

Dr.M.Davamani Christoher vs Alagappa University on 2 July, 2014

Author: K.Ravichandrabaabu

Bench: K.Ravichandrabaabu

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-7-2014

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.13724 of 2012

and

W.P.(MD)No.12786 of 2013

M.P.No.1 of 2012 and M.P.Nos. 1,2, 2 and 3 of 2013

W.P.(MD)No.13724 of 2012

Dr.M.Davamani Christoher

... Petitioner

Vs.

1. Alagappa University

Algappapuram

Karaikudi 630 003

Rep. By its Registrar i/c

2. Dr.S.David Amirtha Rajan

... Respondents

(R2 impleaded as per the order of the court dated 7.1.2014 made in

M.P.No. 1/2013 in W.P.(MD)No. 13724 of 2012)

Prayer

Writ Petition filed under Article 226 of the Constitution of

India for the relief of issuance of writ of certiorari to call for the

records relating to the impugned order passed by the first respondent in his

proceedings No.Rc.A5/3935/2012 dated 4.10.2012 and the consequential order passed by the first respondent in his proceedings No.Rc.A5/3935/2012 dated 4.10.2012 directing the petitioner to surrender his certificates relating to award of Ph.D Degree in the year 2007 and quash the same as illegal.

!For Petitioner :- Mr.V.Prakash
Senior Counsel for
Mr.M.E.Ilango
^For Respondents :- Mr.K.M.Vijayan
Senior Counsel for
Mr.E.V.N.Siva for R2
Mr.J.Viswanathan for R1

W.P.(MD)No.12786 of 2013

Dr.S.David Amirtha Rajan

.. Petitioner

Vs.

1.The University Grants Commission
rep. By its Secretary
Bahadurshah Zafar Marg
New Delhi 110 002.

2. Madurai Kamaraj University
Rep. By its Registrar in-charge
Palkalai Nagar
Madurai

3. The Director of Collegiate Education
College Road
Chennai 6.

4. The Joint Director of Collegiate Education
Madurai Region,
No.30, Vaidhyana Iyer Street
Madurai .

5. The Governing Council of the American College
Madurai
Rep. by its Principal and Secretary
Madurai 625 002
Madurai District.

6. Dr.M.Dhavamani Christoher

7. The Alagappa University
Rep. by its Registrar
Alagappapuram
Karaikudi, Sivagangai District.

..Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of writ of certiorari to call for the records relating to the impugned minutes in Item No.74 dated 25.2.2013 of the second respondent Madurai Kamaraj University and the subsequent proceedings issued by the second respondent Registrar in-charge in Ref.No.CDC-3/ The American College/2012-2013 dated 25.2.2013 granting qualification approval to the 6th respondent's appointment to the post of principal of American College and quash the same.

!For Petitioner :- Mr.K.M.Vijayan
Senior Counsel for
Mr.E.V.N.Siva
^For Respondents :- Mr.G.Prabhu Raja Durai for R2
Mr.M.Ajmalkhan
Senior Counsel for
M/s.Ajmal Associates for R5
Mr.V.Prakash
Senior Counsel for
Mr.M.E.Ilango for R6
Mr.M.Murugan Govt. Advocate for
R3 and R4
Mr.J.Viswanathan for R7

: COMMON ORDER

The petitioner is aggrieved against the order passed by the first respondent dated 4.10.2012 withdrawing his Ph.D Degree and the consequential order dated 4.10.2012 whereby the petitioner was directed to surrender his certificates relating to the Ph.D degree awarded in the year 2007.

2. The case of the petitioner is as follows:-

He is a Post Graduate with M.Phil in the discipline of Mathematics. He has completed B.Ed degree with special subjects in Mathematics as well as M.Ed. He joined the American College as Lecturer of Mathematics during 1995. He was subsequently promoted as Associate Professor in the said Department. He was conferred with Ph.D Degree by the first respondent University in Education (Interdisciplinary) (Education and Mathematics). The American College, Madurai is a minority Institution and is being administered by an educational agency viz., the Governing Council of American College, Madurai, a society which is registered under the Societies Registration Act. The Principal of the College is selected by the Governing Council of the said College. On account of the retirement of the previous Principal of the said College on 30.11.2010, applications were called for appointment to the post of Principal and Secretary of the College, through advertisement dated 7.2.2011. The petitioner applied for the said post. The eligible candidates were called for interview and the search committee, after interviewing the candidates, short listed

two names including the petitioner as eligible candidates and recommended their names to the Governing Council for its consideration and decision. On 28.10.2011, the Governing Council met and had an elaborate discussion. Among the 8 members present, six members were totally in favour of the petitioner. Two members voted in favour of the other person by name Dr.David Amirtha Rajan, who is the second respondent herein. Accordingly, the petitioner was appointed as Principal and Secretary of the College on 28.10.2011. Challenging the petitioner's appointment, the second respondent filed W.P.No. 2556 of 2012. The petitioner also filed W.P.No. 3530 of 2012 as against the delay in granting qualification approval by the University. On 26.3.2012, this Court directed the Madurai Kamaraj University to consider the petitioner's application in accordance with law and on merits and pass orders thereon. A writ appeal filed by the second respondent also came to be disposed on 26.4.2012 directing the Madurai Kamaraj University to decide the matter, after giving opportunity to the petitioner and the second respondent. The second respondent filed a Special Leave Petition before the Apex Court. In pursuant to the order passed by the Division Bench, the Madurai Kamaraj University approved the petitioner's qualification on 29.6.2012. Aggrieved against the same, the second respondent filed W.P.No.9361 of 2012 by contending that the petitioner did not possess the qualification of Ph.D in requisite discipline and that UGC Regulations, 2010 were not followed. The second respondent was successful enough to place the issue before the Research Advisory Committee of Alagappa University and the said Committee in its meeting held on 19.7.2012 resolved to withdraw the Ph.D Degree Certificate issued to the petitioner in Education (Interdisciplinary) (Education - Mathematics) and to reissue in its place a revised certificate in "Education". Before doing so, the petitioner was not put on notice. Therefore, the petitioner made a representation on 1.10.2012. Upon receipt of the same, the first respondent passed the impugned proceedings dated 4.10.2012 informing that the decision has been taken on the basis of the available materials and there is no necessity to call for any explanation. The impugned proceedings are in gross violation of the principles of natural justice and motivated by malafide. By consequential impugned proceedings issued on the same day, the first respondent has directed the petitioner to surrender the syndicate award notification dated 12.9.2007 and the Ph.D.Degree Certificate. Hence this writ petition is filed questioning those impugned proceedings.

3. The first respondent filed a counter affidavit, wherein it is stated as follows:-

3.1. Under Regulation 5.1. of the Alagappa University Regulation which deals with the procedure for Ph.D Registration , the petitioner made an application and paid the prescribed fee for Ph.D by clearly stating the subject of research is only 'Education'. Having registered under the Department of Education for research in the field of 'Education', he has misled this Court as though he made research in the interdisciplinary. The petitioner has suppressed the said fact and misleads this Court by filing false affidavit. The petitioner has done research in the discipline of Education under the guide of Dr.P.Jeyachandran Gaberial, Professor, Department of

Education, Madurai Kamaraj University and with the co-guide Dr.S.Mohan, Professor and Head of Department of Education, Alagappa University. 3.2. As per Regulation 8, the writ petitioner submitted the thesis on the discipline of education only and paid the prescribed fee for the discipline of education in the prescribed form. Having submitted the thesis in the discipline of Education, he is not entitled to get Ph.D Degree in Education and Mathematics. The Indian and foreign examiners and the Research supervisor had evaluated the thesis and submitted their reports by clearly mentioning the discipline and the subject as "Education". The petitioner has re-submitted the thesis on 5.6.2007 under the discipline "Education"

(Interdisciplinary: Education & Mathematics). But the resubmission was accepted under the category of discipline of Education only. On 28.7.2007 viva-voce examination was conducted and the examiners have given recommendation to the University to award Ph.D Degree in Education only. The petitioner wantonly, purposely and falsely made an application for the convocation of degree in Education (Interdisciplinary) (Education & Mathematics), knowing fully well that he has done research in the field of Education only. On the basis of the application submitted by the petitioner, a degree had been prepared, bonafidely on the basis of the application submitted by the petitioner. Hence, on that basis, the degree was awarded to the writ petitioner in the year 2007. The Research Advisory Committee has noticed that the Degree was wrongly given and consequently came to the conclusion to withdraw the Degree certificate since it is an error apparent on the face of the records. The minutes of the Research Advisory Committee was also duly approved by the Standing Committee on Academic Affairs by resolution No.2 dated 3.9.2012. The Syndicate of the Alagappa University approved the withdrawal of the degree certificate by resolution No.22 dated 6.9.2012. Hence the decision to withdraw the degree certificate was taken on careful perusal of the records of the competent bodies of Alagappa University. The University's decision to withdraw the Degree was only to correct the same in respect of the discipline and therefore there was no need to give any notice to the petitioner. Thus, natural justice has not been violated.

4. On 25.10.2012, while hearing the writ petition for admission this Court, after ordering notice of motion, granted an interim stay of the impugned orders for a period of four weeks. On 4.12.2012 the said interim order was ordered to be continued and the same is still in force.

5. The petitioner is aggrieved against the impugned minutes in Item No. 74 dated 25.2.2013 of the second respondent University and the subsequent proceedings dated 25.2.2013 granting qualification approval to the sixth respondent's appointment to the post of Principal of American College.

6. The case of the petitioner is as follows:-

He is working as Associate Professor in the Department of Commerce in the American College, Madurai. He is the Head of PG and Research Department of Commerce and has put in 29 years of uninterrupted and unblemished service. He is one among the senior most Teaching Staff, qualified for appointment to the post of Principal. The post of Principal and Secretary of the College fell vacant on 30.11.2010.

In pursuant to the advertisement calling for eligible candidates to the said post, the petitioner applied for the same and participated in the interview. The Governing Council of the American College in deviation to the selection procedures and in gross violation of the principles of natural justice and without assessing the merits of the candidates selected the 6th respondent as Principal on 28.10.2011. The petitioner challenged the said selection in W.P. (MD) No. 2556 of 2012. The SLP filed against the order made in W.A.No.334 of 2012 dated 26.4.2012 was withdrawn. The second respondent University in its Syndicate Meeting held on 2.6.2012 resolved to approve the appointment of the 6th respondent. The second respondent University is bound to follow the UGC Regulations 2010. On the other hand, the qualification approval was granted to the appointment of the 6th respondent based on the non-existent UGC Regulations 2000. Therefore, the petitioner filed W.P.No. 9361 of 2012 challenging the minutes in item No.31 dated 2.6.2012. By common order dated 15.10.2012, this Court quashed the appointment of the 6th respondent and the subsequent approval granted by the Madurai Kamaraj Univesity and remanded the matter to the Governing Council to fill up the post. The 6th respondent and the Governing Council of American College filed W.A.(MD) Nos. 965, 966 and 989 of 2012. By a common order dated 30.1.2013, the Division Bench allowed the appeal by confirming the appointment of the 6th respondent as valid. Insofar as the approval granted by the Madurai Kamaraj University is concerned, the Hon'ble Division Bench confirmed the order of the learned single Judge and directed the University to consider the qualification approval of the 6th respondent in consultation with the UGC . As against the said order made in W.A.Nos. 965, 966 and 989 of 2012, the petitioner filed SLP in SLP (Civil) Nos. 17569 to 17571 of 2013 and the same was withdrawn with liberty to agitate the matter in W.P. (MD) No. 13724 of 2012. The Ph.D Degree acquired by the 6th respondent is unacceptable as it is contrary to the rules of the Alagappa University which initiated separate proceedings against the 6th respondent and resolved to withdraw the Ph.D Degree (Interdisciplinary) and decided to award Ph.D Degree in Education only. In pursuant to the direction issued by the Division Bench in W.A.(MD) Nos.965 of 2012 etc., the petitioner submitted a detailed representation to the UGC raising his objections. However without consulting the first respondent , the second respondent attempted to approve the qualification of the 6th respondent. The second respondent University seems to have hurriedly approved the qualification of the 6th respondent vide Syndicate Minutes in item No.74 dated 25.2.2013. As the very basic qualification of the 6th respondent for holding the post of Principal is now the subject matter in W.P.(MD) No.13724 of 2012 , the second respondent University ought not to have granted qualification approval to the appointment of the 6th respondent. The first respondent has neither considered the petitioner's objections nor the documents submitted by him. The impugned orders have been passed not only in violation of the UGC Regulations 2010 but also in gross violation of the order passed by the Division Bench in W.A.(MD) Nos.965 of 2012 etc. The second respondent University has simply confirmed the earlier approval granted in favour of the 6th respondent in spite of the fact that the same has already been quashed by this Court.

Therefore, the present writ petition is filed challenging those impugned proceedings.

7. The second respondent viz., Madurai Kamaraj University filed a counter affidavit wherein it is stated as follows:-

i) The fifth respondent College is a minority institution. It has its own selection committee for the selection of a candidate to the post of Principal. The role of the University is restricted to grant approval for the qualification of the persons to hold the post of Principal in accordance with the regulations of the University and University Grants Commission. The fifth respondent College appointed the sixth respondent as the Principal with effect from 28.10.2011 and submitted a proposal to the second respondent University for approval of his educational qualification. The syndicate of the University found that the sixth respondent had passed M.Sc (Mathematics) and M.Phil (Mathematics) in the year 1988 and 1990 respectively and conferred with Doctor of Philosophy in Education (inter disciplinary) by Alagappa University in the year 2007. The total teaching experience of the sixth respondent was found to be 15 years and 9 months. In pursuant to the writ petition filed by the sixth respondent and the writ appeal filed by the petitioner herein, the University issued notice to both of them and they appeared before the Vice Chancellor on 30.5.2012 and submitted their written submissions. After perusing their written submissions and the minutes of the meeting of the Governing Council of the fifth respondent College, it was found that the sixth respondent fulfilled the educational qualification and experience required for the post of Principal as stipulated in the University Grants Commission Regulation 2000. The Syndicate resolved to approve the educational qualification of the sixth respondent through its meeting held on 2.6.2012. The petitioner challenged the said resolution in W.P.No. 9361 of 2012.

Though the writ petition was allowed, in a writ appeal filed by the fifth respondent College in W.A.No. 965 of 2012, the Division Bench of this Court confirmed the appointment of the sixth respondent as valid. However, regarding the qualification approval by the University, the Division Bench directed the respondent University to consider the same in consultation with the University Grants Commission with regard to the scope and applicability of the terms "concerned/allied/relevant disciplines in the institution concerned " as found in the University Grants Commission Regulations 2010. The University sent a communication to the first respondent on 7.2.2013 and sought for opinion. As there was no communication, the first respondent was contacted over phone. The first respondent intimated that the qualification of the sixth respondent was in accordance with the University Grants Commission Regulations, 2010 and the Doctorate conferred on the sixth respondent in Education with Mathematics as specialisation can be construed as a relevant discipline of Mathematics as the subject being taught in the fifth respondent College. The Syndicate of the University thereafter, in its meeting held on 25.2.2013, resolved to approve the qualification of the sixth respondent.

ii) Pending the above writ petition, the first respondent by its communication dated 8.11.2013 stated that the candidature of the sixth respondent could be considered if it is in conformity with the

Regulation 2010. The first respondent did not raise any objection with regard to the educational qualification of the sixth respondent. Regarding the nature of the Doctorate Degree obtained by the sixth respondent, the same would come under the definition of relevant discipline. In order to evaluate the academic performance indicator of the sixth respondent, the University directed him to present himself before a Committee. Accordingly he appeared before the Committee and made the self assessment in respect of the activities prescribed under the 3 categories. On the basis of the self-assessment marks were allotted to each of those activities. The 6th respondent scored 120 under Category I against the minimum of 75 ; 50 under category II against the minimum of 15; and 427 in category III against the minimum of 400. The assessment of the sixth respondent was considered by the Syndicate while passing the resolution impugned in this writ petition. The scoring was done in a transparent manner. The documents annexed in the typed set of papers of the petitioner regarding the scoring of marks by the sixth respondent are not true and correct.

8. The fifth respondent College filed a counter affidavit wherein it is stated as follows:-

The Madurai American College, Madurai is an autonomous minority educational institution. Thus, the College is constitutionally guaranteed with the right to appoint teaching and non-teaching staff of its choice. The Principal of the institution is a very important and integral organ of the Institution and the right to choose the Principal best suiting the philosophy and the cultural identity of such institution is an important facet of the right to administer an educational institution. The minority educational institution is entitled to choose any candidate of its choice. Therefore, the suitability of the candidate to be appointed as Principal is left to the minority educational institution. No person can claim as a matter of right an appointment as Principal. The petitioner has no legal right to be appointed as the Principal of the College. When his suitability and ability to administer the College did not inspire the confidence of the Selection committee and the Governing body the sixth respondent was found to be the best suited candidate to hold the office of the Principal. The procedure of selection was found to be fair, unbiased and in accordance with law by this Court in its order made in W.A. (MD) No.965 of 2012 dated 30.1.2013 wherein the very same grounds were urged by the petitioner herein and rejected by the Hon'ble Division Bench. Even as per the present University Grants Commission Regulations, the sixth respondent qualifies to hold the post of Principal. The withdrawal of Ph.D.Degree in Education Inter disciplinary (Education and Mathematics) by the seventh respondent University was made without notice to the sixth respondent. Such withdrawal was challenged by the sixth respondent in W.P.(MD) No. 13724 of 2012 wherein a stay was granted on 25.10.2012. It is relevant to note that the Division Bench was well aware of the order of the seventh respondent University dated 4.10.2012 withdrawing the Interdisciplinary Ph.D.Degree while passing order in W.A.(MD) No.989 of 2012. The Court only remanded the matter back to the second respondent University to decide as to the qualification of the sixth respondent as per the UGC Regulations 2010. The sixth respondent holds an interdisciplinary Ph.D. Degree . Even if the sixth respondent is deemed to be holding the Ph.D.Degree in Education only, the same easily qualifies to be an allied or

relevant discipline for the discipline of Education which deals with Methodology of imparting the various disciplines thought in the institution. It readily qualifies to be relevant to all the disciplines thought in the institution.

9. The sixth respondent filed a counter affidavit wherein it is stated as follows:-

He satisfied the necessary qualification prescribed by the UGC. Having a Ph.D. Degree in Education is not irrelevant even as per the UGC Regulations 2010. The thesis submitted by the sixth respondent was "Concept Mapping on Mathematics Education through Computer Assisted Instruction". Based on the above thesis, the sixth respondent was awarded the degree of Ph.D. In pursuant to the order of the Hon'ble Division Bench, the second respondent intimated through letter dated 25.2.2013 that the educational qualification of the sixth respondent is in conformity with the UGC Regulations 2010. The petitioner has preferred this writ petition with ulterior motives. The draft statement of API scores compiled by the petitioner himself in the typed set of papers is absolutely arbitrary and utterly baseless. The sixth respondent has got a score of 427 as API score which is more than the prescribed one.

10. The seventh respondent filed a counter affidavit wherein it is stated as follows:-

The sixth respondent has registered for Ph.D in Alagappa University on 25.9.1998 in the discipline of Education only under the guidance of Dr.P.Jeyachandran Gabriel, Professor, Department of Education, Madurai Kamaraj University and Co-guide being Dr.S.Mohan, Professor and Head of Department of Education, Alagappa University. Thesis was submitted by the sixth respondent in Education during March 2006. The Indian and Foreign Examiners evaluated the thesis only on the discipline of Education. Based on the report of the examiners the sixth respondent was instructed to resubmit his thesis.

Accordingly, he re-submitted the thesis mentioning as Education (Inter disciplinary) Education & Mathematics. Ignoring the said wrong submission by the sixth respondent, the University conducted viva - voce by the Indian Examiner, the guide, the Co-guide and Professor and Head of Department of Education, Alagappa University and has recommended to award the Degree in Ph.D in Education only. The sixth respondent filed an application for convocation wrongly and fraudulently mentioning his discipline as Education (Inter disciplinary) (Education and Mathematics). The said application was dealt with by the Controller of Examination of the seventh respondent University and stage managed to get the Degree in the same discipline as Education (Inter disciplinary) Education and Mathematics instead of Education. An error has happened in awarding the Degree . Therefore, the mistake has to be rectified. As the mistake is clearly apparent, the degree already awarded is non-est in law and not enforceable. Hence the Research Advisory Committee resolved to withdraw the Ph.D Certificate issued to the sixth respondent in Education (Inter disciplinary) (Education and Mathematics) and in its place to issue revised certificate of degree in Education.

ARGUMENTS

11. Mr.V.Prakash, learned Senior Counsel appearing for the writ petitioner submitted as follows:-

The impugned order withdrawing the Ph.D. degree Certificate issued in Education (Interdisciplinary) (Education - Mathematics) and directing the petitioner to surrender the said certificate for issuing a revised certificate in "Education" is in violation of principles of natural justice, as admittedly no opportunity was given to the petitioner before passing such order. The Ph.D. degree granted in the year 2007 was sought to be withdrawn after a period of five years without considering the fact that the petitioner has been appointed as the Principal based on such degree and thus a right has been accrued to him for holding the said degree. If such accrued right is sought to be cancelled, that too after a period of five years, the first respondent University cannot proceed unilaterally without putting the petitioner on notice and hearing him on merits. The petitioner has been awarded with Ph.D. degree in Education (Interdisciplinary) (Education - Mathematics) after duly following the regulations. The thesis submitted by the petitioner has been evaluated by three examiners and on the report submitted by the moderator, Viva-Voce has been conducted and consequently the petitioner was cleared for awarding the degree. Having awarded such degree the first respondent University cannot strip the petitioner of such degree unilaterally. The petitioner has graduated in B.Sc. (Maths), M.Sc.,(Maths), M.Phil (Maths) and B.Ed., Course with specialisation in Mathematics. Therefore, it cannot be contended that the petitioner has registered himself for Ph.D degree in Education and not in Interdisciplinary (Education - Mathematics). The Guide and Co-guide have also certified that the petitioner has undergone Ph.D degree in interdisciplinary. The decision of the Hon'ble Supreme Court reported in 2008 (8) SCC 725 (Dev Dutt Vs. Union of India and Others) is relied on in respect of the submission with regard to the natural justice violation.

12. Per contra, Mr.J.Viswanathan, the learned counsel appearing for the first respondent University submitted as follows:-

The first respondent is not offering course in Ph.D Education (Mathematics). The petitioner has applied for registration for the degree of Ph.D by specifically naming the faculty as "education" . The two guides of the petitioner are only from the Department of Education and not from the Department of Mathematics. For doing the Ph.D with interdisciplinary subject, there shall be a Doctoral committee consisting of the supervisor and a co - guide who is an expert in the relevant discipline and approved by the first respondent University as co-guide. No such Doctoral committee has been formed in this case since it is not an interdisciplinary research. The petitioner submitted his thesis originally in the month of March 2006 only by quoting Education as the subject. However, while resubmitting the thesis in the month of June 2007 the petitioner has cleverly changed the subject as Education (Interdisciplinary) (Education - Mathematics). After conducting the Viva voce exam on 28.7.2007, the examiners have recommended for granting Ph.D in education subject only. However, the petitioner filed an application for convocation wrongly

and fraudulently mentioning his discipline as Education (Interdisciplinary) (Education - Mathematics) and the said application has been dealt with by the Controller of Examination. The petitioner stage managed to get the degree in the same discipline as Education (Interdisciplinary) (Education - Mathematics) instead of Education. Since it is an error apparent on the face of the records, the degree already awarded is non-est in law and therefore the first respondent University resolved to withdraw the Ph.D degree issued to the petitioner in Education (Interdisciplinary) (Education - Mathematics) and to issue a revised certificate in Ph.D (Education). As the said decision can be made based on the records available with the University, there is no need to put the petitioner on notice. The role of the Court in academic matters is very limited and therefore there is no necessity to interfere with the impugned proceedings. In support of the above submissions the following decisions are relied on 1. 2011 (12) SCC 172 (Commissioner of Central Excise, Mumbai Vs. Bharat Bijlee Limited)

2. 2010 (2) CTC 489 (Santosh Vs. Jagat Ram and Another)

3. 2008 (1) CTC 230 (M.Kandasamy Vs. The District Collector and others)

4. 2012 (1) SCC 157 (Sanchit Bansal and Another Vs. Joint Admission Board and Others)

13. The second respondent in this writ petition is the petitioner in the other writ petition in W.P.(MD) No. 12786 of 2013. Therefore, the submissions made on behalf of the second respondent are dealt with while dealing with the said writ petition hereunder.

14. Mr.K.M.Vijayan, learned Senior Counsel and Mr.E.V.N. Siva, learned counsel, both appearing for the petitioner in this writ petition, have submitted as follows:-

The dispute is with regard to clause (ii) clause (iv) of Para 4.2.0 of UGC Regulations 2010. The American College did not have a course in Education. The sixth respondent obtained the Ph.D degree in Education only and therefore, the petitioner is not satisfying the qualification as required under clause (ii) of Para 4.2.0 of the above said regulations Equally the sixth respondent has boosted API scores to cross the minimum marks required. The impugned order granting qualification approval to the sixth respondent was made without following the order passed by the Hon'ble Division Bench of this Court in W.A.Nos. 965, 966 and 989 of 2012. The second respondent University did not have the consultation with the UGC as directed by the Division Bench before granting the qualification approval. Getting oral instruction over phone is not to be considered as a consultation with UGC. The interdisciplinary disciplinary degree awarded by the Alagappa University was subsequently withdrawn. The second respondent University has erroneously come to the conclusion that the petitioner has specialisation in Mathematics without having any materials. Ph.D in Education is the qualification for appointment at B.Ed colleges

and therefore such degree obtained by the sixth respondent is not the relevant qualification. The sixth respondent did not have Guide on the Mathematics subject. Since the appointment of the sixth respondent is subject to the grant of approval by the second respondent university, the petitioner need not challenge the appointment separately. UGC has also not given any clear cut view on the qualification of the sixth respondent. The term Ph.D degree in "concerned/allied/relevant discipline(s)" has to be considered and applied by taking note of the institution to which such appointment is to be made and not to be considered independently. The sixth respondent boosted his API score while making self assessment by awarding marks twice in respect of participation and presentation of research papers in International conference, National, Regional/ State level. API score was not scrutinised properly. 90 marks have been boosted . Therefore, the 6th respondent is not having the minimum of 400 marks as required under the regulations. The letters given by the Guides have to be ignored as they are not competent to do so . In support of the above submissions, the following decisions are relied.

1. 2013 AIR (SCW) 6270 (Ganapath Singh Gangaram Singh Rajput Vs. Gulbarga University and others)

2. CDJ 2008 MHC 1864 (E.Tamilmani and Others Vs. State of Tamil Nadu rep by its Secretary and others)

3. 2003 (4) SCC 239 (para 3) (High Court of Judicature for Rajasthan Vs. P.P.Singh and another)

15. Mr. V.Prakash, learned Senior Counsel appearing for the 6th respondent submitted as follows:-

Even the degree obtained by the 6th respondent is to be considered as Ph.D in Education still he satisfies the qualification. The petitioner is a graduate in B.Sc. (Maths), M.Sc., (Maths) , M.Phil (Maths) and B.Ed course with specialisation in Mathematics. Hence, it cannot be said that he lacks qualification. Ph.D degree is only the lead qualification and it runs through all the subjects. UGC regulations are statutory in nature and therefore it has to be interpreted to achieve the object. The sixth respondent application submitted for registration of Ph.D justifies that he has applied specifically quoting the title of the thesis as "Concept Mapping on Mathematics Education through CAI". The sixth respondent presented the thesis paper only on the subject Education (Interdisciplinary Education and Mathematics). Viva voce exam conducted also proves that the petitioner presented the paper titling "Concept Mapping on Mathematics Education through Computer assisted Instruction". Consultation with the University Grants Commission was made by the second respondent University as directed by the Hon'ble Division Bench. The qualification approval was granted by the second respondent University based on the consultation with UGC only.

16. Mr. Ajmalkhan, learned Senior counsel appearing for the 5th respondent College submitted as follows:-

On 28.10.2011, the fifth respondent appointed the sixth respondent as Principal. The sixth respondent possesses the requisite qualification. The petitioner challenged the said appointment in W.P.(MD) No. 2556 of 2012. Though the writ petition was allowed the said order was set aside in W.A.Nos. 965, 966 and 989 of 2012 the appointment of the sixth respondent was confirmed by the Division Bench. The SLP filed by the petitioner against the said order of the Division Bench also was withdrawn. Therefore, even assuming that the petitioner succeeds in the writ petition, he cannot get the appointment. Even in this writ petition, only the qualification approval is challenged. The fifth respondent is a minority institution. Thus, it has got its right to choose a suitable person as Principal. The competent authority is the Madurai Kamaraj University which has granted qualification approval. The cancellation of the Degree granted in favour of the sixth respondent by the Alagappa University is without notice. Even the Ph.D (Education) is also the qualification. The second respondent University considered the qualification as per Regulations and found that it is a valid qualification. In support of the above submissions the decision of the Apex Court reported in 2007 (1) SCC 386 (Secretary, Malankara Syrian Catholic College Vs. T.Jose and others) is relied on.

17. Mr.Prabhu Rajadurai learned counsel appearing for the second respondent University submitted as follows:-

The sixth respondent is having Ph.D in Education with Mathematics as interdisciplinary. Therefore, this Ph.D degree will fall under relevant discipline, as required under para 4.2.0 of the said regulations. The second respondent sought for opinion from UGC which in turn orally informed the second respondent University over phone intimating that the qualification of the sixth respondent was in accordance with the UGC Regulations 2010 and the Doctorate conferred on the sixth respondent in Education with Mathematics as specialisation can be construed as a relevant discipline . The job of the Principal is more administrative in nature. Ph.D was assigned as qualification only to see that the candidate possess the same qualification as Professor/ Head of the Department. API score is given based on self assessment . The University accepted the self assessment made by the sixth respondent and acted on the same which is in accordance with law.

18. Heard the learned counsels appearing on either side, perused the respective pleadings of the parties and also the materials placed before this Court.

19. There are two writ petitions before this court . In one writ petition (W.P.(MD) No. 13724 of 2012) the withdrawal of Ph.D degree awarded in favour of the petitioner therein is challenged. In the other writ petition (W.P.(MD) No. 12786 of 2013), the qualification approval granted in favour of the petitioner in W.P.(MD) No. 13724 of 2012 by the Madurai Kamaraj University is challenged.

Now the fight is obviously between the two individuals viz., the petitioners in the above two writ petitions .

20. While discussing the matter, for the sake of convenience, I would like to call the petitioner in W.P.(MD) No. 13724 of 2012 as 'the petitioner' and the petitioner in W.P.(MD) No. 12786 of 2013 as 'the contesting respondent'.

21. The whole dispute in both the matters is with regard to the Ph.D degree obtained by the petitioner. Based on the Ph.D degree originally granted by the Alagappa University in favour of the petitioner indicating that the petitioner was awarded with Ph.D degree in Education (Interdisciplinary) (Education - Mathematics), he was appointed as the Principal at the American College, Madurai. According to the contesting respondent, the petitioner has only done Ph.D in Education and therefore such degree being not the requisite qualification as contemplated in the University regulations, the petitioner is not entitled to be appointed and his qualification cannot be approved. On the other hand, it is the contention of the petitioner that the Ph.D degree originally granted by the Alagappa University satisfies the requisite qualification and even otherwise Ph.D in Education also satisfies the qualification.

22. Thus, the subject matter in dispute revolves around two types of Ph.D degrees viz., (i) Ph.D in Education (Interdisciplinary) (Education - Mathematics) and (ii) Ph.D in Education. According to the petitioner, the degree in Ph.D in Education (Interdisciplinary) (Education -Mathematics) was rightly awarded by the Alagappa University as his thesis was only on that subject. Therefore, he contends that the subsequent impugned proceedings in withdrawing such degree and proposing to reissue another degree that too without notice is illegal. In other words, he contends that the degree originally awarded cannot be reissued as Ph.D in Education alone. On the other hand, the contesting respondent contends that the petitioner is entitled to get degree in Ph.D Education alone and not in (Interdisciplinary) Education - Mathematics as he has registered for Ph.D in Education only. Therefore, he contends that a Ph.D degree in Education is not a Ph.D degree in "concerned/allied/relevant discipline" in the institution concerned and consequently the petitioner is not entitled to be appointed to the post of Principal. It is his further contention that even the degree of Ph.D in Education (Interdisciplinary) (Education-Mathematics) will not fit into the term "concerned/allied/relevant discipline". From these pleadings and submissions, it is very clear that the petitioner is entitled to succeed, if this Court comes to the conclusion that the petitioner is entitled to retain Ph.D degree in Education (Interdisciplinary) (Education-Mathematics) and such degree is a concerned/allied/relevant discipline. On the other hand, if it is found that the petitioner is entitled to be awarded only a Ph.D degree in Education, then also this Court has to further find out as to whether such a degree viz., Ph.D in Education is also the Degree fitting within the term "concerned/allied/relevant disciplines in the institution concerned" and satisfying the requirement of the qualification. Thus, the whole issue and the result thereof depend on the finding as to what degree the petitioner is entitled to out of those two degrees in dispute.

23. Therefore, for deciding the said issue, the writ petition in W.P.(MD) No. 13724 of 2012 has to be considered first as the decision to be made in that writ petition has a bearing on the other writ petition. Needless to say that the writ petition filed by the petitioner in W.P.(MD)No. 13724 of 2012

is the basic contest which has to be adjudicated upon first. Therefore, I propose to decide the writ petition in W.P.(MD)No. 13724 of 2012 first.

Discussion, Finding and Decision in W.P.(MD)No. 13724 of 2012

24. In this writ petition, the petitioner is challenging the communication of the first respondent dated 4.10.2012 wherein and whereby the Ph.D degree certificate issued in favour of the petitioner in Education (Interdisciplinary) (Education - Mathematics) has been withdrawn by a resolution of the syndicate of Alagappa University and consequently the petitioner was directed to surrender the said certificate for the purpose of issuing a revised certificate in Education.

25. Let me consider certain admitted facts in this case. The petitioner has applied before the Alagappa University through his application for registration for the Degree of Ph.D by indicating the faculty as Education in which the petitioner desired to pursue the research. Further, in the said application, the petitioner has also stated, at Sl.No. 11, the subject proposed for investigation with title of the thesis as " Concept Mapping on Mathematics Education through CAI". Under clause (c) of Sl.No.11, he has also specifically stated Mathematics as the inter-disciplinary subject title of the thesis. He has also referred two names of the Professors as his Guides at Sl.No.17 and both of them belong to Department of Education. These are all admitted facts. It is seen that the petitioner has submitted the thesis papers during the month of March 2006 by titling the same as " Concept Mapping on Mathematics Education through Computer Assisted Instruction". The said paper also referred that the said thesis was submitted for the award of of the Degree of Doctor of Philosophy in Education .

26. The said thesis received by the University was returned for re- submission on certain reasons. Accordingly, the petitioner resubmitted the thesis papers in the month of June 2007 , again by quoting the topic as "Concept Mapping on Mathematics Education through Computer Assisted Instruction". However, this time he has referred that the thesis was submitted for the award of the Degree of Doctor of Philosophy in Education (Interdisciplinary - Education and Mathematics). The said thesis paper was accepted by the University without any protest or objection. This is also an admitted fact. A viva-voce exam was conducted on 28.7.2007 . The minutes of the Viva-Voce exam also shows that the petitioner has submitted the thesis titling "Concept Mapping on Mathematics Education through Computer Assisted Instruction". However, the examiners recommended to the University for awarding Ph.D in Education. But the fact remains that the petitioner was not awarded the Ph.D in Education and on the other hand he was awarded with the Ph.D in Education (Interdisciplinary - Education and Mathematics). The said degree was awarded as early as in the year 2007. Based on the said degree the petitioner was also selected and appointed as the Principal in the American College. While that being the factual position, after nearly five years, the Alagappa University has chosen to pass the present impugned orders to withdraw the Ph.D degree certificate issued already in favour of the petitioner and to reissue a revised certificate in Education. These proceedings are challenged in this writ petition both on the ground of violation of principles of natural justice and also on several grounds on merits. Insofar as the ground viz., the violation of principles of natural justice is concerned , it is an admitted fact that the petitioner was not put on notice before passing the impugned order. On the other hand, in the very impugned proceedings

itself, it is stated that there was no need to call for explanation from the petitioner since all the relevant records pertaining to the award of Ph.D degree were available in the office of the University and those records were sufficient enough to arrive at a decision.

27. Before going into the other merits and contentions raised by both the parties in respect of the award of such Degree, I would like to first decide as to whether there is a violation of principles of natural justice in this matter.

28. Admittedly, the petitioner was awarded with the Degree of Ph.D Education (Interdisciplinary - Education and Mathematics) as early as in the year 2007. Needless to say that such awarding of Degree confers a civil right and consequent benefit on the petitioner to make use of such degree for the purpose of either getting an employment or promotion, whatever the case may be. It is also an admitted fact that based on such degree, the petitioner was appointed as Principal on 28.10.2011. Therefore, it is clear that the petitioner had an accrued right to act on such certificate and consequently he was also benefited by the same by getting an appointment as the Principal of the College. But for the said certificate, the petitioner would not have been considered for the post of Principal, since a Ph.D degree in concerned/allied/ relevant discipline in the institution concerned is an essential qualification for the post of Principal. When such a right has accrued to the petitioner and the same has also been acted upon subsequently, the question next comes is as to whether the first respondent University is entitled or justified in cancelling or withdrawing the said certificate, unilaterally, without notice to the petitioner.

29. I am of the view that answer to the above said question is to be given only in favour of the petitioner. In other words, it is to be held that the University is not entitled to unilaterally withdraw or cancel the certificate already issued to the petitioner without affording him an opportunity of hearing. No doubt, the University has stated that such decision was made based on the records available. But a perusal of the documents placed before this Court, which undoubtedly form part of those records, would also show that the petitioner, though referred the faculty as Education in his application, has also specifically stated the title of the thesis and inter-disciplinary subject as "Concept Mapping on Mathematics Education through CAI" and "Mathematics" respectively. The University has not rejected the said application. It is also seen that the petitioner has submitted the thesis with the title "Concept Mapping on Mathematics Education through Computer Assisted Instruction". Further, the revised thesis submitted by the petitioner also specifically referred that the said thesis was submitted for the award of the Degree of Doctor of Philosophy in Education (Interdisciplinary : Education and Mathematics). The University has not rejected the said thesis. Likewise, the recommendation made by the viva voce examiners also shows that the petitioner has submitted the thesis on the above subject only. Apart from all those things, it is also an undisputed fact that, based on the above thesis papers only, the Alagappa University has granted the Ph.D degree to the petitioner with interdisciplinary subject. After having granted the said degree, based on the above materials, if the University wants to withdraw or cancel the same on some other reason viz., Guide and Co-guide were not from the Mathematics Department and that the petitioner has submitted his application only for registering his name for Ph.D programme in Education subject only, it should have certainly put the petitioner on notice and sought his objection or explanation, before taking a decision. Undoubtedly such exercise is very much essential as the proposed action

affects the civil right of the petitioner. No doubt, the learned counsel appearing for the Alagappa University relied on the decisions reported in 2011 (12) SCC 172 (Commissioner of Central Excise, Mumbai Vs. Bharat Bijlee Limited) ; 2010 (2) CTC 489 (Santosh Vs. Jagat Ram and Another) and 2008 (1) CTC 230 (M.Kandasamy Vs. The District Collector and others) to contend that the petitioner has suppressed the material facts and that the University has jurisdiction to correct the error when the mistake is apparent on the face of the records. I fail to understand where is the suppression. The learned counsel also relied on 2012 (1) SCC 157 (Sanchit Bansal and Another Vs. Joint Admission Board and Others) to contend that the role of the Court in academic matters is a limited one. There is no quarrel about these propositions. However going by the facts and circumstances of this case, it cannot be contended that the petitioner has suppressed any material facts either before the Alagappa University or before this Court. Further, when the materials placed before this Court suggest that the University is not entitled to take a unilateral decision to withdraw the degree, as discussed supra, I have no hesitation in holding that the impugned action is in violation of the principles of natural justice.

30. At this juncture, it is useful to refer to the decision made by the Hon'ble Supreme Court reported in 2008 (11) SCC 90 (Rajendra Vs. State of Maharashtra and Others) wherein at paragraphs 13 and 14 it has been held as follows:-

" 13. Taking the last point first, it was obvious that the order impugned in the writ petition withdrawing the approval was passed abruptly and it came as a bolt from the blue to the appellant. The said approval was granted on 17.3.2011 which clearly shows that the approval was granted for three persons, namely, Shri S.S.Gangapurkar, who was promoted to the post of Chief Clerk w.e.f 1.11.2000, Shri V.B.Patil, who was promoted to the post of Junior Clerk w.e.f 1.11.2000 and the appellant, who was appointed on the post of Junior Clerk w.e.f. 1.11.2001. The communication clearly suggests that the approval was granted to all the three w.e.f. 1.11.2001. On this basis it is not clear as to how the second respondent all of a sudden chose to withdraw the approval by its communication dated 30.5.2002.

14. It is really strange that it should have dawned on the second respondent that the approval granted earlier was wrongly given only after 17 months. It was not as if the appointment was made keeping the second respondent in dark about it. The second respondent was informed by the letter dated 7.2.2001 about the advertisement given as also the appointment made. Along with this communication dated 7.2.2001, the Managing Committee had sent the proposal in the proper form and the other papers regarding the whole selection process starting from the advertisement to the list of employees. This also included a copy of the roster which would have given the complete idea to the second respondent about the nature of the post as also the manner in which the appellant came to be selected. In pursuance of the above communication the approval came to be granted by the second respondent by its order dated 17.3.2000. Therefore, the action taken after about 17 months on 30.5.2002 of withdrawing the approval appears to be high-handed. The only reason given in the communication dated 30.5.2002 is that the appointment made on

17.3.2001 is unlawful and is completely against the settled position of law and, therefore, it stood cancelled. In our opinion this is a totally incorrect action on the part of the authorities. No reasons have been given in this order. Very strangely even the subsequent letters sent on behalf of the appellant and the Managing Committee of the School were also not replied to nor were the reasons informed. We totally disapprove of this abrupt action and that too without hearing the petitioner and further not giving the reasons for the same. "

31. In the above said decision, the Hon'ble Supreme Court has found that withdrawal of approval without notice violates the principles of natural justice. Equally in this case, withdrawal of Degree awarded without notice certainly violates the principles of natural justice.

32. Further, the Hon'ble Supreme Court in a decision reported in 2008 (14) SCC 151 (Sahara India (Firm), Lucknow Vs. Commissioner of Income Tax, Central - I and Another) considered the expression "civil consequences" and found that the said expression encompasses infraction of not merely property or personal rights but of civil liberties, material deprivations and non- pecuniary damages. It is further observed therein that anything which affects a citizen in his civil life comes under its wide umbrella. It is further observed by the Apex Court at Paragraph No.15 as follows:-

"15. Rules of "natural justice" are not embodied rules. The phrase "natural justice" is also not capable of a precise definition. The underlying principle of natural justice, evolved under the common law, is to check arbitrary exercise of power by the State or its functionaries. Therefore, the principle implies a duty to act fairly i.e. fair play in action. As observed by this Court in A.K. Kraipak v. Union of India (1969 (2) SCC 262) the aim of rules of natural justice is to secure justice or to put it negatively to prevent miscarriage of justice."

33. In another decision reported in 2009 (14) SCC 690 (Prakash Ratan Sinha Vs. State of Bihar and Others) the Hon'ble Supreme Court while considering the terms "civil consequences" and "principles of natural justice"

has observed at paragraphs 9, 10, 11, 13 , 14 and 15 as follows:-

9. The respondent is an instrumentality of the State, and therefore, all its administrative decisions would be subject to the doctrine of equality and fair play, as incorporated in Articles 14 and 21 of the Constitution of India. If any of its actions or administrative decisions result in civil consequences, the actions or decisions could be judicially reviewed or tested on the anvil of principles of natural justice. This principle of law has been laid down by this Court in a catena of cases.

10. In Canara Bank v. Debasis Das (2003 (4) SCC 557) this Court has held in para 19 that: (SCC p. 572) "19. . Even an administrative order which involves civil consequences must be consistent with the rules of natural justice."

This Court has elaborated the expression "civil consequence" by observing that (Debasis Das case, SCC p. 572, para 19) it "encompasses infraction of not merely property or personal rights but of civil liberties, material deprivations and non-pecuniary damages". This Court has further stated, that, "in its wide umbrella comes everything that affects a citizen in his civil life".

11. The decision complained against in the instant case is an administrative decision. The decision is likely to have far reaching civil consequences for the appellant, as it has adversely affected his right to continue in the promotional post. Therefore, in our view, the decision concerning the promotion makes itself available for scrutiny by the courts on the touchstone of well-established principles of natural justice. The decision that was questioned before the Court was an administrative decision having civil consequences and is alleged to have been taken without affording an opportunity of hearing to the appellant.

13. The law in this regard has been settled by several decisions of this Court. The principle that emerge from the decisions of this Court is that, if there is a power to decide and decide detrimentally to the prejudice of a person, duty to act judicially is implicit in exercise of such a power and that the rule of natural justice operates in areas not covered by any law validly made.

14. Corollary principles emanating from these cases are as to what particular rule of natural justice should apply to a given case must depend to an extent on the facts and circumstances of that case and that it is only where there is nothing in the statute to actually prohibit the giving of an opportunity of being heard and on the other hand, the nature of the statutory duty imposed on the decision maker itself implies an obligation to hear before deciding. These cases have also observed, whenever an action of public body results in civil consequences for the person against whom the action is directed, the duty to act fairly can be presumed and in such a case, the administrative authority must give a proper opportunity of hearing to the affected person.

15. This Court in Canara Bank case (2003 (4) SCC 557) has stated that: (SCC p. 570, para 15) "15. The adherence to principles of natural justice as recognised by all civilised States is of supreme importance when a quasi-judicial body embarks on determining disputes between the parties, or any administrative action involving civil consequences is in issue."

Even an administrative order, which involves civil consequence must be consistent with the rules of natural justice."

34. Considering the facts and circumstances of the present case, and by applying the principle of law laid down by the Hon'ble Supreme Court in the decisions referred supra, I have no hesitation in holding that there is a clear violation of principles of natural justice in this matter since the orders impugned in this writ petition have undoubtedly civil consequences on the petitioner.

35. As I am fully satisfied that the above impugned proceedings in W.P.(MD)No.13724 of 2012 have been passed in violation of the principles of natural justice, I am of the view that those impugned orders are liable to be set aside and the matter needs to be remitted back to the first respondent University for reconsideration of the matter afresh after giving due opportunity of hearing to the

petitioner.

W.P.(MD)No. 12786 of 2013 - Finding and Conclusion

36. Since the impugned orders in W.P(MD)No.13724 of 2012 are liable to be set aside and the matter is to be remitted back to the Alagappa University, there is no necessity for this Court, at this stage, to go into the rival contentions and submissions made by the respective parties in this writ petition in respect of the qualification approval granted by the Madurai Kamaraj University in favour of the petitioner. No doubt the petitioner in W.P.(MD)No. 12786 of 2013 who is the contesting respondent in the other writ petition in W.P.(MD)No. 13724 of 2012 has raised certain points stating that the Ph.D in Interdisciplinary also is not the requisite qualification and that the API score awarded to the petitioner was self boosted. However, I am of the view that such contentions need not be gone into at this stage in view of the fact that both parties are entitled to agitate the matter afresh once again after the Alagappa University takes a decision on the matter and pass fresh orders in respect of the Ph.D degree awarded to the petitioner, after due notice and hearing him. Needless to say that the out come of such proceedings will certainly give a fresh cause of action to the respective parties. Therefore, I am of the view that the writ petition in W.P.(MD) No. 12786 of 2013 can be closed for the time being without expressing any view on the merits and the contentions raised by the parties therein. As I am not going into the merits and the contentions in the other writ petition and as I am giving liberty to the respective parties to agitate the matter afresh subsequent to the decision to be made by the Alagappa University, I am not discussing various case laws cited by the respective parties. I make it further clear that once an order is made by the Alagappa University, the Madurai Kamaraj University shall get the view of the University Grants Commission in writing about the degree obtained by the petitioner and pass fresh orders. Needless to to say that University Grants Commission has to give a clear cut view on this issue instead of giving an evasive or non committal answer.

37. Since the petitioner was appointed as Principal on 28.10.2011 and such appointment was also upheld by the Hon'ble Division Bench by specifically holding that the appointment of the petitioner as the Principal and Secretary of the College was fair and proper and since the matter is now remitted back to Alagappa University to decide the matter afresh, I am of the view that the petitioner is entitled to continue in the post of Principal, subject to the out come of the order to be passed by Alagappa University and the order to be passed by the Madurai Kamaraj University thereafter. Result in both Writ Petitions:-

Accordingly, these writ petitions are disposed of as follows:-

(a) W.P.(MD) No. 13724 of 2012 is allowed and the impugned orders are set aside and the matter is remitted back to the first respondent Alagappa University for passing fresh orders on merits and in accordance with law after giving due notice and opportunity of hearing to the petitioner.

(b) Such order shall be passed by the first respondent University within a period of four weeks from the date of receipt of copy of this order.

(c) Since W.P.(MD) No. 13724 of 2012 is allowed and the matter is remitted back to the Alagappa University, W.P.(MD) No.12786 of 2013 is closed for the present only with the observations made supra and without expressing any view on the merits and the contentions raised by the parties.

(d) The respective parties in both the writ petitions are given liberty to take action or agitate the matter afresh after an order is passed by the Alagappa University as directed supra, by raising all the grounds available to them.

Consequently, the connected M.Ps are closed. No costs.

To

- 1.The Secretary University Grants Commission Bahadurshah Zafar Marg New Delhi 110 002.
2. The Registrar in-charge Madurai Kamaraj University Palkalai Nagar Madurai
3. The Director of Collegiate Education College Road Chennai 6.
4. The Joint Director of Collegiate Education Madurai Region, No.30, Vaidhyanada Iyer Street Madurai .
5. The Registrar Alagappa University Algappapuram Karaikudi, Sivagangai District.