

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9754/2008

ASSN.OF MANGT.OF PRIVATE COLLEGES

Petitioner(s)

VERSUS

SEC.UNIVERSITY GRANTS COMMN.& ORS.

Respondent(s)

(With prayer for interim relief and office report )  
(FOR FINAL DISPOSAL)

Date: 14/07/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. A. K. Ganguly, Sr. Adv.  
Mr. V. Balachandran, Adv.

For Respondent(s) Mr. T. Harish Kumar, Adv.

Mr. Rajuramachandran, Sr. Adv.  
Mr. Gopal Singh ,Adv  
Mr. Amitesh Kumar, Adv.  
Mr. Ravi Kant, Adv.

Mr. V. Prabhakar, Adv.  
Mrs.Revathy Raghavan ,Adv

UPON hearing counsel the Court made the following

O R D E R

By an order dated July 31st, 2008 rendered in Review  
Petition (C) Nos.1850-1851 of 2005, the decision in Brahma  
Samaj Education Society & Ors., reported in (2004) 6 SCC  
224 holding that right of an educational institution to  
administer includes right to appoint teachers of its  
choice among the qualified candidates is referred to a  
Constitution Bench on the ground that observations made in  
paragraph 7 of the said judgment are contrary to what is

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held in paragraph 72 of the T.M.A. Pai Foundation case,  
reported in (2002) 8 SCC 481. The same question is  
involved in the instant petition also.

The contention of the learned counsel for the  
petitioner is that over and above the question of right of  
the management to appoint staff members, there are other  
questions involved in the petition, for example, nature of  
the regulations of UGC etc.

However, this Court is of the opinion that the  
question whether the right of Management to manage the  
affairs of the institution includes the right to appoint  
staff of its choice is going to be considered by the  
Constitution Bench. Therefore, this matter to await  
decision by the Constitution Bench.

(Neetu Sachdeva)  
Sr.P.A

(Sneh Bala Mehra)  
Court Master