

(2000) 08 MAD CK 0028

In the Madras High Court

Case No : W.P.No. 7510 of 1998 and 14545 of 1998 and W.M.P.Nos.11445 of 1998, 11445 of 1998 and 5863 of 2000

Seenikumar Selvanayagam

APPELLANT

Vs

Registrar, Manonmaniam Sundarnar University, Tirunelveli-12
and another

RESPONDENT

Date of Decision : 10-08-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 3 CTC 465

Hon'ble Judges : P. Sathasivam, J

Bench : Single Bench

Advocate : Mr. M. Veluswami and Mr. R. Subramanian, for the Appellant; Mr. V. Shanmugham, for the Respondent

Judgement

P. Sathasivam, J.

1. The Writ Petition No. 7510 of 1998 is filed by one Seenikumar Selvanayagam, Lecturer (Selection Grade) in the Department of Chemistry, St.

John's College, Palayamkottai questioning the resolutions adopted in the meeting of the Syndicate of the first respondent University dated

18.4.1998 and seeks to quash the same on the only ground that on the relevant date, namely on 18.4.1998, there was no required quorum as per

the statute of the University.

2. In view of the stay order by this Court dated 10.6.1998 - slaying the resolutions passed on 18.4.1998, the petitioner in, W.P. No. 14545 of

1998 who could not join the Department of Chemistry in the respondent University pursuant to the appointment order dated 20.4.1998 has

approached this Court to issue necessary direction.

3. For convenience, I shall refer the petitioner in W.P. No. 7510 of 1998 as petitioner. Admittedly, though he is a lecturer in the Department of

Chemistry, St. John's College, Palayamkottai, he is nowhere concerned with the impugned resolutions adopted in the meeting of the Syndicate

dated 18.4.1998, accordingly, I am of the view that the writ petition is liable to be dismissed on this ground. However, in view of the points raised

and explained by the University, I am constrained to consider the same and pass the following order.

4. It is stated that, as per the statute of Manonmaniam Sundaranar University, one-third of the total members of the Syndicate shall be the quorum

required for the meeting of the Syndicate. By pointing out Chapter X of the statute, the learned counsel for the petitioner would state that one-third

of the total strength of 20 members would mean that atleast 7 members have to be present for a valid meeting of the Syndicate. Since there were

only 6 persons who participated in the meeting held on 18.4.1998, according to him the resolutions adopted on 18.4.1998 cannot be sustained.

The learned counsel appearing for the University would contend that out of the total strength of 20 members, as on 18.4.1998 there were only 13

members functioning as Syndicate members. He further submitted that 7 posts were kept vacant. In this regard, it is useful to refer paragraph 3 of

the counter affidavit filed by the Registrar, Manonmaniam Sundaranar University which reads as under:

I state that out of the total strength of 20 members as on 18.4.1998 there were only 13 members functioning as Syndicate Members, since 7

posts comprising of two University Professors, three members from among Academic Experts nominated by the Chancellor, one University

Reader and one University Lecturer nominated by the Vice Chancellor by rotation, totalling to 7 were vacant.

It is clear that out of the total strength of 20 members, there were only 13 members functioning as Syndicate members on 18.4.1998. The learned

counsel for the University by drawing my attention to Sections 21 as well as 25 of the Manonmaniam Sundaranar Act and Chapter X of the statute

would contend that the contention raised by the learned counsel for the petitioner cannot be sustained. ""Section 21 of the Act speaks about

Meetings of Senate. Sub-Clause (2) of Section 21 says that one-third of the total strength of the members of the Senate shall be the quorum

required for a meeting of the Senate. Section 25 refers to Meetings of Syndicate which reads as follows:

25. Meetings of syndicate - (1) The syndicate shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3),

observe such rules of procedure in regard to transaction of business at its meetings including the quorum at meetings as may be prescribed:

Provided that the Syndicate shall meet atleast once in every three months

A reading of the above provisions, namely Sections 21 and 25 show that in the case of Meetings of Senate as per sub-clause (2) of Section 21,

the required quorum shall be one-third of the total strength of the members "of Senate. On the other hand, there is no such provision in the Act for

Meetings of Syndicate. The other provision to be considered is Chapter X of the statutes of the University. Clause 2 in Chapter X is relevant which

reads as under:

2. QUORUM FOR THE MEETING - One-third of the members of the Syndicate shall be the quorum required for a meeting of the Syndicate.

Here there is no provision similar to sub-clause (2) of Section 21.

5. A reading of all the above mentioned provisions clearly show that the quorum for the meeting of the Syndicate must be one-third of the members

of the Syndicate and not one-third of the total strength of the members of the Syndicate as contended by the learned counsel for the petitioner. In

view of the statutory provisions referred above, in so far as the Syndicate is concerned, in the absence of specific provision as mentioned for

Senate, I am of the view that the quorum for the meeting of Syndicate is one-third of the members of the Syndicate and not, one-third of the total

strength of the members of the Syndicate. I have already stated that the respondent University has explained that on the relevant date, namely on

18.4.1998, 7 posts were kept vacant, accordingly, the Syndicate meeting held on 18.4.1998 is a valid meeting and the contra argument made by

the learned counsel for the petitioner is liable to be rejected.

6. In view of my conclusion that the Syndicate meeting held on 18, 4.1998 and the resolutions passed thereon is valid, the respondent University is

directed to permit the petitioner in W.P. No. 14545 of 1998 to join the Department of chemistry in their University pursuant to the appointment

order dated 20.4.1998 without further loss of time.

7. Net result, W.P. No. 7510 of 1998 is dismissed and W.P. No. 14545 of 1998 is allowed. No costs. Consequently, W.M.P. Nos. 11444 of 1998, 11445 of 1998 and 5863 of 2000 are closed.