HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE A.V.SESHA SAI

WP (PIL) Nos.6 and 7 of 2016
and
W.P.Nos.673 of 2016 and 1702 of 2016

Date: 28.07.2016

Between:

W.P.(PIL) No.6 of 2016

Dr.D.Manohar Rao
Professor of Genetics (Retd)
S/o D.Jeedaiah, aged about 69 years,
R/o F.205, Heritage Apartments,
H.No.2-2-18/30/A/1, D.D.Colony,
Hyderabad – 500013.

.....Petitioner

And

The State of Telangana,
Represented by its Principal Secretary,
Department of Higher Education,
Secretariat, Hyderabad and three others.

...Respondents

The Court made the following:

HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE A.V.SESHA SAI

WP (PIL) Nos.6 and 7 of 2016
and
W.P.Nos.673 of 2016 and 1702 of 2016

PC: (Per the Hon'ble Sri Justice A.V.Sesha Sai)

Since the petitioners in these cases share common grievance, these writ petitions are heard together and are being disposed of by this common order.

2. According to the petitioner in PIL Nos.6 and 7 of 2016, he is a retired professor, interested in the up keep of academic environment in the universities and to preserve the primary role of the academia in the functioning of the university. Petitioner in W.P.Nos.673 of 2016 and 1702 of 2016 is Telangana State Federation of university Teachers Association.

3. B.R. Ambedkar Open University, third respondent herein, came into being by virtue of B.R. Ambedkar Open University Act, 1982 and Rajiv Gandhi University of Knowledge Technology, Basar came to be established under "Rajiv Gandhi University of Knowledge Technologies Act, 2008". The said institutions are imparting higher education in various disciplines and conferring Under and Post-Graduate Degrees and Diplomas.

4. The first respondent State Government issued G.O.Ms.No.29 Higher Education (UE) Department dated 11.09.2015 (P.191-193), under Section 101 of the A.P. Reorganization Act, 2014, amending Sections 9 and 10 of the Dr.B.R.Ambedkar Open University Act, 1982 and Sections 6 and 7 and Schedule of Rajiv Gandhi University of Knowledge Technologies Act, 2008. The said amendments at paragraphs 3 and 4 of the said G.O.Ms.29 read as under:

> "3. In the Dr.B.R.Ambedkar Open University Act, 1982(Act No.11 of 1982),
>
> (a) in section 9, for sub-section (1), the following shall be

substituted, namely:-

"(1) The Chancellor shall be appointed by the Government.";

(b) in section 10, in sub-section (1), after item (iii), for the existing paragraph, the following shall be substituted, namely:-

"(1) The Search Committee shall submit a panel of three persons to the Government in alphabetical order and the Government shall appoint the Vice-Chancellor from out of the said panel.".

4. In the Rajiv Gandhi University of Knowledge Technologies Act, 2008(Act No.18 of 2008),-

(a) in section 6, for sub-section (1), the following shall be substituted, namely:-

"(1) The Chancellor shall be appointed by the Government.";

(b) in section 7, in sub-section (1), the words "Governing Council", shall be substituted with the word "Government";

(c) In the Schedule,-

(i) in Statute 1, under the heading "The Chancellor" clause 1 shall be omitted;

(ii) in Statute 2, under the heading "The Vice-Chancellor" for clause(1), the following shall be substituted, namely:-

"(1) The Government shall constitute a Search Committee consisting of,-

(i) a nominee of the Governing Council;

(ii) a nominee of the University Grants Commission;

(iii) a nominee of the State Government;

The Search Committee shall submit a panel of three persons to the Government in alphabetical order and the Government shall appoint the Vice-Chancellor from out of the said panel:

Provided that it shall be competent for the Government to call for a fresh panel if they consider necessary and the Search Committee shall submit a fresh panel to the Government."."

5. In respect of the respondent universities covered by PIL.No.7 of 2016 also the State Government vide G.O.Ms.No.28 Higher Education (UE) Department dated 11.09.2015 issued similar amendments under Section 101

of the A.P. Reorganization Act, 2014, vesting the power with the State Government for appointment to the posts of Chancellors and Vice-Chancellors.

6. Thereafter, the State Government issued G.O.Ms.No.38 Higher Education (UE&VC) Department dated 19.12.2015, altering criteria for eligibility for Vice-Chancellor post by way of substitution of para 4 (1) of G.O.Ms.No.14 Higher Education (UE.II) Department dated 20.02.2010. The said substituted provision reads as follows:

> **" i**) Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished Academic, with a minimum of 5 years experience as Professor in a University System or 5 years experience in an equivalent position in a Reputed Research Organization or a distinguished person with proven administrative capabilities**".**

7. Thereafter, the State Government issued G.O.Ms.No.1 Higher Education (UE &VC) Department dated 05.01.2016 under Section 101 of A.P. State Reorganization Act, 2014, prescribing eligibility criteria with effect from 02.06.2014 for the post of Vice-Chancellor in the following manner:

> "4. That while adopting UGC regulations,2010 vide G.O.Ms.No.14, Higher Education (UE.II) Department, dt.20-02-2010, the composite State of Andhra Pradesh has not incorporated any terms and conditions on applicability of any of the Regulations made by UGC in the year 2010. The relevant clause for selection of Vice-Chancellor in G.O.Ms.No.14, Higher Education (UE.II)Department, dt.20-02-2010 under item (f) para 4 (i) reads as under:-
>
> > **i**) Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished Academic, with a minimum of ten years experience as Professor in a University System or ten years experience in an equivalent position in a Reputed Research and/ or academic administrative Organization.
>
> 5. That the State of Telangana having regard to the fact that the State being a newly formed and in view of the extra ordinary circumstances prevailing in the field of education decides to omit and not to adopt Regulation 7.3.0 of UGC Regulations, 2010 as adopted by the composite State of Andhra Pradesh vide G.O.Ms.No.14, Higher Education (UE.II) Department, dt.20-02-2010. The State of Telangana further prescribes the following eligibility criteria for the purpose of selection and appointment of Vice-Chancellor to the Universities which are located in the territory of State of Telangana reads as under:-
>
> > **" i**) Persons of the highest level of competence, integrity,

morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished Academic, with a minimum of 5 years experience as Professor in a University System or 5 years experience in an equivalent position in a Reputed Research Organization or a distinguished person with proven administrative capabilities".

6. The present Government order shall be treated and may be read as corrigendum to G.O.Ms.No.38, Higher Education (UE&VC) Department, dt.19-12-2015."

8. Questioning all the above orders, initially the petitioner in PIL No.6 of 2016 herein filed the writ petition. Pending writ petition, the State Government by way of Act 7 of 2016, dated 23.04.2016 and Act 8 of 2016 dated 23.04.2016, brought in amendments to Sections 9 and 10 of Dr.B.R.Ambedkar Open University Act, 1982 and Section 6 and Statutes 1 and 2 of the Rajiv Gandhi University of Knowledge Technologies Act, 2008, thereby conferring power of appointment in the State Government. In view of the order passed by this Court in WPMP (PIL) No.148 of 2016 dated 18.07.2016, the said amendments are also under challenge.

9. Heard the learned counsel for the petitioners and the learned Additional Advocate General for the respondents.

10. Submissions/contentions of the learned counsel for the petitioners:

10.1. The questioned actions are highly arbitrary, illegal, unreasonable and violative of Article 14 of the Constitution of India.

10.2. The impugned action would dilute the autonomy of the universities established for creation of knowledge centers.

10.3. The impugned Acts 7 and 8 of 2016, constitute a direct infringement on the autonomy of the universities by reason of vesting the power of appointment to the high offices of the Chancellor and Vice-Chancellor with the Government without any statutory guidelines thereon.

10.4. The impugned amendments are unconstitutional and contrary to the UGC Regulations, 2010 framed under UGC Act, 1956.

10.5. G.O.Ms.No.1 Higher Education (UE&UC) dated 05.01.2016 issued by the State Government as corrigendum to G.O.Ms.No.38 Higher Education (UE&UC) Department dated 19.12.2015, substituting by para 4 (1) of G.O.Ms.No.14 dated 20.02.2010 is not tenable.

10.6. Once the State Government adopted UGC Regulations by way of G.O.Ms.No.14 dated 20.02.2010, it is obligatory on the part of the State to adhere to the Regulations and cannot make any legislation contrary to the UGC Regulations, 2010.

11. Submissions/contentions of the learned Additional Advocate General:

11.1. There is neither illegality nor there exists any procedural infirmity in the impugned action, as such, the present writ petitions are not maintainable and the petitioner herein is not entitled for any relief under Article 226 of the Constitution of India.

11.2. The intention of the Government behind bringing impugned amendments is to tap larger pool of eminent educationists and administrators for improving the functioning of the universities and the apprehension of the petitioners is baseless.

11.3. Under Section 101 of the A.P. Reorganization Act, 2014, the State Government is empowered to make any number of adoptions and modifications within two years from the appointed day i.e., 02.06.2014 till 01.06.2016.

11.4. The State of Telangana, having regard to the fact that being a newly formed one and in view of the extraordinary circumstances prevailing in the field of education, decided to omit and not to adopt regulation 7.3.0 of UGC Regulations, 2010 as adopted by the composite State of Andhra Pradesh Vide G.O.Ms.No.14 dated 20.l02.2010.

11.5. Though the composite State of Andhra Pradesh adopted the UGC Regulations, the State did not amend relevant laws within six months as per Regulation 7.4.0, as such, it has to be construed that the composite State did not adopt UGC Regulations, 2010 and since the State of Telangana was formed with effect from 02.06.2014, it is open for the State either to adopt UGC Regulations afresh or to adopt it with certain terms and conditions.

To bolster his submissions and contentions, the learned Additional Advocate General placed reliance on the judgment reported in ***KALYANI MATHIVANAN V. K.V. JEYARAJ AND ORS.***[1] wherein the Hon'ble Apex Court held that Regulation 7.3.0 is only recommendatory in nature and other regulations are partly mandatory or partly directory.

12. In the above backdrop, now the issues that emerge for consideration of this Court are:

(i) In view of the orders of the Government vide G.O.Ms.No.14

Higher Education (UE.II) Department dated 20.02.2010, whether the amendments made by the State by way of G.O.Ms.No.38, dated 19.12.2015 and G.O.Ms.No.1, dated 05.01.2016 are sustainable and tenable?

(ii) Whether the amendments made to Dr.,B.R.Ambedkar Open Universities Act, 1982 and Rajiv Gandhi University of Knowledge Technologies Act, 2008 by virtue of impugned Acts 7 and 8 of 2016 are justified and tenable?

13. The Parliament enacted the University Grants Commission Act, 1956 and established University Grants Commission and the objects of the said legislation are the coordination and determination of standards in the Universities. The said legislation received the assent of the President on 03.03.1956 and published in Gazette of India Extraordinary Part II dated 03.03.1956. Sections 4 and 5 of the said legislation deals with the establishment and composition of the Universities Grants Commission. Section 12 deals with functions of the Commission, and according to which, it is obligatory on the part of the University Grants Commission to take all steps for promotion and coordination of University Education and for determination and maintenance of standards of teaching, examination and research in universities. Under Section 26 of the Act, the University Grants Commission is conferred with the power of making regulations. In exercise of the powers conferred under Clause (e) and (g) of Sub-Section (1) of Section 26 of the Universities Grants Commission Act, 1956, the Commission framed the regulations called "Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for The Maintenance of Standards in Higher Education, 2010 (hereinafter called "the Regulations".

14. Regulation 7.3.0 of the Regulations deals with the procedure which needs to be adopted for appointment of Vice-Chancellor and the same reads as follows:

"7.3.0. VICE CHANCELLOR:

i. Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished academician, with a minimum of ten years of experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research and / or academic administrative organization.

ii. The selection of Vice-Chancellor should be through proper identification of a Panel of 3-5 names by a Search Committee through a public Notification or nomination or a talent search process or in combination. The members of the above Search Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the search committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance to be given in writing along with the panel to be submitted to the Visitor/Chancellor. In respect of State and Central Universities, the following shall be the constitution of the Search Committee.

a) a nominee of the Visitor/Chancellor, who should be the Chairperson of the Committee.

b) a nominee of the Chairman, University Grants Commission.

c) a nominee of the Syndicate/ Executive Council / Board of Management of the University.

iii. The Visitor/Chancellor shall appoint the Vice Chancellor out of the Panel of names recommended by the Search Committee.

iv. The conditions of service of the Vice Chancellor shall be prescribed in the Statutes of the Universities concerned in conformity with these Regulations.

v. The term of office of the Vice Chancellor shall form part of the service period of the incumbent concerned making him/her eligible for all service related benefits."

15. Regulation 7.4.0 obligates the Universities/State Governments to modify or amend the relevant Act, Statutes of the Universities concerned within six months of adoption of regulations. In the case on hand, the State Government by virtue of G.O.Ms.No.14 dated 20.02.2010, adopted the said UGC Regulations with effect from 01.01.2006 and para 4 of the Schedule to the said G.O.Ms.No.14 dated 20.02.2010, reads as under:

"4.. VICE CHANCELLOR:

i) Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished academic, with a minimum of 10 years experience as Professor in a University system or 10 years experience in an equivalent position in a reputed research and / or academic administrative organization.

ii) The selection of Vice-Chancellor should be through proper identification of a Panel of 3-5 names by a Search Committee

through a public notification or nomination or a talent search process or a combination of all these processes. The members of the above Search Committee shall be persons of national eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the search committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance adopting a transparent process.

In respect of State and Central Universities, the following shall be the constitution of the Search Committee.

i. a nominee of the Visitor/Chancellor, who should be the Chairperson of the Committee.

ii. a nominee of the Chairman, University Grants Commission.

iii. a nominee of the Syndicate/ Executive Council / Board of Management of the University.

The Visitor/Chancellor shall appoint the Vice-Chancellor out of the Panel of names recommended by the Search Committee.

iii) The emoluments and other conditions of service of the Vice-Chancellor shall be prescribed in the Statutes of the Universities concerned in conformity with these UGC Regulations.

iv) The term of office of the Vice Chancellor in Central /State Universities shall be five years and shall not hold office beyond 70 years of age. There shall not be a reappointment of the Vice Chancellor for the second term in the same University. However, appointment for another term as Vice Chancellor is admissible in other Central/State University which shall be subject to the performance evaluation of the candidate during his/her previous term by the search committee and credibility/integrity report from the appropriate agencies.

v) The term of office of the Vice Chancellor shall form part of the service period of the incumbent concerned making him/her eligible for all service related benefits.

(i) The Universities/State Governments shall modify or amend the relevant Act/Statutes of the Universities concerned within 6 months of adoption of these Regulations.

(ii). The posts of Vice-Chancellor shall carry a fixed pay of Rs.75000 along with a Special Allowance of Rs.5000 per month. All other eligibilities and facilities for the Vice Chancellor as provided in the Act/Statute of the concerned university shall be applicable besides the pay and special allowance."

16. By virtue of the impugned actions, the respondent State Government brought in change in the procedure for appointment of Vice-Chancellors.

17. Both, the petitioner counsel and the learned Additional Advocate General representing the State seek to justify their respective submissions and contentions in the light of the Judgment of the Hon'ble Apex Court in ***KALYANI MATHIVANAN*** *(supra 1)*. Therefore, this Court deems it appropriate and apposite to refer to the principles laid down in the said judgment of the Hon'ble Apex Court. In the said case, S/Sri K.V. Jeyaraj and I.Ismail filed writ petitions before the Madras High Court in the nature of Writ of *Quo Warranto,* questioning the appointment of Dr.Kalyani Mathivanan as Vice-Chancellor of Madurai Kamraj University on the ground that Dr.Kalyani Mathivanan did not satisfy the eligibility criteria stipulated under UGC Regulations, 2010. The Madras High Court had set aside the appointment of Dr.Kalyani Mathivanan and the matter landed eventually in the Hon'ble Apex Court in Civil Appeal Nos. 5946-5947, 6455-6456 and 8602-8603 of 2014**.** The sum and substance of the case of ***KALYANI MATHIVANAN*** *(supra 1)* was that she had requisite qualifications for appointment as Vice Chancellor as per Madurai Kamaraj University Act, 1965 and the UGC Regulations 2010 were not mandatory, but only directory and would not override the provisions of the University Act, 1965. The Madras High Court framed the following questions for consideration:

> "(i) whether the post of Associate Professor held by the Appellant-Dr. Kalyani Mathivanan in a private aided College can be considered as an equivalent post, satisfying requirement of paragraph 7.3.0 of the UGC Regulations, 2010;
>
> (ii) whether the prescriptions contained in paragraph 7.3.0 of the Annexure to the UGC Regulations, 2010 is mandatory or directory; and whether the U.G.C. Regulation, 2010 would override the provisions of the University Act, 1965 and the Statute framed thereunder."

18. The Madras High Court on the above point No.(i) held against Dr.Kalyani Mathivannan and on point No.(ii) the Madras High Court held that the post of Vice Chancellor is a post of Academia ie., teaching staff and the UGC Regulations, 2010 will prevail over the said enactments i.e., the University Act and the Statutes framed therein in the event of a conflict. The Hon'ble Apex Court framed the following three issues, at paragraph 20 of the said Judgment:

> "(i) Whether UGC Regulations, 2010 is mandatory in nature; and
> (ii) Whether in the event of conflict between the University Act, Regulations framed thereunder and the UGC Regulations, 2010,

the provisions of the UGC Regulations, 2010 would prevail or not; and

(iii) Whether the post of Vice-Chancellor of a University is to be considered as part of teaching staff.:

19. The Hon'ble Supreme Court in ***KALYANI MATHIVANAN*** *(supra 1)* at paragraphs 35, 45, 46, 47, 48, 49, 52, 53, 54, 55, 56, 57, 61 and 62, held as follows:

"35. From paragraph 8(p)(i) and (v) of Appendix-I dated 31st December, 2008 read with Regulation 7.4.0 we find that the Scheme of Regulation is applicable to teaching staffs of all Central Universities and Colleges thereunder and the institutions deemed to be Universities whose maintenance expenditure is met by the UGC. **However, the Scheme under UGC Regulations, 2010 is not applicable to the teaching staffs of the Universities, Colleges and other higher educational institutions coming under the purview of State Legislature, unless State Government wish to adopt and implement the Scheme subject to terms and conditions mentioned therein.**

The Madurai-Kamaraj University Act, 1965 (University Act) [(Tamil Nadu) ACT No. 33 of 1965]

45. From UGC Regulations, 2010, it is clear that the Vice-Chancellor should be a distinguished academician with a minimum of ten years of experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research and/or academic administrative organization. Whereas the post of Vice-Chancellor under University Act, 1965 and statute made thereunder is not a teaching post but an officer of the University.

Constitutional Provisions:

46. Article 246 demarcates the matters in respect of which Parliament and State Legislature may make laws. The legislative powers of the Central and State Governments are governed by the relevant entries in the three lists given in 7th Schedule.

47. Entry 66 in List I provides for Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions. Prior to 42nd Amendment, education including Universities subject to the provisions of the Entries 63, 64, 65, 66 of List-I and Entry 25 of List III was shown in Entry 11 of the List II - State List. By 42nd Amendment of Constitution w.e.f. 3rd January, 1977 Entry 11 of List II-State List was omitted and was added as Entry 25 of List-III.

At present the aforesaid provisions read as follows:

Seventh Schedule

List I - Union List

Entry 66. *Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.*

List III - Concurrent List

Entry 25.- *Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.*

48, Article 254 relates to repugnancy of Law made by the State with the law made by the Parliament. Article 254 reads as follows:

254. Inconsistency between laws made by Parliament and laws made by the Legislatures of States.- *(1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of Clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void*

(2) Where a law made by the Legislature of a State with respect to one of the matters enumerated in the concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State:

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.

49. The effect in case of inconsistency between the Legislation made by the Parliament and the State Legislature on the subject covered by List III has been decided by this Court in numerous cases.

52. In ***Annamalai University v. Secretary to Government, Information and Tourism Department and Ors.*** MANU/SC/0283/2009 : (2009) 4 SCC 590, this Court observed that UGC Act was enacted by Parliament in exercise of its power under Entry 66 of List I of the Seventh Schedule to the Constitution of India whereas the Open University Act was enacted by Parliament in exercise of its power under Entry 25 of List III. It was held that in such circumstances the question of repugnancy between the provisions of the said two Acts, does not arise. The Court while holding that the provisions of the UGC Act are binding on all the Universities held as follows:

40. *The UGC Act was enacted by Parliament in exercise of its power under Entry 66 of List I of the Seventh Schedule to the Constitution of India whereas the Open University Act was*

enacted by Parliament in exercise of its power under Entry 25 of List III thereof. The question of repugnancy of the provisions of the said two Acts, therefore, does not arise. It is true that the Statement of Objects and Reasons of the Open University Act shows that the formal system of education had not been able to provide an effective means to equalise educational opportunities. The system is rigid inter alia in respect of attendance in classrooms. Combinations of subjects are also inflexible.

42. *The provisions of the UGC Act are binding on all universities whether conventional or open. Its powers are very broad. The 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 coordination 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 UGC are all-pervasive in respect of the matters specified in Clause (d) of Sub-section (1) of Section 12-A and Clauses (a) and (c) of Sub-section (2) thereof.*

53. The aforesaid judgment makes it clear that to the extent the State Legislation is in conflict with Central Legislation **including sub-ordinate legislation made by the Central Legislation under Entry 25 of the Concurrent List shall be repugnant to the Central Legislation and would be inoperative.**

54. The question that now arises is whether any of the provisions of the State Legislation (University Act, 1965) and statutes framed thereunder is in conflict with the Central Legislation i.e. UGC Act, 1956 including UGC Regulations, 2010.

55. We find that post of Vice-Chancellor under the University Act, 1965 is a post of an Officer. The UGC Act 1956 is silent about this aspect. The UGC Regulations, 2000 are also silent in regard to post of Vice-Chancellor. Provisions regarding Vice-Chancellor have been made for the first time under UGC Regulations, 2010.

56. We have noticed and held that UGC Regulations, 2010 is not applicable to the Universities, Colleges and other higher educational institutions coming under the purview of the State Legislature unless State Government wish to adopt and implement the Scheme subject to the terms and conditions therein. In this connection, one may refer paragraph 8(p)(v) of Appendix-I dated 31st December, 2008 and Regulation 7.4.0 of UGC Regulations, 2010.

57. It is also not the case of the Respondents that the Scheme as contained in Appendix-I to the Annexure of UGC Regulations, 2010 has been adopted and implemented by the State Government. It is also apparent from the facts that University Act has not been amended in terms of UGC Regulations, 2010 nor was any action

taken by the UGC Under Section 14 of UGC Act, 1956 as a consequence of failure of University to comply with the recommendations of the Commission Under Section 14 of the UGC Act, 1956.

61. We do not agree with the finding of the Bombay High Court that Regulation 7.3.0 of the UGC Regulations, 2010 is not traceable to Clause (e) or (g) of Section 26(1) of UGC Act, 1956. We also refuse to agree that Regulation 7.3.0 of the UGC Regulations, 2010 being a sub-ordinate legislation under the Act of Parliament cannot override the preliminary legislation enacted by the State Legislature. However, the finding of the Bombay High Court that Regulation 7.3.0 has to be treated as recommendatory in nature is upheld in so far as it relates to Universities and Colleges under the State Legislation.

62. In view of the discussion as made above, we hold:

62.1. To the extent the State Legislation is in conflict with Central Legislation including sub-ordinate legislation made by the Central Legislation under Entry 25 of the Concurrent List shall be repugnant to the Central Legislation and would be inoperative.

62.2. The UGC Regulations being passed by both the Houses of Parliament, though a sub-ordinate legislation has binding effect on the Universities to which it applies.

62.3. UGC Regulations, 2010 are mandatory to teachers and other academic staff in all the Central Universities and Colleges thereunder and the Institutions deemed to be Universities whose maintenance expenditure is met by the UGC.

62.4. UGC Regulations, 2010 is directory for the Universities, Colleges and other higher educational institutions under the purview of the State Legislation as the matter has been left to the State Government to adopt and implement the Scheme. Thus, UGC Regulations, 2010 is partly mandatory and is partly directory.

62.5. UGC Regulations, 2010 having not adopted by the State Tamil Nadu, the question of conflict between State Legislation and Statutes framed under Central Legislation does not arise. Once it is adopted by the State Government, the State Legislation to be amended appropriately. In such case also there shall be no conflict between the State Legislation and the Central Legislation."

20. While referring to paragraphs 61 and 62 of the above Judgment of the Hon'ble Apex Court ***KALYANI MATHIVANAN*** *(supra 1)*, it is strenuously contended by the learned Additional Advocate General that the UGC Regulations, 2010 are only directory in nature and not mandatory, as such, the amendments cannot be faulted.

21. On the contrary, it is the case of the petitioners that since the State Government vide G.O.Ms.No.14 dated 20.02.2010 adopted the UGC

Regulations, 2010 and in the teeth of provisions of Article 254 of the Constitution and in the absence of any assent of the President, the impugned legislations cannot be sustained. In fact, a reading of G.O.Ms.No.14 dated 20.02.2010 clearly demonstrates that the State Government adopted the UGC Regulations, 2010. In fact, in paragraph 61 of the above judgment in ***KALYANI MATHIVANNAN*** *(supra 1),* the Hon'ble Apex Court refused to agree that the regulations 7.3.0 of UGC Regulations, 2010 being subordinate legislation under the Act of Parliament cannot override the preliminary legislation enacted by the State legislature. It is also to be noted that at paragraph 62.5 of the above Judgment, the Hon'ble Apex Court categorically held that once the UGC regulations 2010 are adopted by the State Government, the State legislation needs to be amended appropriately.

22. The contention of the learned Additional Advocate General that since the State Government did not amend the relevant Act within six months of adoption of these regulations as per Regulation No.7.4.0, the adoption as done vide G.O.Ms.No.14 dated 20.02.2010 cannot be considered as valid adoption, in the considered opinion of this Court can neither be sustained nor be approved in the absence of any earlier repugnancy between the State Legislation and the UGC Regulations, 2010.

23. Another contention advanced by the learned Additional Advocate General is that under Section 101 of the A.P. Reorganization Act, 2014, the State Government is empowered to pass any number of orders, making modifications within a period of two years from the appointed day, as such, the orders issued vide G.O.Ms.No.38, Higher Education (UE&VC) Department, dated 19.12.205 and G.O.Ms.No.1 Higher Education (UE & VC) Department dated 05.91.2916 cannot be faulted. In fact this issue is no longer a *res integra* in view of the Judgment of this Court in PIL.No.31 of 2015 and batch dated 29.04.2014. In the said Judgment, at paragraphs 12, 12.1 and 12.2, this Court held as under:

> "12. We would also like to examine these questions, on the assumption that 2015 Rules are applicable with retrospective effect. From the language of the provisions of Sections 100 and 101 of the Act, and having regard to the provisions of Articles 233 to 235 of the Constitution, in our opinion, it is clear that the Legislature never intended to allow the State Government to adapt any law with retrospective effect. If retrospective effect is allowed to be given to such adapted law, perhaps that will create very

strange anomaly. Section 100 clearly provides that the law existing as on the appointed day "shall extend or applies to the newly created State of Telangana" until, as provided for in Section 101, the State of Telangana before expiry of two years adapts and modifies any law whether by way of repeal or amendment. The language employed in these provisions is clear and unambiguous and susceptible to only one meaning i.e., till any law is adapted, it would apply as it is to the State of Telangana . If this interpretation is not accepted, that would only mean that both the laws i.e., the law existed before its adaptation and the very same law with amendment, after adaptation, would apply, if it is adapted with retrospective effect. In other words, 2007 Rules and 2015 Rules, both for the period between 2.6.2014 and the date of adaptation would operate. This is not the intent of the Legislature.

12.1. It is well settled that Rules ordinarily operate prospectively. 'Retrospectivity' is an exception. Even where the statute permits framing of rule with retrospective effect, as observed by the Supreme Court in K. Narayanan v. State of Karnataka [27], that exercise of the power must not operate discriminately or in violation of any constitutional right so as to affect vested right. The rule-making authority should not be permitted normally to act in the past. Section 101 of the Act does not have express power to make adaption/modification of law, whether by way of repeal or amendment, with retrospective effect. As a matter of fact, from the scheme of, and the language employed in, Sections 100 and 101, as observed earlier, give clear indication that the laws adapted in exercise of the powers under Section 101 of the Act would have prospective effect. It is also clear from the word "thereupon" employed in Section 101 of the Act, which clearly indicates that adaption and modifications of law, whether by way of repeal or amendment, as may be necessary or expedient and upon such adaption and modification the law shall have effect until altered/repealed or amended by the competent Legislature. Even language of Section 102 of the Act also has an indication that the adapted and modified law under Section 101 would have prospective effect.

12.2 It is equally true that the Legislature can make law retrospectively or prospectively subject to justifiability and acceptability within the constitutional parameter. A subordinate legislation can be given retrospective effect, if the power in this behalf is contained in the principal Act. In Mahabir Vegetable Oils (P) Ltd. V. State of Haryana [28] the Supreme Court observed that subordinate legislation can be given retrospective effect and retroactive operation if any power in this behalf is contained in the main Act. The rule-making power is a species of delegated legislation. A delegatee therefore can make rules only within the four corners thereof. It is a fundamental rule of law that no Statute can be considered retrospective operation unless such direction appears from it clearly in the terms of the Act, or arises by necessary and distinct implication. We do not find any such indication in the Act."

24. The legislations which have relevance for resolving the issue are Dr.B.R.Ambedkar University Act, 1982 and Rajiv Gandhi University of

Knowledge Technologies Act, 2008.

25. By virtue of Dr.B.R.Ambedkar Open University (Amendment) Act, 7 of 2016, amendments have been brought in to Sections 9 and 10 of the said Act. By virtue of Rajiv Gandhi University of Knowledge Technologies (Amendment) Act, 8 of 2016, amendments have been made to Sections 6 and 7 and the statutes 1 and 2 of the Act. It may be appropriate to refer to the unamended and amended provisions of the above statutes in the manner indicated infra.

26. According to the unamended Section 9 of Dr.B.R.Ambedkar Open University Act, 1982, the Governor of the State shall be the Chancellor and as per amended Section 9, the State is the appointing authority for appointing the Chancellor. As per unamended Section 10, the appointing authority for the post of Vice-Chancellor shall be the Chancellor basing on the report of the panel prepared by the Search Committee appointed by the State Government. The amended Section 10 takes away the power of appointment from the Chancellor and vests the same in the Government.

27. Coming to Rajiv Gandhi University of Knowledge Technologies Act, 2008, according to unamended Section 6 read with unamended schedule 1 of the Act, the appointment of Chancellor shall be made by the Government and from amongst the persons of eminence in the academic or public life and such person shall hold a Doctoral degree. By virtue of the amendment to Statute 1, earlier Statute 1, which prescribes persons of eminence in academic or public life and with the Doctoral Degree is omitted. Statute 2 (1) which prescribes the process of choosing from amongst the persons of eminence in the academic or administrative domain and prescription of Doctoral degree is omitted. The prescription of the qualifications and the eligibility as per the orders in G.O.Ms.No.14 Higher Education (UE.II) Dated 20.02.2010 adopting UGC Regulations 2010 shall be adhered to by the State Government so far as the appointment of Vice-Chancellors in the teeth of the law laid down by the Hon'ble Apex Court in ***KALYANI MATHIVANAN*** *(supra 1)* wherein at paragraphs 62.5 Hon'ble Apex Court held that “once the UGC Regulations, 2010 are adopted by the State Government, the State legislation is required to be amended appropriately and it is also significant to note that

in the said Judgment the Hon'ble Apex Court also categorically held that there shall be no conflict between the State legislation and the Central legislation. It can also safely be concluded that any amendment made by the State in deviation to the UGC regulations, cannot be sustained in view of the principle laid down in ***KALYANI MATHIVANAN*** *(supra 1)* at paragraph 61 wherein the Hon'ble Apex Court refused to agree that the Regulation 7.3.0 of UGC Regulations being subordinate legislation under the Act of Parliament cannot over ride the Primary legislation enacted by the State legislature. Therefore, the amendments brought in thereby taking away the effect of UGC Regulations, 2010 which have been adopted by the State Government by virtue of G.O.Ms.No.14 Higher Education (UE.II) Dated 20.02.2010, with regard to qualifications and eligibility for the post of Vice-Chancellor, in the considered opinion of this Court are ultra vires and cannot be sustained in the eye of law. The prescription of qualifications eligibility as enacted in the UGC Regulations is required to be mandatorily adhered to and scrupulously followed and any action in deviation to the said Regulations by the State Government is required to be ignored.

28. According to the learned counsel for the petitioners, the impugned amendments by virtue of Amendment Acts 7 and 8 with retrospective effect from 11.09.2005, vesting the power of appointment of Chancellor with Government would deprive the universities of their autonomy and, as such, they are arbitrary, illegal, unconstitutional. It is also the submissions of the learned counsel that the State Government legislated Acts 7 and 8 to legislatively secure the object of governmental interference in the appointment to the posts of Chancellors and Vice-Chancellors and the same would dilute the autonomy of the universities established for creation of knowledge centers. It is also the submission of the learned counsel that the impugned amendment Acts confer unbridled and untrammeled and uncontrolled arbitrary power in the State Government and it is also the submission of the learned counsel that in the guise of the impugned legislations, any undeserving person can be appointed in the absence of guidelines.

The learned counsel, to support the said submissions placed reliance on the Judgments of the Hon'ble Apex Court in ***M. KIRAN BABU v.***

GOVERNMENT OF ANDH. PRA. AND ANOTHER [2], ***MAKHAN SINGH v. STATE OF PUNJAB*** [3], ***KISHAN PRAKASH SHARMA AND ORS. ETC. v. UNION OF INDIA AND ORS.*** [4] and ***KRISHNA MOHAN PVT. LTD.v. MUNICIPAL CORPORATION OF DELHI AND ORS.*** [5].

29. ***M. KIRAN BABU*** *(supra 2),* the Hon'ble Apex Court, at paragraphs 29 and 33, held as under:

> "29. Indeed, as far back as 1950, Dr. S. Radhakrishnan, who later became the President of India, in his celebrated "Report of the University Education Commission, 1950", had this to say :--
> Exclusive control of education by the State has been an important factor in facilitating the maintenance of totalitarian tyranny....We must resist, in the interest of our democracy, the trend towards the Governmental domination of the educational process..... Higher education is undoubtedly an obligation of the State but State aid is not to be confused with State control over academic Policy and practices. Our Universities should be released from the control of politics.....
> (Emphasis added)
> The importance of Universities as the "republics of learning"--as the Germans called them--has been forcefully brought out by Sri Richard Livingston, a former Vice-Chancellor of Oxford University. He said :
> If you wish to destroy modern civilisation, the most effective way to do it would be to abolish universities. They stand at its centre. They create knowledge and train minds. The education which they give moulds the outlook of all educated men and thus affects politics, administration, the profession, industry and commerce. Their discoveries and their thought penetrate almost every activity of life.....
> (Quoted in the Article "The Concept of University Autonomy" by Prof. Rashiduddin Khan, published in the "Journal of University Education"--December 1965).
>
> 33. (F) Now coming back to the submission of the petitioner's counsel--practically the main submission urged by him--that the office of Chancellor is not a distinct and separate office from that of the Governor and that, the Chancellor is but another name of the Governor--I find it difficult to agree. It is true that, according to S. 10, the Governor of Andhra Pradesh is to be the Chancellor by virtue of his office; but, it is not possible to say that, while acting as the Chancellor, he acts as the Governor. The context of the Act does not permit such an interpretation. According to S. 9, Chancellor is one of the officers of the University. He has to preside at the meeting of the Senate and Convocations of the University, and exercise many other powers as Chancellor. It is difficult to envisage how he can act upon the aid and advice of the Council of Ministers, headed by the Chief Minister, while presiding at the meetings of the Senate. Indeed, the Act refers to 'Governor' only once, i.e. in S. 10; at all other places it refers to the

'Chancellor, and it confers several powers upon the Chancellor as such. As pointed out in S. (E)(i) of this judgment, the Act throughout makes a clear distinction between the Chancellor and the State Government, and confers distinct and separate powers upon them. In many cases, the very same Section, or the sub-section, as the case may be, refers to both the 'Chancellor and the 'State Government' separately, for exercising identical powers, e.g. nominations to the Senate and Academic Council. In the face of this fact, I do not see any warrant to read the Chancellor as Governor, which in turn means 'State Government'. The autonomy of the University and the interest of higher education demand that there should be no political interference in the governance of the universities, as also in the appointments of Vice-Chancellors. The Kothari Commission Report, and in particular the recommendations of the Committee of the Inter-University Board, composed of very eminent educationists of this country, clearly says that the appointment of Vice-Chancellor should be made by the Chancellor in his individual judgment, and not by the State Government. It would be consistent with the spirit of the enactment to hold that, while appointing the Vice-Chancellor, the Chancellor should act in his individual discretion. While exercising the power under S. 12 (1)(a), the Chancellor does not act as the Governor, and if so, the very question of aid and advice of the Council of Ministers becomes irrelevant."

30. In ***MAKHAN SINGH*** *(supra 3),* the Hon'ble Apex Court at paragraph 41, held as follows:

"41. The argument is that in conferring power on the Central Government to make rules, the legislature has abdicated its essentially legislative function in favour of the Central Government. In our opinion, this argument is wholly untenable. Right up from the time when this Court dealt with Special References in 1951, In re The Delhi Laws Act, 1912 etc. MANU/SC/0010/1951 : [1951]2SCR747 the question about the limits within which the legislature can legitimately confer powers on its delegate has been examined on several occasions and it has been consistently held that what the legislature is prohibited from doing is to delegate its essentially legislative functions and power. If it appears from the relevant provisions of the impugned statute that powers which have been delegated include powers which can legitimately be regarded as essentially legislative powers, then the legislation is bad and it introduces a serious infirmity in the Act itself. On the other hand, if the legislature lays down its legislative policy in clear and unambiguous terms and leaves it to the delegate to execute that policy by means of making appropriate rules, then such delegation is not impermissible. In Harishanker Bagla v. The State of Madhya Pradesh MANU/SC/0063/1954 : 1954CriLJ1322 where the validity of 3 of the Essential Supplies (Temporary Powers) Act, 1946, was challenged, this Court in upholding the validity of the impugned statute held that the preamble and the body of the relevant sections of the said Act sufficiently formulate the legislative policy and observed that the ambit and the character of the Act is such that the details of that policy can only be worked out by delegation that power to a subordinate authority within the framework of that policy. The same view has been expressed in

Bhatnagars and Co., Ltd., v. The Union of India (UOI). MANU/SC/0017/1957 : 1983ECR1607D(SC) . In the present cases, one has merely to read s. 3(1) and the detailed provisions contained in the several clauses of s. 3(2) to be satisfied that the attack against the validity of the said section on the ground of excessive delegation is patently unsustainable. Not only is the legislative policy broadly indicated in the preamble to the Act, but the relevant provisions of the impugned section itself give such detailed and specific guidance to the rule-making authority that it would be idle to contend that the Act has delegated essentially legislative function to the rule making authority. In our opinion therefore, the contention that s. 3(2)(15)(i) of the Act suffers from the vice of excessive delegation must be rejected. What we have said about this section applies with equal force to s. 40. If the impugned sections of the Act are valid, it follows that Rule 30(1)(b) which is challenged by the appellants must be held to be valid since it is consistent with the operative provisions of the Act and in making it, Central Government has acted within its delegation authority. This conclusion is, of course, confined to the challenge of the appellants based on the ground that the impugned provisions and the Rule suffer from the vice of excessive delegation."

31. In ***KISHAN PRAKASH SHARMA AND ORS. ETC.*** *(supra 4),* the Hon'ble Apex Court at paragraphs 17 and 18, held as follows:

"17. The challenge now to the enactment is that this Court having held, the expression "scheme for reorganisation for general insurance business" will not include a scheme made after the reorganisation, is complete; that no further schemes, except in connection with the reorganisation of the general insurance business and merger of more insurance companies could be effected and the impugned scheme did not involve any such merger; that therefore, this scheme is ultra vires the Act; that the provision enabling the Central Government to frame the scheme is bad and the provision which gives retrospectivity to the said enactment is equally bad as there are no guidelines in Section 17A. Though there can be no limitation regarding providing better terms and conditions of service the same cannot be modified to the detriment of the workmen. The power that has been conferred upon the Central Government to frame the scheme without guidelines is bad and the guidelines have to be read into the provisions in such a manner that the benefit which is already given to the workmen should not be taken away and there should be enough scope for collective bargaining particularly in the absence of consultation and when there is no limitation on upward revision, the conferment of the power upon the authority concerned is bad.

18. So far as the delegated legislation is concerned, the case law will through light as to the manner in which the same has to be understood and in each given case we have to understand the scope of the provisions and no uniform rule could be laid down. The legislatures in India have been held to possess wide power of legislation subject, however, to certain limitations such as the legislature cannot delegate essential legislative functions which consist in the determination or choosing of the legislative policy and of formally enacting that policy into a binding rule of conduct.

> The Legislature cannot delegate uncanalised and uncontrolled power. The Legislature must set the limits of the power delegated by declaring the policy of the law and by laying down standards for guidance of those on whom the power to execute the law is conferred. Thus the delegation is valid only when the legislative policy and guidelines to implement it are adequately laid down and the delegate is only empowered to carry out the policy within the guidelines laid down by the Legislature may, after laying down the legislative policy, confer discretion on an administrative agency as to the execution of the policy and leave it to the agency to work out the details within the framework of the policy. When the Constitution entrusts the duty of law-making to Parliament and the Legislatures of States, it impliedly prohibits them to throw away that responsibility on the shoulders of some other authority. An areas of compromise is struck that Parliament cannot work in detail the various requirements of giving effect to the enactment and, therefore, that area will be left to be filled in ny the delegatee. Thus, the question is whether any particular legislation suffers from excessive delegation and in ascertaining the same, the scheme, the provisions of the statute including its preamble, and the facts and circumstances in the background of which the statute is enacted, the history of the legislation, the complexity of the problems which a modern State has to face, will have to be taken note of and if, on a liberal construction given to a statute, a legislative policy and guidelines for its execution are brought out, the statutes, even if skeletal, will be upheld to be valid but this rule of liberal construction should not be carried by the Court to the extent of always trying to discover a dormant or latent legislative policy to sustain an arbitrary power conferred on the executive. These very tests were adopted in **Ajay Kumar Banerjee's** case [supra] also to examine whether there is excessive delegation in framing schemes and reading the preamble, the scheme and the other provisions of the enactment taking note of the general economic situation in the country, the authorities concerned had to frame appropriate schemes. Therefore, it is not open to the petitioners to contend that there is excessive delegation in relation to the enactment to frame schemes."

32. The learned Additional Advocate General, while seeking to justify the impugned amended Acts contends that there is no illegality nor there is any irrationality in the said legislations nor the same are ultra vires. It is the further submission of the learned Additional Advocate General that as there is no dispute with regard to legislative competence of the State Government, the amendments impugned are not amenable for any judicial review under Article 226 of the Constitution of India. It is also the submission of the learned counsel that the apprehensions of the petitioners that the State Government will appoint

un-deserving people to the posts of Chancellors and Vice-Chancellors is without any foundation and basis and the Government will appoint only

competent people.

33. The State of Telangana, is a newly formed State and it requires developments in all dimensions and facets and is a dream of crores of people of the State. It is an undisputed reality that education is one of the major fields which needs to be taken care of and the progress in this field is required to be attained inevitably in the interests of all and it is possible only when people are given good and quality education coupled with high degree of morals. Such dreams would become a reality only when the institutions which impart education to the future generations are taken care of by the persons of high degree of character, qualities and values. The impugned deletion of qualifications for Chancellor and Vice-Chancellor in the interest of the future generations and the public at large is neither warranted nor justified. Therefore, to the extent of deletion of qualifications, for the posts of Chancellor and
Vice-Chancellor, the impugned amended legislations, are liable to be declared as illegal and unwarranted.

34. It is also significant to note that no plausible explanation is forthcoming from the respondents as to why the prescription with regard to qualifications and eligibility for Chancellor and Vice-Chancellor posts is given a go-bye.

35. At the time of closure of the arguments, it is submitted by the learned counsel for the petitioners in PIL.Nos.6 and 7 of 2016, Sri S.Sriram, that despite the assurance given by the State before this Court not to fill up the posts of
Vice-Chancellors, the appointments to the posts of Vice-Chancellors to certain universities have been made on 25.07.2016.

36. Having regard to the principles laid down in the above referred judgments and in the facts and circumstances, the writ petitions are disposed of, in the manner indicated *infra:*

(1) We hold that the vesting of power of appointment of Chancellor and Vice-Chancellor with the Government by way of Act No.7 and 8, in the absence of any prescriptions as to the qualifications and the eligibility as stipulated under Statute 1 Clause (1) pertaining to the Chancellor and Statute 2 Clause (1) pertaining to the Vice-Chancellor of the Schedule is illegal and unconstitutional.

(2) Declaring G.O.Ms.Nos.28 and 29 Higher Education (UE)

Department dated 11.09.2015 and G.O.Ms.No.38 Higher Education (UE&VC) Department dated 19.12.2015 and G.O.Ms.No.1 Higher Education (UE&VC) Department dated 05.01.2016 as illegal, without jurisdiction and unconstitutional and contrary to the A.P. Reorganization Act, 2014.

(3) In the circumstances, we issue the following directions:

(a) Respondents shall adhere to UGC Regulations, 2010 for appointment to the post of Vice-Chancellors.

(b) Respondents shall consider the persons of eminence in the academic or public life, preferably with Doctoral degree as Chancellors.

(c) The respondent shall make appointments pursuant to the notification dated 20.12.2015 strictly as per the above directions/declarations.

(d) If any appointments are made pending these writ petitions contrary to the above declarations/directions, the same shall stand set aside.

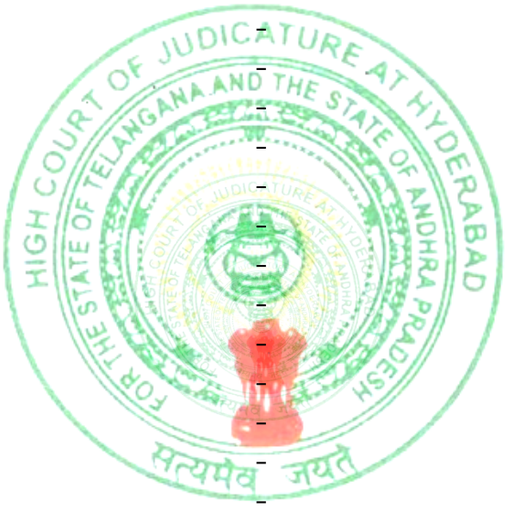
There shall be no order as to costs. Miscellaneous petitions if any pending in the writ petitions shall stand disposed of.

DILIP B. BHOSALE, ACJ

A.V.SESHA SAI,J

Date: 28.07.2016
grk

HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE A.V.SESHA SAI



WP (PIL) Nos.6 and 7 of 2016
and
W.P.Nos.673 of 2016 and 1702 of 2016

Dated 28.07.2016

grk

[1] (2015) 6 SCC 363

[2] AIR 1986 AP 275

[3] AIR 1964 SC 381

[4] (2001) 5 SCC 212

[5] (2003) 7 SCC 151