

1&CA 7413/2009

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.7413 OF 2009

Pt. Ravishankar Shukla University Appellant(s)

Versus

St. Vincent Pallotti College Respondent(s)
and Others

WITH

CIVIL APPEAL NO.7414 OF 2009

O R D E R

Heard Mr. Vikrant Singh Bais, learned counsel for the appellant and Mr. B.H. Marlapalle, learned senior counsel for the respondents.

It is submitted by Mr. Singh that the High Court has erred in law in its appreciation of Statute 28 that has been framed under the provisions of the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973. It is his submission that Statute 28 which deals with the procedure for selection of the Principal, the teaching and non-teaching faculty members, is applicable to the non-minority unaided educational institutions.

This Court at the time of issuance of notice had not directed stay of the impugned judgment and order passed by the High Court.

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It is submitted by Mr. Marlapalle, learned senior counsel appearing for the respondents that the University Grants Commission has brought out a Regulation, namely, the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2010 (hereinafter referred to as "the Regulations" \235). Regulation 5.1.4. deals of the Regulations deals with Assistant Professor in Colleges including Private Colleges. He has drawn our attention to sub-clause (4) of the clause 5. It reads as follows:-

"S 4. Two nominees of the Vice Chancellor of the affiliating university of whom one should be a subject expert. In case of colleges notified/declared as minority educational institutions, two nominees of the Chairperson of the college from out of a panel of five names, preferably from minority communities, recommended by the Vice Chancellor of the affiliating university from the list of experts suggested by the relevant statutory body of the college, of whom one should be a subject expert." \235

Similarly, as we find, there are various stipulations which deal with minority educational institution in respect of various posts including that of the Principal. It is asserted by Mr. Marlapalle that the respondent-college is bound by the said Regulations and has been following the same since its inception i.e. 30 th June, 2010.

In view of the aforesaid, we need not advert to the applicability of the Statute 28 to the non-minority unaided educational institutions. Suffice to say, as the University

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Grants Commission has issued the Regulations and its acceptance by the minority institutions is mandatory, the controversy must come to an end and, accordingly, we direct that the respondent No.1 which has been following the

Regulations shall follow the University Grants Commission's regulations scrupulously.

The appeals are, accordingly, disposed of. There shall be no order as to costs.

.....J.

(Dipak Misra)

.....J.

(A.M. Khanwilkar)

.....J.

(Mohan M. Shantanagoudar)

New Delhi;

March 01 , 2017.

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ITEM NO.101

COURT NO.2

SECTION IV

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

RECORD OF PROCEEDINGS

Civil Appeal No.7413/2009

PT.RAVISHANKAR SHUKLA UNIVERSITY

Appellant(s)

VERSUS

ST. VINCENT PALLOTI COLLEGE & ORS.

Respondent(s)

(With appln. (s) for directions)

WITH C.A. No.7414/2009

(With interim relief and office report)

Date : 01/03/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGAUDAR

For Appellant(s) Mr. Vikrant Singh Bais, AOR

Mr. Rakesh Shrouti, Adv.

For Respondent(s) Mr. B.H. Marlapalle, Sr. Adv.

Mr. Manish Pitale, Adv.

Ms. D.S. Matwankar, Adv.

Mr. Chander Shekhar Ashri, AOR

UPON hearing the counsel the Court made the following

O R D E R

The appeals are disposed of in terms of the signed order.

(Chetan Kumar)

Court Master (H.S. Parasher)

Court Master

(Signed order is placed on the file)