29.02.2024. According to the petitioner, the conferment of autonomous status as per UGC Regulation 2023, was at the institution level and so the autonomous status covered students admitted prior to the academic year 2024-2025. The petitioner college therefore approached the 2nd respondent, but it informed the petitioner that the autonomous status would apply only from the year 2024-2025, for the students admitted from that year.



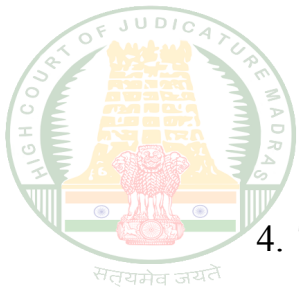
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The petitioner therefore submitted a representation on 22.10.2024, to the 2nd

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respondent to abide by UGC Regulations, 2023, and the order dated 12.02.2024, of the UGC which the 2nd respondent itself notified. However, to the shock and surprise of the petitioner, the 2nd respondent issued the impugned order informing it that the autonomy would be permitted only from the academic year 2024-2025. The petitioner aggrieved by the impugned order, filed the above writ petition for the aforesaid relief.

3. The 1st respondent filed a counter stating that in pursuance of the application submitted by the petitioner college on 11.09.2023, the Standing Committee of UGC, approved the conferment of autonomous status, to the petitioner college on 16.01.2024, for a period of 10 years from the academic year 2024-2025 to 2033-2034. The same was also communicated to the affiliating University on 12.02.2024, for the purpose of issuing necessary notification within 30 days. The 1st respondent stated that the UGC Regulations and its amendments issued from time to time were mandatory and self-explanatory in nature and the same could not be disregarded at any stage. It was further stated that all the University's, Institution's and College's were also advised to strictly comply with its Regulations. The 1st respondent assured that the orders passed by this court would be abided by the 1st respondent.



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4. The 2nd respondent in its counter, stated *inter alia* that the petitioner college was affiliated to the University and that the curriculum, syllabus, teaching, examination, evaluation etc., for the courses offered by the college were framed and conducted by the University. It was further stated that as the college was affiliated with the University, the degrees were also awarded by the University. The 2nd respondent did not dispute the fact that the petitioner college was conferred autonomous status by the UGC on 12.02.2024, for a period of 10 years from the academic year 2024-2025 to 2033-2034. The respondent had itself informed the college on 29.02.2024, that in view of the conferment of autonomous status by the UGC, the petitioner college would be considered as an Autonomous Institution. According to the 2nd respondent, the petitioner college, in its letter dated 22.10.2024, informed the University, that the autonomous status would cover students pursuing their 2nd and 3rd year in the respective courses, which were originally governed by the University's affiliation norms. The 2nd respondent contended that, the petitioner college sought retrospective application of the autonomous status granted by the UGC, and therefore it was constrained to issue the impugned order dated 04.11.2024. Relying on Clause 3.10 of UGC Regulations, 2023, the 2nd respondent asserted that the students admitted prior to grant of autonomous status would not be covered by the autonomous status. Hence the 2nd respondent submitted that the



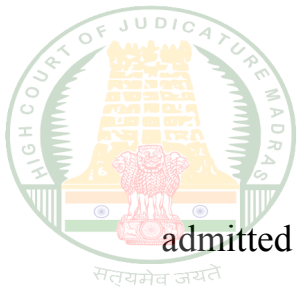
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writ petition lacked merit and deserved to be dismissed.

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5. The learned counsel for the petitioner contended that the students who were admitted by the petitioner-college prior to the conferment of autonomous status would be governed by autonomy so conferred by the UGC, in terms of clauses 2.4 and 3.10 of the (Conferment of Autonomous Status upon colleges and measures for maintenance of standards in Autonomous Colleges) UGC Regulation 2023. It was further contended that since autonomy is granted at institutional level, encompassing all Undergraduate and Post-graduate programmes, there can be no dichotomy in the conduct of examinations. Any such bifurcation, it was urged would run counter to the UGC regulations. The learned counsel further submitted that students who joined the college prior to the conferment of autonomous status would not be prejudiced, as the University is included in all statutory bodies in accordance with Clause 12 of the UGC Regulation, 2023. It was thus submitted that the conferment of autonomous status to the college was retroactive in nature, thereby covering all the students presently studying in the college.

6. The learned counsel for the 1st respondent on instructions submitted that the provisions of autonomy were applicable only to those students who are



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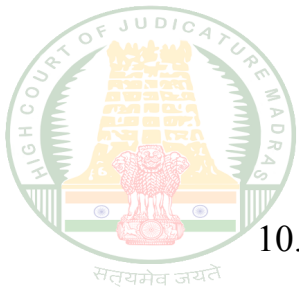
admitted after the conferment of autonomous status as per UGC regulations.

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7. The learned counsel for the 2nd respondent reiterated the submissions made in the counter affidavit.

8. I have heard all the learned counsels and have perused the materials placed on record.

9. The petitioner college was conferred autonomous status by the 1st respondent UGC vide proceedings dated 12.02.2024. The 2nd respondent notified the conferment of permanent status granted by the 1st respondent in the notification dated 29.02.2024. The petitioner addressed a letter to the 2nd respondent, stating that the autonomous status granted to it by the 1st respondent would cover students admitted prior to the academic year 2024-2025 and presently pursuing the course. The 2nd respondent vide impugned order dated 04.11.2024, informed the petitioner that the order of the 1st respondent would not cover students admitted prior to the academic year 2024-2025. Aggrieved by the said communication of the 2nd respondent, the petitioner filed the above writ petition for the above said relief.



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10. The proceedings dated 12.02.2024, of the 1st respondent, conferring

autonomous status on the petitioner college, reads as follows:-

*“The Commission at its meeting held on 16.01.2024 has approved the recommendation of the Standing Committee on Autonomous Colleges to confer the autonomous status to **Sengunthar Arts And Science College, Salem Road, Tiruchengode, Namakkal, Tamil Nadu 637205 affiliated to Periyar University, Salem** for a period of 10 years from the academic year 2024-2025 to 2033-2034 as per clause 7.5 of the UGC (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2023.”*

11. The learned counsel for the petitioner submits that autonomous status conferred on the college, would cover students already admitted and pursuing the courses in view of the definition of the term 'College' and Clause 3.10 of the UGC Regulations, 2023. In my considered view, there is no necessity to undertake an interpretation of the definition of 'College' and Clause 3.10, for the reason that, the proceedings conferring autonomous status clearly specify that such status is granted with effect from the academic year 2024-2025. When the order explicitly provides that the status commences from academic year 2024-2025 to 2033-2034, the contention of the learned counsel that students admitted prior to 2024-25 and currently undergoing their course in the petitioner college



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would also be covered runs counter to the said order, under which the petitioner claims autonomous status.

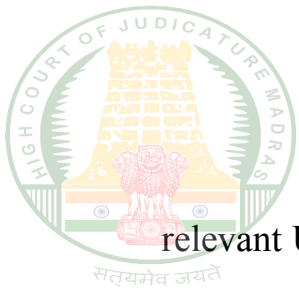
12. In this regard, it is pertinent to refer to clause 14 of the UGC Regulation, 2023, which reads as under:-

“14. INTERPRETATION

14.1 In the event of any conflict or inconsistency with respect to these regulations, the interpretation given by the Commission shall be final and binding.”

From the aforesaid Regulation, it is manifest that in case of any doubt or ambiguity, the interpretation rendered by the UGC shall prevail and be binding. In my view the power to interpret the regulations will also include the power to interpret the orders issued in pursuance to the regulations.

13. During the hearing of the case, the learned counsel for the 1st respondent was directed to get instructions on the stand of the UGC, regarding the commencement of the autonomous status. The learned counsel for the 1st respondent university upon written instructions of the UGC, submitted that the conferment of autonomous status on the petitioner's college shall apply only prospectively (i.e) only to students admitted from the academic year 2024-2025. Since the UGC has taken a categorical stand on this issue and Clause 14 of the



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relevant UG regulations accords finality to such interpretation, this Court would

be loath to interfere with the construction placed by the UGC. In my considered view, the order of the UGC dated 12.02.2024, along with the clarification furnished by it regarding the date of commencement of the autonomous status, read in conjunction with Clause 14 of the relevant Regulations, sufficiently settles the issue. Nevertheless, since the learned counsel for the petitioner has raised certain additional grounds, I proceed to examine the same, albeit not being strictly necessary for adjudicating the present issue.

14. Learned counsel for the petitioner, placing reliance on Clause 2.4 and 3.10 of the relevant UGC Regulations, submitted that the definition of “College” is broad enough to encompass students who are presently undergoing courses at various academic levels. The learned counsel draws support from the expression “present students undergoing such courses of study” used in the definition. It was further contended that Clause 3.10 which clarifies that autonomy is conferred at the institutional level, when read conjointly with definition of college in Clause 2.4, necessarily leads to the conclusion that the benefit of such autonomous status would extend to all students enrolled in the institution, including those admitted prior to the conferment of autonomy. According to the learned counsel, once college as a whole is granted autonomy,



the status operates institution-wide and is not restricted to the students admitted post fact.

15. The relevant Clauses 2.4 and 3.10 of the UGC regulations reads as follows:

“2.Definitions:-

2.4 “College” means any institution (affiliated College or consistent College), whether known as such or by any other name, which provides for undergraduate and/or postgraduate and/or Ph.D. programmes for obtaining any qualification from a university and which, in accordance with the rules and regulations of such University, is recognized as competent to provide for such programmes/courses of study and present students undergoing such courses of study for the examination for the award of such qualification.”

“3. ROLE, TERMS AND CONDITIONS OF AN AUTONOMOUS COLLEGE:-

3.10. Autonomy granted to the College is at the “institutional level” and is not partial and shall cover the programmes “at all levels” of U.G. and P.G. offered by the College. The courses introduced by the College “after” the conferment of autonomous status shall automatically come under the purview of autonomy.”

16. In my considered view, the expression “present students” as employed



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in the definition clause is used in the verbal sense and not as a noun. It is well

settled that the word “present” is capable of functioning both as a noun as well as a verb; when used as a noun, it denotes either a gift or refers to current time; however, when employed as a verb, it signifies the act of offering or submitting. A holistic and contextual reading of the definition makes it abundantly clear that the clause intends to convey that students are “presented”/ “offered” by the college to appear in the University examination for the purpose of obtaining the degree conferred by the University. The construction of the clause, when read in its entirety, unequivocally supports this interpretation. Accordingly, I am of the view that the interpretation sought to be placed by the learned counsel for the petitioner upon the said clause is misconceived and misplaced.

17. Before advertng to Clause 3.10, it is apposite to first appreciate the changes that ensue upon the conferment of autonomous status. In essence, the conferment of autonomy brings about institutional transformation in the following core areas: curriculum design and development; examination and evaluation processes; admission procedures and fees structures; governance over faculty; and academic freedom in general. These facets of autonomy stand



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clearly delineated across various subclauses within clause 3 of the relevant regulation, 2023. When Clause 3.10 is construed in the backdrop of the aforesaid changes, it becomes manifest that the conferment of autonomy takes effect only from the date specified in the order granting such status. This interpretation is fortified by the concluding lines of Clause 3.10, which clarify that the courses, introduced by the college subsequent to the conferment of autonomy shall automatically fall within the autonomous framework.

18. The reliance placed by the petitioner on the phrase 'institutional level' and the assertion that autonomy covers all programmes at all levels including those introduced prior to the conferment of status, is misplaced. In my considered view, Clause 3.10 merely indicates that once autonomy is granted, it applies uniformly across all programmes and levels within the institution, without bifurcation or selective application. It does not however imply retrospective applicability to programmes or students enrolled prior to the date of conferment.

19. The petitioner in his written submissions, has unequivocally stated that the college shall conduct the examinations by collecting fees from the present students, while continuing to follow the syllabus prescribed by the



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University. This statement makes two aspects abundantly clear: firstly, that the college seeks to collect examination fees alone; and secondly, by acknowledging that it cannot alter the syllabus for current students, the petitioner implicitly concedes that the order conferring autonomous status operates prospectively (i.e) only from the academic year 2024.

20. The petitioner cannot be permitted to interpret the order issued by the 1st respondent in a manner suited to his convenience. The order conferring autonomous status categorically stipulates that the said status shall commence from the academic year 2024. If the petitioner seeks to claim benefits flowing from such autonomy, he must accept the order in its entirety and not selectively interpret its contents to suit his purpose. In this regard, useful reference can be made to the judgment of the Hon'ble Supreme Court in *Nehru Gram Bharati University Versus State of Uttar Pradesh and Others* reported in (2019) 11 SCC 473. The Hon'ble Supreme Court in the context of the conferment of Deemed University status under Section 22 of the UGC Act, dispelled similar contention by holding as follows:

“39. From the aforesaid arguments of the learned counsel for the appellants as well as Deemed University, it becomes clear that the entire case primarily rests upon the submission that after it became Deemed University by virtue of the Notification dated 27-



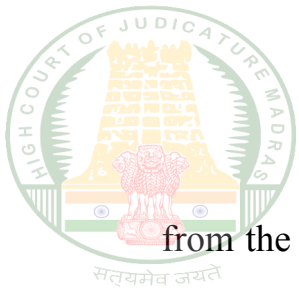
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6-2008 issued by UGC under Section 3 of the UGC Act, Deemed University had right to hold examinations on its own as it became the “examining body” for BTC Course. However, as noticed above, the Notification dated 27-6-2008 granting status of Deemed University was subject to certain conditions. Section 22 of the UGC Act gives right upon such Deemed University to confer degrees. However, sub-section (3) thereof defines the meaning of “degree” under that provision which reads as under:

“22.(3) For the purposes of this section, “degree” means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette.”

40. It is clear that the right which was given to the Deemed University to confer degrees pertain to those degrees which are specified by the UGC in the Official Gazette. Admittedly, BTC is not one of the degrees mentioned therein. The reason is obvious. Insofar as BTC is concerned, it is a teachers training course which was regulated entirely and exclusively by the NCTE Act and the Regulations framed therein. First thing which follows, therefore, is that mere conferment of Deemed University status did not entitle this University to give BTC degrees to its students. Having regard to the same, the judgments cited by Mr Dwivedi will have no application to the present case.”

The aforesaid judgment makes it clear that, the right to conduct the examinations is not automatic but is subject to the conditions stipulated in the order. In the present case the order conferring autonomous status was effective



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from the year 2024-2025 and therefore, the autonomy would operate only from

the date stipulated in the order and not prior to the same.

21. In this factual backdrop the question of retroactive operation of the UGC's order does not arise, and hence the judicial precedents relied upon by the learned counsel for the petitioner are inapplicable and of no assistance in the present case.

22. Furthermore, it appears to this court that the intention of the UGC in conferring autonomy with effect from the academic year 2024 was to ensure a smooth transition to autonomous status and to safeguard the interests of students who had enrolled prior to such conferment. I therefore find no merit in the petitioner's case.

In view of the foregoing reasons, the writ petition is devoid of merit and is accordingly dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

24.06.2025

Index : Yes / No

Speaking Order/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi- 110 002.

2.The Registrar,
Periyar University,
Salem- 636 011.

N.MALA, J.

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**PRE-DELIVERY ORDER IN
W.P.No.37517 of 2024**

Order Delivered on 24.06.2025