



2025:CGHC:21314

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****Order Reserved on :16.04.2025****Order Delivered on : 08.05.2025****WPC No. 4092 of 2024**

1 - D.P. Vipra College Through- its Principal, D.P. Vipra College, Old High Court Road, Bilaspur.

2 - Dr. Madhusudan Tamboli S/o Late Ramsahay Tamboli, Aged About 60 Years, Principal, D.P. Vipra College, Old High Court Road, Bilaspur (C.G.).

--- Petitioners**versus**

1 - Atal Vihari Bajpayee University, Bilaspur, a body Constituted under the relevant provisions of the Chhattisgarh Vishvidhyalay Adhiniyam, 1973, through- its Registrar, Opposite Police Station Koni, Bilaspur- Ratanpur Road, Koni, District- Bilaspur (C.G.).

2 - The Registrar, Atal Vihari Bajpayee University, Opposite Police Station Koni, Bilaspur- Ratanpur Road, Koni District- Bilaspur (C.G.).

3 - The University Grant Commission, Ministry of Education, Govt. of India, through- its Secretary, Bahadur Shah Jafar, Marg, New Delhi- 110002.

--- Respondents**(Cause-title taken from Case Information System)**

For Petitioners	:	Mr. B.P. Sharma, Mr. M.L. Sakat, Mr. Raza Ali and Mr. Pushp Kumar Gupta, Advocates
For Respondents No.1 and 2	:	Mr. Neeraj Choubey and Mr. Prateek Sharma, Advocates
For Respondent No.3	:	Mr. Jitendra Nath Nande, Advocate

WPC No. 778 of 2025

Atal Bihari Vajpayee Vishwavidyalaya, (The State University) An Incorporated under the provisions of Chhattisgarh Vishwavidyalaya Adhiniyam, 1973, through its Registrar, Atal Bihari Vajpayee Vishwavidyalaya, in front of the Koni Police Station, Koni, Bilaspur, District- Bilaspur (C.G.).

---Petitioner

Versus

1 - D.P. Vipra College, through its Principal, (In-Charge), Old High Court Road, Bilaspur, District- Bilaspur (C.G.).

2 - The University Grant Commission through its Secretary, Bahadur Shah Zaffar Marg, New Delhi, 110002.

--- Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Neeraj Choubey and Mr. Prateek Sharma, Advocates
For Respondent No.1	:	Mr. B.P. Sharma, Mr. M.L. Sakat, Mr. Raza Ali and Mr. Pushp Kumar Gupta, Advocates
For Respondent No.2	:	Mr. Jitendra Nath Nande, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

C A V Order

1. Heard Mr. B.P. Sharma, Mr. M.L. Sakat, Mr. Raza Ali and Mr. Pushp Kumar Gupta, Advocates for the petitioners in WPC No.4092/2024 and respondent No.1 in WPC No.778/2025. Also heard Mr. Neeraj Choubey and Mr. Prateek Sharma, Advocates for the petitioner in WPC No.778/2025 and respondents No.1 and 2 in WPC No.4092/2024 as well as Mr. Jitendra Nath Nande, Advocate for respondent No.3 in WPC No.4092/2024 and respondent No.2 in WPC No.778/2025.
2. Since the common issue is involved in both the writ petitions, as such, they are clubbed together, heard together and disposed of by this common order.
3. WPC No.4092/2024 has been filed by the D.P. Vipra College (for short, "the College") whereby the petitioners are not challenging any particular order, but bringing to the notice of this Court the gross act of violation of the direction of respondent No.3, the University Grant Commission by respondent No.1 of issuance of necessary notification within 30 days regarding grant of autonomous status to the petitioner College as per University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2023 (for short, "the Regulations of 2023") despite various approaches through

representations made by petitioners, which resulted into creating hurdles for the petitioners-College to administer its functions as an autonomous College and the same has also resulted into unrest among the students of the College and in such circumstances, when respondent No.1-Atal Vihari Bajpayee University is obliged to follow directions of the respondent No.3-UGC under the Regulations of 2023. In WPC No.4092/2024, the petitioners have sought for following relief(s):-

“A. A writ and/or an order in the nature of writ of mandamus do issue calling for the record from the respondent authorities pertaining to the petitioners’ case for its kind perusal.

B. A writ and/or an order in the nature of appropriate writ do issue directing respondent No.1 for issuance of necessary notification regarding autonomous status of petitioner College in accordance with the Regulations of 2023, particularly Regulation No.7.2 under which respondent No.1 is obliged to issue notification regarding autonomous status of petitioner College within 30 days.

or

A writ and/or an order in the nature of appropriate writ do issue directing the respondent No.1 to take decision on the representations of petitioners in accordance with law, particularly in view of the Regulations of 2023, within the time frame as may be fixed by this Hon’ble Court after

affording opportunity of hearing to the petitioners in the facts & circumstances of case.

C. Any other relief which this Hon'ble Court may deem fit in the facts & circumstances of case.

D. Cost of the petition may also be awarded."

4. WPC No.778/2025 has been filed by the Atal Vihari Bajpayee University against the D.P. Vipra College as well as the UGC to quash/set aside the UGC letter dated 19.01.2024. In WPC No.778/2025, the petitioner-University has sought for following relief(s):-

"10.1. That the Hon'ble High Court may kindly be pleased to issue the appropriate writ/order/direction and quash, set aside the UGC letter dated 19.01.2024 (ANNEXURE-P/4) and further quash the consequential letter issued by the UGC regarding the autonomy of the respondent College, by declaring that, the UGC cannot compelled the petitioner for issuing the notification for declaring the autonomy of the College.

10.2 That, the Hon'ble High Court may kindly be pleased to issue suitable direction by directing the UGC to firstly take the cognizance upon the objection of the University in a substantial way and decide the same after spot inspection of the College and ensure the quality of education in the respondent College, only then issue the

direction for granting the autonomous status in respect of the courses which is recognized by the UGC.

10.3 Any other relief/reliefs which this Hon'ble Court may think fit and proper in the facts and circumstances of the case.”

5. For the sake of convenience, the D.P. Vipra College is called as “College”, Atal Vihari Vajpayee University is called as “University” and the University Grants Commission is called as “UGC”.

6. The case of the petitioner-College, in a nutshell, is that, the respondent-University, constituted under the State Legislation i.e. Chhattisgarh Vishwavidyalay Adhiniyam 1973, has refused to follow directives / directions / instructions of the University Grant Commission (UGC), which has been constituted under the Central Legislation i.e. University Grant Commission Act, 1956 (for short, “the Act of 1956”) on the ground that it has not adopted the regulations framed by the UGC made in exercise of powers under Section 26 of the Act of 1956 namely “University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations 2023”, with the avowed objected as mentioned in the Regulations that there is a need to promote autonomy of the Colleges so as to enhance the quality of higher education in the country.

7. Further irony in WPC No.4092/2024 is that for following the mandate of law of one statutory body constituted under the Central Legislation, necessity has arisen to approach this Hon'ble Court to invoke its extraordinary jurisdiction under Article 226 of the Constitution of India against other statutory body as on account of acts of omission and commission of the respondent-University, the ultimate sufferer are students of the petitioner-College to whom the respondent University has denied conferment of degree, as will be clear from perusal of record and the petitioners have filed a writ petition before this Court for issuance of necessary notification by respondent-University regarding autonomous status of petitioner College in accordance with Regulation of 2023, particularly Regulation No.7.2 under which respondent-University is obliged to issue notification regarding autonomous status of petitioner College within thirty days. The matter revolves around the direction issued by the respondent-UGC in its letter dated 19.1.2024 (Annexure P-1) to the respondent-University.
8. The case projected by the University in WPC No.778/2025 is that, the University has taken the stand as since the affiliation of the College is governed with the statute No. 27 of the University and the services of the employee of the College is governed with the statute No. 28 of the University, therefore, the respondent College is bound to follow the provisions of statute No. 27 & 28 of the

University. However, D.P. Vipra College has failed to do so and deliberately avoided the instruction/direction of the University due to which the University is facing unwanted litigation and for avoiding any adverse action from the University, the College, behind the back of the University had applied for grant of autonomous status before the UGC by suppressing material facts and also sought NOC/recommendation of the University.

9. Since the University was fully aware with the reality of the resources and deficiencies in the College, therefore, before acting upon the request of the College, the University vide letter No.565/Acad./2023 Bilaspur dated 09.06.2023 has sought the information from the College in particular point, which includes the academic performance of the College in University examination, academic (extension and research of faculty, financial strength and quality of institution management, etc.). Apart from that a very categorical response was also sought from the College with regard to compliance of regular staff in accordance with statute-28 of the University and a response was also asked from the College with regard to the permission sought for conducting the BBA program for 1st year, 2nd year and 3rd year as it was informed to the University that no such prior sanction was taken by College from state government and from the University. However, D. P. Vipra College had failed to furnish the entire information as sought by the University. Therefore, looking into the number of

deficiencies in the College, the University refused to give the NOC/recommendation for conferment of autonomous status upon the College. However, without consent, NOC, and recommendation of the University, the UGC issued letter dated 19.01.2024 and requested with the University to notify the status of the D.P. Vipra College as autonomous College 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, within a period of 30 days and on the basis of said letter, the D.P. Vipra College suo moto declared itself as autonomous College and claimed the autonomy as matter of right, whereas the University not accepted/adopted the UGC (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2023, therefore the D.P. Vipra College cannot claim the autonomy from the University as a matter of right in absence of the specific provision in the Statute No. 27 of the University.

- 10.** The case of the UGC, is that the D.P. Vipra College has taken the ground as the University is bound with the UGC letter/request dated 19.01.2024 and the UGC supported its decision while ignoring the objection of the University and not willing to resolve the issue by following the procedure prescribed in clause 9.2 of the regulation 2023 for spot inspection of the College. The

College and the UGC have also taken the stand as the UGC (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2023 is mandatory in nature, therefore the University is bound to comply with the request of the UGC dated 19.01.2024.

11. Learned counsel for the petitioners-College in WPC No.4092/2024 as well as respondent No.1 in WPC No.778/2025 submits that the acts of omission and commission on the part of respondent-University is arbitrary, illegal and in violation of the edifice of rule of law. He further submits that Regulations of 2023 obliges the respondent-University to issue notification within 30 days and as early as on 19.1.2024 autonomous status has been conferred by respondent-UGC on the petitioner-College and till date, although more than sufficient time has elapsed, respondent-University failed to issue Notification which is in contravention of the Act of 1956 and other provisions of law. It has been contended that the respondent authorities concerned cannot sit over the representations made by petitioners and are obliged to take steps in accordance with law within time frame as may be fixed under the law and prayed that before proceeding further in the matter, this Court may issue a direction to respondent-University to take steps in accordance with law. It has been further contended that vide letter dated 19.01.2024, the respondent-UGC has granted the status of autonomous College to the petitioner. In compliance

of the said letter, the respondent -University is required to notify the same. However, the same has not been notified by the University respondent-University till date. Therefore, a direction may be issued to respondent-University to notify the same within a stipulated period. Reliance has been placed upon the judgments rendered by the Hon'ble Supreme Court in the matters of ***Annamalai University represented by Registrar v. Secretary to the Government, Information and Tourism Department and others, (2009) 4 SCC 590, Kalyani Mathivanan v. K.V. Jeyaraj and others, (2015) 6 SCC 363, Gambhirdhan K. Gadhvi v. State of Gujarat and others, (2022) 5 SCC 179, Professor (Dr.) Shreejith P.S. v. Dr. Rajasree M.S. and others, (2022) SCC OnLine SC 1473*** as well as the order dated **15.04.2024**; parties being ***Meher Fatima Hussain v. Jamia Milia Islamia and others*** passed in ***Civil Appeal No.4963/2024***, arising out of ***Special Leave Petition (Civil) No.8333/2023***, to buttress his submissions.

12. On the other hand, learned counsel for the respondent-University in WPC No.4092/2024 and the petitioner in WPC No.778/2025 submits that the impugned letter dated 19.01.2024 and 27.11.2024 of the UGC is clearly illegal, in excess of the authority conferred under the law, arbitrary and in addition suffering from gross procedural impropriety. He further submits that the UGC Act is to be traced to Entry 66 of List-I of the Seventh Schedule to the Constitution and the Chhattisgarh University act 1973 issued

by state Legislature can be traced to Entry 25 of List and the law is now fairly well settled that while it is not open to the Universities to dilute the norms and standards prescribed by UGC, but it is always open to the Universities to prescribe enhanced norms. It has been contended that while issuing the letter dated 27.11.2024, the UGC had ignored that the D.P. Vipra College is affiliated College and the affiliation was granted by the University under the Statute No. 27 of the University which is based upon the regulation made by the UGC. And as per clause 3.4.14 of the UGC regulation 2009, the College is duty bound to furnish the information sought by the University, however, the College had failed to comply with the statutory provisions. It has been further contended that the UGC has power to grant autonomy to the College in respect of the subject for which the recognition is granted by the UGC to the College, However the UGC is not having any power for grant of autonomy in respect of the subject for which the AICTE, NCTE, BCI, PCI and other regulatory authorities have power to make the regulations. It is not disputed that, the AICTE is the regulatory authority in respect of professional/Technical course which were being run in the petitioner College like BBA, BCA, MCA, PGDCA etc. Thus, the concept of the autonomy from the UGC is limited and the petitioner College not having the autonomy from the UGC in respect of professional/Technical program. It has been submitted that the University has not violated any norms of the UGC,

however being the affiliating authority, it is only trying to maintain the educational standard of the University in accordance to the norms fixed by the AICTE or other regulatory authority for professional/Technical course. However, due to irregularity, deficiency found by the University in the College tried to guide the College for removing the deficiency, but the petitioner College instead of removing the irregularities/deficiencies has started getting into trouble with the University itself. It has been further submitted that the College is avoiding to furnish the information as sought by the University and trying to violate the academic standard of the University. The College also violated the Statutory provision of the statute No 27 and 28 and also violated the instruction/directions of the University continuously, in the above privileging circumstances, the University cannot make the recommendation for grant of autonomous status to the College.

- 13.** Learned counsel for the University further submitted that the College had submitted the application before the UGC without NOC/recommendation of the University and the College also suppressed the material facts with the UGC, as such there are number of deficiencies in the College which they were trying to hide and while the College is not responding to the letter of the University dated 09.06.2023 the petitioner College has not even informed to the University about the permission sought by them for conducting the BBA program, it is pertinent to state here that,

for academic session 2019-20, the admission was given in Part-I of BBA, and to continue the same, it is the responsibility of the College, to take the prior sanction for academic session 2020-21 for conducting BBA Part-II, and for academic session 2021-22 for conducting BBA Part-III, however, without taking any prior sanction, the petitioner College, has given admission to four students in academic session 2020-2021 for BBA Part II, and also given admission to three students for BBA Part III. This itself shows that, the petitioner College has committed misconduct and violated the Government and University Rules, more specifically, it has violated the academic regulations and without obtaining the sanction has given the admission, however looking into the interest of the students, the University has conducted the exam of the BBA students. But there may be chances as the petitioner College may continue to do such irregularities, when it will be granted autonomous status. Furthermore, that Statute-27/28 of University talks about the appointment of the regular teacher by way of selection through expert committee, but the petitioner College, without following the provision of Statutes, is involved in removal of the Teachers. To demonstrate this fact, it is pertinent to state that, there are various writ petition related with violation of the statutory norms were either pending or decided in favor of the University. It is apparent that, the petitioner College in each case is engaged in unnecessary-wastage of time and resources of the College as well as of the University. He also submitted that under

the above background, the University letter vide dated 09.06.2023 has communicated its objection to the Under Secretary UGC for grant of conferment of Autonomous Status due to the aforementioned reasons. However, all of a sudden vide letter dated 19.01.2024, the request has been made by the Deputy Secretary of the UGC for issuing the notification within 30 days. The University after receiving of the letter of the UGC dated 19.01.2024 had called emergent meeting of the Executive Council and put up the matter before the Executive Council of the University in its meeting dated 08.02.2024 and after thoroughly discussing the matter the Executive Council of the University has taken decision to move the application before the UGC for reviewing its decision for granting autonomous status of the College. The University also informed the College about the decision of the EC through the letter dated 20.02.2024. He lastly submitted that before taking the decision and issuance of letter dated 19.01.2024 extending the status of autonomous College to the petitioner-College, the respondent-University were not been given any opportunity to place their case and for which, an objection has already been raised by the respondent-University to respondent-UGC vide its letter dated 09.02.2024, but the respondent-UGC is not deciding the objections raised by the respondent-University with regard to letter dated 19.01.2024. Therefore, until and unless the same is decided by the respondent-UGC, the respondent-University are not in a position

to comply the order dated 19.01.2024. Reliance has been placed upon the judgments rendered by Hon'ble Supreme Court in the matters of ***Jagdish Prasad Sharma v. State of Bihar and others, (2013) 8 SCC 633, Kalyani Mathivanan v. K.V. Jeyaraj and others, (2015) 6 SCC 363, A.P.J. Abdul Kalam Techological University and another v. Jai Bharath College of Management and Engineering Technology and others, (2021) 2 SCC 564, P.J. Dharmaraj v. Church of South India and others, (2024) 12 SCR 374*** and ***J.K. Industries v. Union of India, (2007) 12 SCR 136*** as well as the order dated ***05.09.2017***; parties being ***Mandvi Sahu v. The State of Chhattisgarh and others*** passed by this Court in ***WPS No.3572/2017*** as also the order passed by the Andhra Pradesh High Court in the matter of ***Md. Saleem and others v. P. Ramarao, (1999) 6 ALD 387***, to buttress his submissions.

14. Learned counsel appearing for respondent-UGC submits that before issuing the letter dated 19.01.2024 while granting autonomous status to the petitioner-College, letters were issued to the respondent-University inviting their objections, which appears that they have not made any objections and therefore, the order was passed. He further submits that in the portal of UGC, the University was requested to raise its objection within specified time however, when the objection were not made in the portal autonomous status has granted. It has been contended that

firstly, the respondent-University are required to comply with the letter dated 19.01.2024, as it is binding upon them. However, it could not dispute that the objections of the respondent-University dated 09.02.2024 has been received by the respondent-UGC. It has been contended that with a view to promote academic autonomy in the colleges the University Grants Commission comes up with the regulation called University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for the Maintenance of Standards in Autonomous Colleges) Regulations, 2023 (Hereinafter called as Regulation of 2023). The said Regulation of 2023 provides that the autonomy may be granted to the Colleges and institution if they fulfill certain criteria. It has been argued that on 17.01.2022, the College submitted an application for conferment of Autonomous status as per Clause 7.1 of UGC Regulations, which was rejected on 09.06.2023 by the sitting of the 63rd Standing Committee Meeting and again, on 17.09.2023, the College applied for the conferment of the Autonomous status. The affiliating University of the College did not provide any comment on the portal and the proposal was placed before the 66th Standing Committee Meeting, which was held on 22.10.2023, wherein the committee decided that "the University may be asked to provide clear recommendation/non-recommendation with the approval of the competent authority within 30 days of communication of UGC. It is further argued that the affiliating University of the College did not respond by UGC

letter dated 15.09.2023 and the application was then placed before the 67th Meeting of the Standing Committee and the Committee recommended for conferment of autonomous status upon the College and the recommendations made by the Standing Committee were approved by the Commission in its meeting held on 16.01.2024 and on 19.01.2024, the office of the UGC wrote a letter to the University informing them about the decision taken by the Standing Committee on Autonomous College to grant autonomous status to the College, which is affiliated to the University. It has been submitted that on 16.02.2024, the University wrote an objection letter to the UGC regarding the recommendation of the College, in turn, the University sent a letter to the UGC dated 16.02.2024 clarifying all the contentions raised by the University regarding the autonomous status of the College on 15.03.2024. Thereafter, the University wrote a letter addressed to Principal D.P. Vipra College, Old High Court Road, Bilaspur Chhattisgarh on 20.02.2024 regarding the nomination of the Governing body/Academic Council. The said letter was sent to UGC for information, which was received on 16.04.2024 as well as the UGC has sent an e-mail to the concerned University on 22.08.2024 clarifying that for nomination of the Governing Body/Academic Council, Clause 12 of the Regulations of 2023 dated 03.04.2023 is self-explanatory and mandatory guideline needs to be followed. It has been further submitted that the College was recommended for

conferring with the autonomous status on 19.01.2024 for the period from 2024-2025 to 2033-2034 and for the conferment of the autonomous status, but till date, the University has not notified the Autonomous Status. Such action by the University would have a contrary effect to the letter of UGC and contradictory to Regulations of 2023. It has been also submitted that the grievance of the respondent-University has been redressed and communicated to them vide letter dated 15.03.2024. It has been lastly submitted that the issue involved instant writ petitions is against the affiliating University and the UGC is just a formal party and since, no relief has been claimed against the UGC, therefore the present petitions deserve to be dismissed.

- 15.** I have heard and considered the rival submissions advanced on behalf of the learned counsel for the respective parties and perused the relevant Rules as well as Clauses relating to the present cases as also the documents annexed with the writ petitions.
- 16.** At this juncture, it would be relevant to extract some clauses and regulations, which are necessary for adjudication of these cases, the same are extracted below for easy reference:-
- 17.** The notification of Regulations of 2023 has been published on 03.04.2023 and the preamble of the said Regulations of 2023 has been reproduced below:-

***“University Grants Commission
(Conferment of Autonomous Status Upon
Colleges and Measures for Maintenance of
Standards in Autonomous Colleges)
Regulations, 2023***

Preamble

F. No. 1-18/2021 (CPP-II)-Whereas the University Grants Commission (UGC) is mandated to coordinate and determine the standards of higher education in universities;

Whereas college autonomy is instrumental in promoting broad-based quality education and excellence;

Whereas the Commission, in exercise of its powers conferred by Section 26 of the UGC Act, 1956, has notified the University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018;

And whereas there is a need to promote the autonomy of Colleges so as to enhance the quality of higher education in the country.

Now, therefore, in supersession of the University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018 and in exercise of the powers conferred by clause (j) of Section 12 read with clauses (f) and (g) of sub-section (1) of Section 26 of the

University Grants Commission Act, 1956, the University Grants Commission hereby makes the following Regulations:-

1. SHORT TITLE, APPLICATION, AND COMMENCEMENT:

1.1 These Regulations shall be called the University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2023.

1.2 These Regulations shall apply to all Colleges/Institutions affiliated to or are constituent Colleges of Universities in the country seeking the conferment of Autonomous College status.

1.3 These Regulations shall come into force from the date of their notification in the Official Gazette.”

- 18.** Section 2 (f) defines “University”, means a “University” established or incorporated by or under Central Act or a State Act etc. Chapter-III of the Act of 1956 deals with the power and function of the Commissioner which also includes issuance of direction etc. to the Universities. Section 12 (b) deals with the prohibition regarding giving of any grant to a University not declared by the Commission fit to receive such grant. Section 14 deals with the consequence of failure of University to comply with the recommendation of the Commission. Section 26 of the Act of 1956 confers power on the respondent No.3 to make regulations

and the Commission may by notification in the official gazette make regulations consistent with the Act and the Rules made thereunder.

19. In exercise of such powers conferred under Section 26, the respondent-UGC has issued notification dated 3.4.2023 publishing the Regulations of 2023. Under the said notification, it has been mentioned that respondent-UGC is mandated to coordinate and determine the higher education in Universities and it further prescribes that College autonomy is instrumental in promoting broad – based quality education and excellence further stating that there is need to promote the autonomy of College so as to enhance the quality of higher education in the Country. With such aims and objects, the Regulations of 2023 has been framed. Under the Regulations of 2023, the College has been defined under Regulation 2.4, which reads thus:-

“2.4. “College” means any institution (affiliated College or constituent 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.”

- 20.** The word ‘Parent University’ is defined under Regulation 2.10 and for ready reference the provisions made in this regard are quoted below:-

“2.10. “Parent University” means the University to which the College concerned is affiliated or of which the College concerned is a constituent.”

- 21.** As per clause 3.4.14 of the UGC regulation 2009, the College is duty bound to furnish the information sought by the University, however in the instant case, the College had failed to comply with the statutory provision. The relevant clause is reproduced herein as under:-

“3.4.14 - The College shall furnish all such return & other information as the UGC/University/State Government may require to enable it to monitor and Judge the performance of the College with regard to maintenance of academic standard and shall take such action as the UGC/University/State Government may direct for maintenance of the same.”

- 22.** There is need to delve into the law applicable in the present cases. The Act of 1956 has been enacted by the Parliament in the 7th year of republic of India with the long title, to make provision for coordination and determination of standards in Universities

and for that purpose, to establish University Grants Commission. In exercise of powers under Section 26 of the Act of 1956, a central legislation, the Regulations of 2023 have been framed and Regulation 3 and 4 are quoted below for ready reference:-

“3. ROLE, TERMS AND CONDITIONS OF AN AUTONOMOUS COLLEGE: *The role, terms and conditions of an Autonomous College in general and subject to the provisions of Regulations will be as under:*

3.1 Review existing courses/programmes and, restructure, redesign and prescribe its own courses/programmes of study and syllabi.

3.2 To formulate new courses/programmes within the nomenclature specified by UGC as per the Specification of Degrees 2014 as amended from time to time.

3.3 Evolve methods of assessment of students' performance, conduct of examinations, and notification of results.

3.4 To announce results, issue mark sheets, and other certificates; however, the degree shall be awarded by the parent University with the name of the College on the degree certificate.

3.5 Autonomous Colleges need not pay affiliation fees to the parent University.

3.6 Prescribe rules for admission in consonance with the reservation policy of the state government/national policy.

3.7 Autonomous Colleges may fix fees as per the norms of the State Government/ Statutory Council(s) at their own level, as applicable.

3.8 Constitute own Governing Body, Academic Council, Finance Committee, and Board of Studies.

3.9 The teaching staff and Principal in all the Autonomous Colleges shall be appointed as per 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, 2018 as amended from time to time or any regulations notified by UGC in this regard from time to time.

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.

3.11 Ph.D. programmes shall be offered strictly as per the UGC Regulations notified in this regard from time to time.

3.12 Autonomous status shall be granted initially for a period of five or ten years as per Clause 7 of these regulations.

3.13 Further extension of autonomy shall be for a period of five or ten years as per Clause 8 of these regulations.

4. ROLE OF THE PARENT University: - *The role of the parent University in general and subject to the provisions of Regulations will be as under:*

4.1 To examine the application of the College for autonomous status on the UGC portal and give its recommendations, along with reasons/ justification, within 30 working days on the UGC portal. If the parent University does not respond on the UGC portal within 30 working days, it shall be presumed that the parent University has no objection to the processing of the application by the UGC for conferment of autonomous status.

4.2 Issue notification within 30 days for a College to function as an autonomous entity once the autonomous status is conferred on the College by UGC.

4.3 The College, on attaining autonomous status will continue to be affiliated with the parent University but will enjoy the privileges of autonomy.

4.4 To provide nominees on various Statutory Bodies of the Autonomous College.

4.5 To facilitate the implementation of these regulations”

23. Regulation 6 deals with eligibility of College for grant of autonomous status which also includes that the College must be accredited by NACC etc. In the present case, since the petitioner College is eligible for grant of autonomous status under Regulation-6, therefore, as stated above, application has been filed. Regulation 7 deals with conferment of autonomous status. Regulation 6 and 7, are relevant and quoted below:-

“6. ELIGIBILITY

6.1 Affiliated or Constituent Colleges of any discipline, whether Government, aided, partially aided, or unaided/self-financing, are eligible, provided they are under Section 2(f) of the UGC Act.

6.2 The College should have at least 10 years of existence.

6.3 The College must be accredited either by NAAC; or by NBA for at least three programme(s); or from a UGC-empanelled accreditation agency. However, if the number of programme(s) being run by the College is less than three, then each of the eligible programme must be accredited as per NBA norms. Accreditation status must be valid for at least one year at the time of application.

The constituent Colleges shall also undergo independent accreditation.

6.4 The Commission may exempt a college from Clauses 6.2 and 6.3 of these

Regulations, if it offers programmes in any of the following focus areas:

- *unique discipline(s), e.g., special education, Indian knowledge system, yoga, defence studies*
- *addressing the strategic needs of the country*
- *engaged in the preservation of Indian cultural heritage*
- *preservation of the environment*
- *dedicated to Skill Development, Sports, languages*
- *any other discipline(s)/ field(s) so determined by the Commission.*

7. CONFERMENT OF AUTONOMOUS STATUS-

7.1 A College fulfilling the eligibility as per clause 6 of these regulations, intending to become autonomous, shall submit the application on the UGC portal anytime during the year. However, in the case of proposals for the grant of autonomy/extension of autonomy, which have already been received and are under consideration by UGC before the notification of these regulations, no fresh application will be required, and UGC will consider all such pending proposals as per these Regulations, subject to the condition that the accreditation status is valid for six months at the time of notification of these Regulations or has applied for

reaccreditation in case the validity of accreditation is less than six months.

7.2 The parent University will examine the application of the College for autonomous status on the UGC portal and give its recommendations along with reasons/justification within 30 working days from the date of submission of the application on the UGC portal. If the parent University does not respond on the UGC portal within 30 working days, it shall be presumed that the parent University has no objection to the processing of the application by the UGC for conferment of autonomous status.

7.3 A Standing Committee of UGC shall examine the application of the College for conferment of autonomous status. The recommendations of the Standing Committee shall be considered by the Commission and its decision may be communicated to the parent University and the College.

7.4 Autonomous status shall be granted initially for a period of five years from the commencement of an academic session in case the College is accredited either by NAAC, or by NBA for at least three programme (s); or from a UGC-empanelled accreditation agency. However, if the number of programme (s) being run by the College is less than three, then each of the eligible programme must be accredited as per NBA norms. Accreditation status must be valid for

at least one year at the time of application submission;

7.5 Autonomous status shall be granted initially for a period of ten years from the commencement of an academic session in case the College is accredited either by NAAC with a minimum 'A' Grade (with a score of 3.01 and above on a 4-point scale of NAAC) or by NBA for at least three programme (s) with a minimum score of 675 individually, or a corresponding accreditation Grade/score from a UGC empanelled accreditation agency However, if the number of programme (s) being run by the College is less than three, then each of the eligible programme as per NBA norms, should secure 675 or more marks. Accreditation status must be valid for at least one year at the time of application submission;

7.6 If the application of a College for the conferment of autonomous status is rejected by the UGC for any reason whatsoever, the College shall be eligible to reapply on UGC portal, but not before one year from the date of rejection of its earlier application.

7.7. An autonomous College can merge with another autonomous College(s) / institution (s) run by the same Parent Body of the Autonomous Colleges, with the prior approval of the Parent University/Universities.”

- 24.** A bare perusal of Clause 7.2 of the Regulations of 2023 will reveal that the parent University has an obligation to examine the application of the College for autonomous status on UGC portal and give its recommendation along with reason and justification within 30 days from the date of submission of application on the UGC portal. It further prescribes if the parent University does not respond on the UGC portal within 30 days, it shall presume that the parent University has no objection to the processing of application by UGC for conferment of autonomous status. A further perusal of Regulation 4.2 quoted above, obliges the respondent-University to issue notice within 30 days for the College to function as an autonomous entity once the autonomous status is conferred by the UGC.
- 25.** Regulation 10 deals with matters regarding starting of new courses which enables an Autonomous College to start certain courses without prior approval of the University. Regulation 10.1 specifies that an Autonomous College is free to start diploma (undergraduate and post graduate) or certificate courses without prior approval of the University; however, approval of the concerned statutory bodies of the college may be obtained wherever required. It further states that diplomas and certificates shall be issued under the seal of the college. However, the University should be informed about the introduction of new courses. Regulation 10.2 enables an Autonomous College to start

a new degree or postgraduate course/Ph.D with the approval of the academic council of the college and concerned statutory council(s), wherever required, provided, the nomenclature of the degree is in consonance with UGC notification on specification of degrees, 2014 as amended from time to time, however such courses shall fulfil the minimum standards prescribed by the Universities/UGC in terms of number of hours, curricular content and standards, and the University shall be duly informed of such courses.

- 26.** Regulation 9 deals with monitoring of autonomous Colleges and Regulation 13 deals with consequences of violation of regulations, are relevant for the purpose, which are quoted below:-

“9. MONITORING OF AUTONOMOUS COLLEGES:

9.1 IQAC shall be established in the Autonomous College for regular monitoring of the College. The IQAC shall have an external Peer Team comprising of 2 or more members who shall be academicians of repute not below the rank of Professor. The report regarding the performance of the Autonomous College shall also be put on the public domain on the website of the College. The external peer review shall be conducted at least once in a year.

9.2 On its own or in case of an adverse report by the external peer team of IQAC or on receipt of any information/complaint, UGC

may cause an inspection by constituting an Expert Committee for scrutiny and may revoke the autonomous status of the College after giving due opportunity of hearing to the management by way of notification and by passing a speaking order.

9.3 The Autonomous College shall, without fail, upload on its website, information regarding the courses offered by it, the fees for the courses, the details of the faculty along with qualification and unique ID, the admission procedure, the details of relevant infrastructures, research activities of the Autonomous College along with the details of Ph.D. students enrolled, if any, with the date of enrollment, topics and supervisor.

9.4 The Autonomous College shall also put on its website the constitution of various Committees/Cells as mandated in the various UGC Regulations notified from time to time. The Autonomous College shall conduct the meetings of the statutory bodies regularly and upload the minutes of the meetings on the college website.

9.5 The Autonomous College shall also upload such information on such web portals as may be specified by the Commission, from time to time.

13. CONSEQUENCES OF VIOLATION OF REGULATIONS-

13.1 The Autonomous Colleges shall at all times adhere to UGC Regulations and

Guidelines made and issued by the Commission from time to time, failing which UGC may take appropriate action against the defaulting Autonomous College including revoking of autonomous status.”

- 27.** From perusal of above, it would be clear that under Regulation 4.2, the respondent-University is bound to issue notification within thirty days for a College to function as an autonomous entity once the autonomous status is conferred on the College by the UGC. It is reiterated that since Regulation 4.2 made by the UGC in exercise of its jurisdiction under Section 26 of the Act of 1956, which has not been followed by the respondent-University.
- 28.** From perusal of the record would show that the matter revolves around the direction issued by the UGC in its letter dated 19.1.2024 to the respondent-University and relevant para of the letter is quoted below for immediate perusal:-

“The Commission at its meeting held on 16.1.2024 has approved the recommendation of the Standing Committee on autonomous Colleges to confer the autonomous status to D.P. Vipra College, Old High Court Road, Bilaspur, Chhattisgarh, affiliated to Atal Vihari Bajpayee Vishwavidyalaya Bilaspur for a period of 10 years from the academic year 2024-25 to 2033-34 as per Clause 7.5 of the University Grants Commission (Conferment of Autonomous Status upon Colleges and

Measures for Maintenance of Standards in Autonomous Colleges) Regulations 2023.

The University is therefore requested to issue necessary notification within thirty days regarding grant of autonomous status to the College as per University Grants Commission (Conferment of Autonomous Status upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations 2023.”

- 29.** The respondent-University came with a plea before this Court mainly with the submission in Para-5 of his return, which reads as under:-

“5. That, the answering respondent is not receiving any grant in aid from the UGC, nor the University had adopted the University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2023, therefore the above UGC regulation cannot be automatically inferable upon the state University established under the state act.

It is well settled law as such “there can be no automatic application of the recommendations made by the UGC, without any conscious decision being taken by the State/ University”. In the absence of adoption of the UGC regulation, the University Statute would be prevailed. Therefore, the petitioner College cannot be claimed the autonomy

from the University until & unless the University adopted the scheme of the UGC.”

- 30.** At this stage, it is worthwhile to mention that respondent-UGC has come with the plea before this Court in its return in Para-4, which reads as under:-

“4. That, it is noteworthy to mention here that Universities are autonomous bodies established according to an act of Parliament/State Legislature but for the maintaining the quality of education in the Universities and Institution the compliance of the directives of the University Grants Commission is mandatory and no University or Institution can act against the directives of the University Grants Commission.”

- 31.** The matter has come up for hearing before this Hon'ble Court on various occasions and since on the face of record the action of the respondent-University is not in consonance with law, this Court has passed the following order on 15.01.2025, directing as under:-

“Learned counsel for the respondent/University prays for and is granted three days' time to file an affidavit stating that the “University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2023” is not binding on

Universities unless it is adopted by the said University.”

- 32.** Complying with the directions of the Court vide order dated 15.01.2025, Smt. Neha Yadav, Assistant Registrar at Atal Vihari Bajpayee University has filed an affidavit on 22.01.2025 to the following effect:-

“2. That, as per my understanding and knowledge, which is based up the judgment of the Supreme court in the matter of P.J. Dharmaraj vs. Church of South India, “the UGC Regulation is not Binding on the State University- Affiliated Institution without adoption”. In view of the above “University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2023”, is not binding in force upon the Universities unless it is adopted by the said University.”

- 33.** The sole ground which has to be considered by this Court is that since the respondent-University has not adopted the Regulations of 2023 and the respondent University is constituted under the State Legislation i.e. Act of 1976, it is not bound to follow the Regulations of 2023. Under Part XI of the Constitution of India relations between the Union and the States have been dealt with and Chapter-1 deals with legislative relations between the Union and the States.

- 34.** Article 245 of the Constitution of India provides that the Parliament may make laws for the whole or any part or territory of the India and the legislature of the State may make laws for the whole or any part of the State. Article 246 deals with subject matter of laws made by the Parliament and by the Legislature of the State under Union List, State List and Concurrent List. Article 251 deals with the situation when inconsistency between the laws made by the Parliament under Articles 249 & 250 and the laws made by the legislature of the State, and mandates that if any provision of law made by the legislature of the State is repugnant to any provision of law made by the Parliament, which the Parliament has under either of the said articles power to make, the law made by the Parliament, whether passed before or after the law made by the legislature of the State, shall prevail and the law made by the legislature of the State to the extent of repugnancy be inoperative.
- 35.** After dealing with the constitutional provisions as above, in order to appreciate the submissions made by the parties, particularly with regard to binding nature of regulations made by the UGC, it is reflected that the law has been laid down by the Constitutional Courts particularly by the Hon'ble Supreme Court in various cases. In the matter of ***Annamalai University represented by Registrar*** (supra), the Hon'ble Supreme Court has laid down the law to the effect that the provisions of the UGC Act are binding on all Universities and held as under:-

“42. The provisions of the UGC Act are binding on all Universities whether conventional or open. Its powers are very broad. Regulations framed by it in terms of clauses (e), (f), (g) and (h) of sub-Section (1) of Section 26 are of wide amplitude. They apply equally to Open Universities as also to formal conventional universities. In the matter of higher education, it is necessary to maintain minimum standards of instructions. Such minimum standards of instructions are required to be defined by UGC. The standards and the co-ordination of work or facilities in universities must be maintained and for that purpose required to be regulated. The powers of UGC under Sections 26(1)(f) and 26(1)(g) are very broad in nature. Subordinate legislation as is well known when validly made becomes part of the Act. We have noticed hereinbefore that the functions of the UGC are all pervasive in respect of the matters specified in clause (d) of sub-section (1) of Section 12A and clauses (a) and (c) of sub-section (2) thereof.

43. Indisputably, as has been contended by the learned counsel for the appellant as also the learned Solicitor General that Open University Act was enacted to achieve a specific object. It opens new vistas for imparting education in a novel manner. Students do not have to attend classes regularly. They have wide options with regard to the choice of subjects but the same, in our

opinion, would not mean that despite a Parliamentary Act having been enacted to give effect to the constitutional mandate contained in Entry 66 of List I of the Seventh Schedule to the Constitution of India, activities and functions of the private universities and open universities would be wholly unregulated.

44. It has not been denied or disputed before us that in the matter of laying down qualification of the teachers, running of the University and the matters provided for under the UGC Act are applicable and binding on all concerned. Regulations framed, as noticed hereinbefore, clearly aimed at the Open Universities. When the Regulations are part of the statute, it is difficult to comprehend as to how the same which operate in a different field would be ultra vires the Parliamentary Act. IGNOU has not made any regulation; it has not made any ordinance. It is guided by the Regulations framed by the UGC. The validity of the provisions of the Regulations has not been questioned either by IGNOU or by the appellant - University. From a letter dated 5.5.2004 issued by Mr. H.P. Dikshit, who was not only the Vice-Chancellor but also the Chairman of the DEC of IGNOU it is evident that the appellant - University has violated the mandatory provisions of the Regulations.

45. The amplitude of the provisions of the UGC Act vis-à-vis the Universities constituted

under the State Universities Act which would include within its purview a University made by the Parliament also is now no longer a res integra.

46. In *Prem Chand Jain v. R.K. Chhabra*, (1984) 2 SCR 883, this Court held: (SCC pp. 308-09, para 8)

"The legal position is well-settled that the entries incorporated in the lists covered by Schedule VII are not powers of legislation but 'fields' of legislation. Harakchand v. Union of India, [(1970) 1 S.C.R. 479 at p.489]. In State of Bihar v. Kameswar Singh, [1952] S.C.R. 889, this Court has indicated that such entries are mere legislative heads and are of an enabling character. This Court, has clearly ruled that the language of the entries should be given the widest scope or amplitude. Navinchandra v. C.I.T., [1955] 2 S.C.R. 129 at p.836. Each general word has been asked to be extended to all ancillary or subsidiary matters which can fairly and reasonably be comprehended. See State of Madras v. Gannon Dunkerley, [1959] S.C.R. 379 at p. 391. It has also been held by this Court in The Check Post Officer and Ors. v. K.P. Abdulla Bros [(1971) 2 S.C.R. 817] that an entry confers power upon the legislature to legislate for matters ancillary or incidental, including provision for avoiding the law. As long as the legislation is within the permissible field in

pith and substance, objection would not be entertained merely on the ground that while enacting legislation, provision has been made for a matter which though germane for the purpose for which competent legislation is made it covers an aspect beyond it. In a series of decisions this Court has opined that if an enactment substantially falls within the powers expressly conferred by the Constitution upon the legislature enacting it, it cannot be held to be invalid merely because it incidentally encroaches on matters assigned to another legislature."

47. In *University of Delhi vs. Raj Singh & ors.*, [1994 Suppl (3) SCC 516], this Court held: (SCC pp.526-27, para 13)

"13. ...By reason of entry 66, Parliament was invested with the power to legislate on "coordination and determination of standards in institutions for higher education or reach and scientific and technical institutions." Item 25 of List III conferred power upon Parliament and the State legislatures to enact legislation with respect to "vocational and technical training on labour". A six-Judge bench of this Court observed that the validity of State legislation on the subjects of University education and education in technical and scientific institutions falling outside Entry 64 of List I as it then read (that is to say, institutions for scientific or

technical education other than those financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance) had to be judged having regard to whether it impinged on the field reserved for the Union under Entry 66. In other words, the validity of the State legislation depended upon whether it prejudicially affected the coordination and determination of standards. It did not depend upon the actual existence of union legislation in respect of coordination and determination of standards which had, in any event, paramount importance by virtue of the first part of Article 254(1)."

48. *In State of T.N. & Anr. vs. Adhiyaman Educational & Research Institute & ors. [(1995) 4 SCC 104], this Court laid down the law in the following terms: (SCC pp.134-35, para 41)*

"41. What emerges from the above discussion is as follows:

(i) The expression "coordination" used in Entry 66 of the Union List of the Seventh Schedule to the Constitution does not merely mean evaluation. It means harmonisation with a view to forge a uniform pattern for a concerted action according to a certain design, scheme or plan of development. It, therefore, includes action not only for removal of

disparities in standards but also for preventing the occurrence of such disparities. It would, therefore, also include power to do all things which are necessary to prevent what would make "coordination" either impossible or difficult. This power is absolute and unconditional and in the absence of any valid compelling reasons, it must be given its full effect according to its plain and express intention.

(ii) To the extent that the State legislation is in conflict with the Central legislation though the former is purported to have been made under Entry 25 of the Concurrent List but in effect encroaches upon legislation including subordinate legislation made by the center under Entry 25 of the Concurrent List or to give effect to Entry 66 of the Union List, it would be void and inoperative.

(iii) If there is a conflict between the two legislations, unless the State legislation is saved by the provisions of the main part of Clause (2) of Article 254, the State legislation being repugnant to the Central legislation, the same would be inoperative.

(iv) Whether the State law encroaches upon Entry 66 of the Union List or is repugnant to the law made by the center

under Entry 25 of the Concurrent List, will have to be determined by the examination of the two laws and will depend upon the facts of each case.

(v) When there are more applicants than the available situations/seats, the State authority is not prevented from laying down higher standards or qualifications than those laid down by the center or the Central authority to short-list the applicants. When the State authority does so, it does not encroach upon Entry 66 of the Union List or make a law which is repugnant to the Central law.

(vi) However, when the situations/ seats are available and the State authorities deny an applicant the same on the ground that the applicant is not qualified according to its standards or qualifications, as the case may be, although the applicant satisfies the standards or qualifications laid down by the Central law, they act unconstitutionally. So also when the State authorities derecognise or disaffiliate an institution for not satisfying the standards or requirement laid down by them, although it satisfied the norms and requirements laid down by the central authority, the State authorities act illegally."

49. *In State of A.P. vs. K. Purushotham Reddy & ors. [(2003) 9 SCC 564], this Court held: (SCC p.572, para 19)*

"19. The conflict in legislative competence of the Parliament and the State Legislatures having regard to Article 246 of the Constitution of India must be viewed in the light of the decisions of this Court which in no uncertain terms state that each Entry has to be interpreted in a broad manner. Both the parliamentary legislation as also the State legislation must be considered in such a manner so as to uphold both of them and only in a case where it is found that both cannot co-exist, the State Act may be declared ultra vires. Clause 1 of Article 246 of the Constitution of India does not provide for the competence of the Parliament or the State Legislatures as is ordinarily understood but merely provide for the respective legislative fields. Furthermore, the Courts should proceed to construe a statute with a view to uphold its constitutionality."

(emphasis supplied)

It was observed: [(Purushotham Reddy case, (2003) 9 SCC 564, SCC p.573, para 20]

"20. Entry 66 of List I provides for coordination and determination of standards inter alia for higher education. Entry 25 of List III deals with broader subject, namely, education. On a conjoint

reading of both the entries there cannot be any doubt whatsoever that although the State has a wide legislative field to cover the same is subject to entry 63, 64, 65 and 66 of List I. Once, thus, it is found that any State Legislation does not entrench upon the legislative field set apart by Entry 66, List I of the VII Schedule of the Constitution of India, the State Act cannot be invalidated."

50. The UGC Act, thus, having been enacted by the Parliament in terms of Entry 66 of List I of the Seventh Schedule to the Constitution of India would prevail over the Open University Act."

- 36.** In the matter of ***Kalyani Mathivanan*** (supra), the Hon'ble Supreme Court has held that UGC Regulations though subordinate legislation, have binding effect on the Universities to which it applies and consequence of failure of the University to comply with the recommendation of the Commission, the UGC may withhold the grants to the University made out of fund of commission and held in para-27, which reads as follows:-

"27. From the aforesaid provisions, we find that the University Grants Commission has been established for the determination of standard of Universities, promotion and co-ordination of University education, for the determination and maintenance of standards of teaching, examination and research in Universities, for defining the qualifications

regarding the teaching staff of the University, maintenance of standards etc. For the purpose of performing its functions under the UGC Act (see Section 12) like defining the qualifications and standard that should ordinarily be required of any person to be appointed in the Universities [see Section 26(1)(e)(g)] UGC is empowered to frame regulations. It is only when both the Houses of the Parliament approve the regulation, the same can be given effect. Thus, we hold that the U.G.C. Regulations though a subordinate legislation has binding effect on the Universities to which it applies; and consequence of failure of the University to comply with the recommendations of the Commission, the UGC may withhold the grants to the University made out of the Fund of the Commission (see Section 14).”

- 37.** At this juncture ,it is interesting to note the reason for non-compliance most likely may be seen in Para-5 of the return filed by the University that the College is not receiving any grant-in-aid from UGC. Thus, it appears that since the UGC has no teeth to bite, the respondent-University dares to flout the directions of the UGC and even dared to state on affidavit that the UGC regulations have no binding effect on it and deliberately misinterpreted the law. This is the clear case of not only flouting the constitutional mandate by the respondent-University but also a

case of gross contempt of the Court as false and misleading affidavit has been filed by the University.

38. In the matter of **Gambhirdhan K. Gadhvi** (supra), the Hon'ble Supreme Court has laid down the law thus:-

“50. It cannot be disputed that the UGC Regulations are enacted by the UGC in exercise of powers under Sections 26(1)(e) and 26(1)(g) of the UGC Act, 1956. Even as per the UGC Act every rule and regulation made under the said Act, shall be laid before each House of Parliament. Therefore, being a subordinate legislation, UGC Regulations becomes part of the Act. In case of any conflict between the State legislation and the Central legislation, Central legislation shall prevail by applying the rule/principle of repugnancy as enunciated in Article 254 of the Constitution as the subject “education” is in the Concurrent List (List III) of the Seventh Schedule to the Constitution. Therefore, any appointment as a Vice-Chancellor contrary to the provisions of the UGC Regulations can be said to be in violation of the statutory provisions, warranting a writ of quo warranto.”

39. In the matter of **Professor (Dr.) Sreejith P.S.** (supra), the Supreme Court has dealt with similar submission of adoption like in the present case and in Para-24 rejected the submission made by the State in following words:-

“24. In view of the above two binding decisions of this Court, any appointment as a Vice Chancellor made on the recommendation of the Search Committee, which is constituted contrary to the provisions of the UGC Regulations shall be void ab initio. If there is any conflict between the State legislation and the Union legislation, the Union law shall prevail even as per Article 254 of the Constitution of India to the extent the provision of the State legislation is repugnant. Therefore, the submission on behalf of the State that unless the UGC Regulations are specifically adopted by the State, the UGC Regulations shall not be applicable and the State legislation shall prevail unless UGC Regulations are specifically adopted by the State cannot be accepted.”

40. Recently, in the matter of ***Meher Fatima Hussain*** (supra), the Hon'ble Supreme Court has dealt with the aspect of binding nature and crystallized the earlier law that UGC legislation though a subordinate legislation has binding effect on the Universities.
41. Entry 25 List III relating to education including technical education, medical education and universities has been made subject to the power of Parliament to legislate under Entries 63 to 66 of List I. Entry 66 List I and Entry 25 List III should, therefore, be read together. Entry 66 gives power to Union to see that a required standard of higher education in the country is maintained. The

standard of higher education including scientific and technical should not be lowered at the hands of any particular State or States. Secondly, it is the exclusive responsibility of the Central Government to coordinate and determine the standards for higher education, which includes the power to evaluate, harmonise and secure proper relationship to any project of national importance. It is needless to state that such a coordinate action in higher education with proper standards, is of paramount importance to national progress. It is in the national interest, the legislative field in regard to 'education' has been distributed between List I and List III of the Seventh Schedule."

42. The interplay of Entry 66 List I and Entry 25 List III was again examined by a Constitution Bench in ***Dr. Preeti Srivastava and another v. State of M.P. and others, (1999) 7 SCC 120*** in the context of lowering of standards by the State for admission to a postgraduate course in a medical college and it was held that the State cannot while controlling education in the State impinge on standards in institutions for higher education because this is exclusively within the purview of the Union Government. While considering the question whether norms for admission have any connection with the standards of education and that they are only covered by Entry 25 of List III, it was observed that any lowering of the norms of admission does have an adverse effect on the standards of education in the institutions of higher education. The

standard of education in an institution depends on various factors like: (i) the calibre of teaching staff; (ii) a proper syllabus designed to achieve a high level of education in a given span of time; (iii) the student- teacher ratio; (iv) equipment and laboratory facilities; (v) calibre of the students admitted; (vi) adequate accommodation in the institution; (vii) the standard of examinations held including the manner in which the papers are set and examined; and (viii) the evaluation of practical examinations done. It was pointed out that education involves a continuous interaction between the teachers and the students. The base of teaching, the level to which teaching can rise and the benefit which the students ultimately receive depends as much on the calibre of the students as on the calibre of the teachers and the availability of adequate infrastructural facilities.

- 43.** While Section 25 of Act, 1956 deals with power of the Central Government to make rules. Section 26 empowers the Commission to make regulations by notification in the official gazette consistent with the provisions of the Act and Rules made thereunder, which inter alia includes the power to make regulations specifying the institutions or class of institutions which may be recognized by the Commission under clause (f) of subsection (2) of Act, 1956 and for defining the minimum standards of instruction for the grant of any degree by any University and for regulating the maintenance of standards and the co-ordination of

work or facilities in Universities. Therefore, on a harmonious reading of these provisions it is clear that the University Grants Commission has superior powers over the Universities and the instructions given by the UGC are binding on the Universities. Even though learned Standing Counsel for the University has submitted that the Regulations, 2023 made by the UGC is not in accordance with law, we are unable to agree to the said proposition for more reasons than one. First of all, University is not entitled to make a collateral challenge to the regulations made by the University, secondly the University did not have any such case and thirdly we are of the considered opinion that UGC is vested with ample powers under Act, 1956 to make the Regulations in question. The issue with respect to the efficacy and legality of the guidelines issued by the UGC was under consideration of the Supreme Court in ***Praneeth K. and others v. University Grants Commission (UGC) and others, 2020 SCC OnLine SC 592*** and held that the guidelines dated 06.07.2020 has to be treated to have been issued in exercise of statutory powers vested in the Commission under Section 12 of Act, 1956 and therefore, the guidelines issued in exercise of statutory powers cannot be said to be non statutory.

44. Reverting to the facts of the present cases in the light of aforementioned judicial precedents, it is quite vivid that the UGC has passed an order regarding conferment of autonomous status

vide letter dated 19.01.2024 for a period of 10 years from the academic year 2024-25 to 2033-34.

- 45.** The sole question to be considered is whether any manner of interference is warranted by this Court to the order of conferment dated 19.01.2024. In order to understand the liberty and status enjoyed by the Autonomous Colleges and arrive at a logical conclusion, it is better to have an overall view of the scheme of the Autonomous Colleges in accordance with the guidelines issued by the University Grants Commission for autonomous Colleges. From the introduction of the scheme, it is discernible that highlighting the importance of autonomous Colleges, the UGC document on the XIIth Plan profile of higher education in India clearly stated that the only safe and better way to improve the quality of undergraduate education is to de-link most of the Colleges from the affiliating structure. It was found that Colleges with academic and operative freedom are doing better and have more credibility, and it was thereupon, proposed to increase the number of autonomous Colleges to spread the culture of autonomy and the target was to make 10 percent of eligible Colleges autonomous by the end of the XII Plan period. The UGC was conscious of the need for autonomy while evaluating that the affiliating system of Colleges was originally designed when their number in a University was small and the University could then effectively oversee the function of the Colleges, acting as an

examining body and award degrees on their behalf. However, it was found to be becoming increasingly difficult for a University to attend to the varied needs of individual Colleges and at the same time, the Colleges were not conferred with the freedom to modernize their curricula or make them globally competent. It was also felt that the regulations of the University and its common system, governing all Colleges alike, irrespective of their characteristic strengths, weaknesses and locations, have affected the academic development of individual Colleges. Accordingly, it is stated thereunder that the 1964-66 Education Commission pointed out that the exercise of academic freedom by teachers is a crucial requirement for development of the intellectual climate of our country, and that unless such a climate prevails, it is difficult to achieve excellence in our higher education system. It was also of the opinion that with students, teachers and management being co-partners in raising the quality of higher education, it is imperative that they share a major responsibility and hence, the Education Commission recommended College autonomy, which, in essence, is the instrument for promoting academic excellence.

- 46.** While Section 25 of Act, 1956 deals with power of the Central Government to make rules, Section 26 empowers the Commission to make regulations by notification in the official gazette consistent with the provisions of the Act and Rules made thereunder, which *inter alia* includes the power to make regulations

specifying the institutions or class of institutions which may be recognized by the Commission under clause (f) of sub-section (2) of Act, 1956 and for defining the minimum standards of instruction for the grant of any degree by any University and for regulating the maintenance of standards and the co-ordination of work or facilities in Universities. Therefore, on a harmonious reading of these provisions it is clear that the University Grants Commission has superior powers over the Universities and the instructions given by the UGC are binding on the Universities. Even though learned Standing Counsel for the University has submitted that the Regulations, 2018 made by the UGC is not in accordance with law, this Court is unable to agree to the said proposition for more reasons than one. First of all, University is not entitled to make a collateral challenge to the regulations made by the University, this Court is of the considered opinion that UGC is vested with ample powers under Act, 1956 to make the Regulations in question.

47. The issue with respect to the efficacy and legality of the guidelines issued by the UGC was under consideration of the Hon'ble Supreme Court in the matter of **Praneeth K.** (supra), in which Hon'ble Supreme Court has held that the guidelines has to be treated to have been issued in exercise of statutory powers vested in the Commission under Section 12 of Act, 1956 and therefore, the guidelines issued in exercise of statutory powers cannot be said to be non-statutory.

- 48.** On a reading of the UGC Guidelines, Regulations, 2018 and Chapter VIII B of Act, 1975 as amended with effect from 30 November, 2013, it is specific and clear that the Autonomous Colleges are vested with powers to carry out its academic and other activities in accordance with the provisions contained thereunder. It is an admitted fact that the College in question is affiliated and has secured autonomous status from the University Grants Commission. Even though a faint attempt is made by the counsel for the University while addressing the arguments that the College has secured the autonomy status without following the procedure mandated under the aforesaid rules/regulations from the additional documents produced by the College, this Court is satisfied that the procedure mandated under law for the purpose as is discussed above has been undertaken by the College. Therefore, the submissions so made by the learned counsel for the University during the course of argument has no force at all.
- 49.** From perusal of the documents, it is apparent that the UGC has passed an order regarding conferment of autonomous status vide letter dated 19.01.2024 for a period of 10 years from the academic year 2024-25 to 2033-34 as per Clause 7.5 of the Regulations of 2023. Vide the said letter, the Atal Vihari Bajpayee Vishwavidyalaya Bilaspur to whom the College is affiliated, is directed to be issued necessary notification within a period of 30

days regarding grant of autonomous status of the College as per UGC guidelines.

- 50.** It is not in dispute that petitioner-College is accredited with National Assessment and Accreditation Council (for short, "NAAC") and having NAAC gradation "A" ISO 9001 2015. The College is having good reputation and is also imparting education of high standard to the students since the year 1969. The College is imparting various graduation and post-graduation courses. Since the UGC has passed order regarding conferment of autonomous status to the petitioner-College way back on 19.01.2024 and has directed the concerned University to issue notification in this regard within a period of 30 days, however till date, nothing has been done by the University, which is in fact contravention of Act of 1956 as well as other provisions of law. Though there is nothing on the part of the respondent-University to deny for issuance of notification about the same, however instead of issuing notification, they have challenged the order of conferment of autonomous status to the College by way of connected writ petition.
- 51.** From perusal of record, it seems that the respondent-University seeks to challenge the letter dated 19.01.2024 on the ground that before issuance of such conferral order, the University has not been informed, more so, the University was heard before granting

of conferment of autonomous status to the concerned College, which is necessary in the eyes of law.

- 52.** Insofar as objection raised by the University is concerned, it has been submitted that since the College is affiliated with the University under statue No.27, the College is duty bound to furnish the information sought by University, but concerned College has failed to furnish requisite information as sought by the University. The College is running different course without seeking necessary permission from the AICTE, NCTE, BCI, PCI, however the College is running like BBA, BCA, MCA, PGDCA etc., for which, the Regulatory Authority is AICTE, but the College has not taken any permission from the concerned Regulatory Authority. It is well settled that at first, the College has to approach to the University, however, without informing or giving knowledge to the University, the College has went for seeking autonomous status.
- 53.** For the foregoing reasons as well as the while examining the facts of the present cases in the light of aforementioned law laid down by the Supreme Court as also the relevant provisions of law such as Acts, Rules as well as Regulations, this Court is of the considered opinion that the writ petition filed by the D.P. Vipra College being WPC No.4092/2024 is liable to be and is hereby **allowed** and accordingly, the respondent-University is directed to issue necessary notification regarding autonomous status of petitioner-College in accordance with the Regulations of 2023,

particularly Regulation No.7.2 under which respondent-University is obliged to issue notification regarding autonomous status of petitioner-College within 30 days.

54. As an upshot of the above discussions, this Court is of the considered opinion that the University has not made out any case for interference, as such, the writ petition filed by the Atal Vihari Vajpayee University, being WPC No.778/2025, is liable to be and is hereby **dismissed** being sans merit.

55. There shall be no order as to cost(s).

Sd/-
(Amitendra Kishore Prasad)
Judge