

W.P(MD)No.11493 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.11493 of 2025

and

WMP. (MD) Nos. 8521 & 8522 of 2025

The Principal & Secretary
Lady Doak College
Madurai - 625 002,
Madurai District.

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St.George,
Chennai - 600 009.

2. The Director of Collegiate Education,
College Road,
Chennai - 600 006.

3. The Joint Director of Collegiate Education,
Madurai Region,
Madurai - 625 001.

4. Madurai Kamaraj University,
Rep. by its Registrar,
Palkalai Nagar,
Madurai - 625 021.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, in the nature of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding issued by the 4th respondent University in Ref.No.Dean(CDC)/LDC/2023 dated 20.10.2023 and quash the same, in so far as it denies Qualification Approval for the appointment of Ms.M.Misma as Assistant Professor in History and further Direct the 4th respondent, Madurai Kamaraj University, to give Qualification Approval forthwith to the appointment of Ms.M.Misma as Assistant Professor in History w.e.f., 03.10.2023 and pass such other or further orders as this Court.

For Petitioner : Mr. K.Ragatheesh Kumar
for M/s. ISAAC CHAMBERS

For R1 to R3 : Mr.M. Siddarthan
Additional Government Advocate

For R4 : Mr.T.Sakthi Kumaran

ORDER

Heard the learned counsel for the petitioner, Mr.M.Siddarthan, learned Additional Government Pleader for respondents 1 to 3 and Mr.T.Sakthi Kumaran, learned counsel for the fourth respondent. I have carefully perused the materials available on record.



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2. This writ petition is filed challenging the impugned proceeding issued by the fourth respondent University dated 20.10.2023, wherein the qualification approval for the appointment of Ms. M.Misma as Assistant Professor (History) has been rejected and for a consequential relief, to direct the fourth respondent to give qualification approval forthwith to the appointment of Ms. M.Misma as Assistant Professor (History) in the petitioner's college.

3. During the course of hearing learned counsel for the petitioner has drawn the attention of this Court to the order dated 25.09.2024 of this Court in W.P(MD)No.20228 of 2023 and batch.

4. Learned Standing Counsel appearing for the fourth respondent University submitted that a similar issue has been considered by another learned Single Judge and passed order in favour of the University in W.P.No.3008 of 2021.



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5. Admittedly, against the orders relied on by the learned counsel for the petitioner and the learned Standing counsel for the University, they have filed Writ Appeals and pending before a Division Bench of this Court.

6. On careful perusal of the order relied by the petitioner and the facts and circumstances of the present case, in the considered opinion of this Court the issue involved in the present writ petition is no longer *res integra*. While dealing with the similar issue, a learned Single Judge of this Court in the order made in W.P(MD)No.20228 of 2023 and batch dated 25.09.2024, opined and gave finding as extracted hereunder:

"32. In the case in hand, it is not claimed that the persons appointed by the petitioners colleges suffer from any lack of qualification. In fact, the qualification approval is sought by the colleges following the directions given by this court in the judgement of the Hon'ble Division Bench in the case of **P.Ravichandran Vs. State of Tamil Nadu reported in (2013) 7 MLJ 641.**



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33. So in all fairness and confidence the Universities themselves have sought the qualification approval. In fact all the petitioners except the Rajapalayam Raja's College are autonomous institutions. There is no complaint what so ever received from any angle that the standard of these colleges have gone down due to lack of meritorious faculties.

34. In fact these institutions are mostly sought after colleges and there has been always a demand for admission of students. The colleges retain its autonomy only because it could maintain the standards as per the Regulations prescribed in this regard.

35. The U.G.C. conferment of autonomous status upon colleges and measures for maintenance of standards in colleges [Regulation 2018] will lay down the terms and conditions for the constitution colleges to retain its autonomous standards.

36. One of the conditions for eligibility is the constituent colleges ought to have got 10 years existence. Some of the petitioners' colleges are in existence for several decades and they have the best performance track records. Only because they maintain the required rank score, their autonomous status is not disturbed. In fact the decision for conferment of/extension of autonomous status would be taken by a standing committee which is comprised of three members. So the standard maintained by the petitioners college has been subjected to periodical scrutiny by the above three members of the standing



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committee. Only upon their recommendations the conferment for extension of autonomy has been granted.

37. Yet another important criterion for granting autonomy is the students and teachers subject to the statutory requirement in this regard. For a better understanding the relevant regulation No.8 of the U.G.C. conferment of autonomous status of colleges and measures upon maintaining the standards of autonomous colleges under U.G.C. regulation 2018, is reproduced hereunder:

*"CRITERIA FOR GRANTING AUTONOMY TO
COLLEGES*

8.1 Academic reputation and previous performance in university examinations and its academic/co Curricula extension activities in the past

8.2 Academic/extension/research achievements of the faculty

8.3 Quality and merit in the selection of students and teachers, subject to statutory requirements in this regard

8.4 Adequacy of infrastructure in terms of class rooms, library books and e-resources, laboratories and equipments. sports facilities, facilities for recreation activities, residential accommodation for faculty and students, transport facilities etc.

8.5 Quality of institutional management



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8.6 *Financial strength of the institution*

8.7 *Responsiveness of administrative structure*

8.8 *Motivation and involvement of faculty in the promotion of innovative reforms" these colleges would give an implied approval for the quality and merit in the selection of the teachers and the students of the respective colleges. Hence the very same exercise expected to be done the selection committee in the matter of appointment is superfluous and it is an unnecessary interference as well. The above Regulations have got enough provisions for monitoring the performance of the autonomous colleges, which devise their own courses and syllabus. Hence it is appropriate for such institutions to make suitable appointments for their own requirements without any external influence.*

38. So the conferment and extension of autonomous status upon these colleges would give an implied approval for the quality and merit in the selection of the teachers and the students of the respective colleges. Hence the very same exercise expected to be done the selection committee in the matter of appointment is superfluous and it is an unnecessary interference as well. The above Regulations have got enough provisions for monitoring the performance of the autonomous colleges, which devise their own courses and syllabus. Hence it is appropriate for such institutions to make suitable



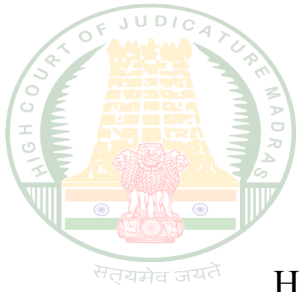
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appointments for their own requirements without any external influence.

39. In fact, the petitioners who are minority institutions as well as autonomous bodies have got a double layered protection; one by virtue of their minority status and another in view of their autonomous status.

40. So far as the non-autonomous but minority institutions are concerned, it has a one level protection under Article 30(1) of the Constitution of India. When the law is laid down in respect of nonapplicability of U.G.C. Regulation 2000, the replication of the same in later U.G.C. Regulations 2010 and 2018 can also be of the same consequence and they need not be viewed in any different angle. Since there are checks and balances to ensure the fair and proper administration of the minority institutions even though they have the administrative autonomy, it is needless to induct any outsiders in the form of selection committee to disturb the calm water administration of the minority institutions.

41. When one regulation of U.G.C. prescribes certain standards and autonomous status is conferred due to the compliance of the same, the other U.G.C regulation can not stultify the same. The regulation concerning selection committee can not be mandated against the minority institution as that will go counter-productive and self-contradictive to their well approved autonomous status.



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Hence the above two U.G.C Regulations of U.G.C. and hence in all fairness these Regulations have to be read harmoniously and such reading will also leave only one inference that the selection of faculties in the cadre of assistant professors to minority institutions shall not be compelled to be made through any selection committee contemplated in the U.G.C Regulations.

7. I am fully agreeing with the order dated 25.09.2024 in W.P.(MD) No.20228 of 2023 and accordingly, the Writ Petition is allowed and the impugned proceeding issued by the 4th respondent University in Ref.No. Dean(CDC)/LDC/2023 dated 20.10.2023, is quashed.

8. Consequently, connected miscellaneous petitions are closed.

9. There shall be no order as to costs.

24.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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BATTU DEVANAND, J.

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To,

1. The Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort St.George,
Chennai - 600 009.

2. The Director of Collegiate Education,
College Road,
Chennai - 600 006.

3. The Joint Director of Collegiate Education,
Madurai Region,
Madurai - 625 001.

4. Madurai Kamaraj University,
Rep. by its Registrar,
Palkalai Nagar,
Madurai - 625 021.

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