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**Dr. Prabhakar J. Lavakare Vs. the State of Maharashtra, (Summons to Be Served on the Learned Government Pleader Appearing for State of Maharashtra Under Order Xxvii, Rule 4, of the Code of Civil Procedure, 1908),**

**Dr. Prabhakar J. Lavakare Vs. the State of Maharashtra, (Summons to Be Served on the Learned Government Pleader Appearing for State of Maharashtra Under Order Xxvii, Rule 4, of the Code of Civil Procedure, 1908),**

**SooperKanoon Citation :** [sooperkanoon.com/849355](http://sooperkanoon.com/849355)

**Court :** Mumbai

**Decided On :** Apr-21-2010

**Reported in :** 2010(112)BomLR1802

**Judge :** A.M. Khanwilkar and; R.M. Savant, JJ.

**Acts :** [Constitution of India](#) - Article 226; ;[Maharashtra Universities Act, 1994](#) - Sections 2, 2(36), 3, 3(1), 3(2), 4, 5, 6, 6(1), 8, 9, 10, 10(22), 12, 12(1), 12(3A), 12(3B), 15, 17, 18, 21, 22 and 25; ;[University Grants Commission Act, 1956](#) - Sections 2, 3 and 22; ;[Institutes of Technology Act, 1961](#) - Section 2 and 28; ;Indian Institute of Technology (Kharagpur) Act, 1956; ;[Societies Registration Act, 1860](#); ;Income-tax Act, 1961 - Section 10(22), 35(1) and 47; ;Income-tax Rules, 1962 - Rule 5(2), 5C and 5E; ;Custom Tariff Act, 1975; ;[Central Excise Tariff Act, 1985](#); ;Cambridge Rating Act

**Appeal No. :** Writ Petition No. 2236 of 2010

**Appellant :** Dr. Prabhakar J. Lavakare

**Respondent :** The State of Maharashtra, (Summons to Be Served on the Learned Government Pleader Appearing for Stat

**Advocate for Def.** : Ravi M. Kadam, Adv. General and; S.R. Nargolkar, G.P. for Respondent Nos. 1 and 2,;

**Advocate for Pet/Ap.** : A.V. Anturkar and; S.B. Deshmukh, Advs.

**Judgement :**

ORDER

MAHARASHTRA Universities ACT, 1994 -

No. Rajabh-2009/(71/09)/VE-2. -- Whereas, the Vice-Chancellor of a University is the principal academic and executive officer of the University, and is responsible for development of the academic programmes and general administration of the University for ensuring efficiency and good order of the University;

And whereas, the Vice-Chancellor is required to ensure the highest level of education and encouraging good quality research, collaborative arrangements, extension activities and appropriate technological and infrastructural resource base, etc.

And whereas, the Vice-Chancellor is required to shape up the overall personality of the students in line with the National and Social priorities,

And whereas, having regard to the position of the Vice-Chancellor as aforesaid, it is expedient to provide a person being appointed shall possess certain qualifications and experience ;

Now, therefore, in exercise of the powers conferred by Clause (d) of Sub-section (3A) of Section 12 of the [Maharashtra Universities Act, 1994](#) (Mah. XXXV of 1994) ; and of all other powers enabling it in that, the Government of Maharashtra, in consultation with the Chancellor, hereby ;

(1) specifies that the person being recommended by the Committee shall possess the essential qualifications and experience as set out in part 'A' of the Schedule appended hereto ; and may possess desirable experience, expected skill and competencies as set out in Part B and part C, respectively of the said Schedule;

(2) directs that the manner in which the application shall be submitted shall be such as set out in Part D of the said Schedule.

## Schedule

### PART 'A'

#### Essential Qualification and Experience -

(1) Earned Doctorate in any discipline and good academic record.

(2) Experience in the field of Higher Education of at least 15 years in teaching and research in a University/well-established institution of repute and/or at the undergraduate and post-graduate level.

(3) Minimum of five research publications in peer-reviewed/referred international research journals after Ph.D. and/or published quality books in a recognised discipline, referenced for study in higher education at the National/International level.

(4) At least 5 years of administrative experience in the field of Higher Education not below the rank of Professor and Head of the Department in a University/Principal in Professor's Grade of a Senior College/Head of a national/international institution of Advanced Learning.

(5) Execution of at least one major research project.

(6) Experience of working with international bodies or international exposure through participation in workshops, seminars or conferences held outside the country.

(7) Experience of organizing events such as workshops seminars, conference at an international level within the country in the field of higher education.

(8) Demonstrated experience in leadership.

### PART 'B'

## Desirable Experience -

(1) Experience of working on the Statutory Authorities of a University such as Board of Studies, Academic Council, Management Council or Executive Council of Board of Management, Senate, etc. ;

(2) Demonstrable experience of handling Quality issues, assessment and accreditation procedures, etc.:

(3) Experience to guide Ph.D. Students ;

(4) Experience at the State or national or international level in handling youth development work such as organising student-centric activities for their all-round development and for providing them rich campus life as envisaged in the Maharashtra Universities Act.

## PART 'C'

### Expected Skills and Competencies -

#### (1) Technical Skills -

(i) Openness towards technology and a deep conviction regarding its potential applications in a knowledge-based settings ;

(ii) Reasonably high level of comfort in the use of technology;

#### (2) Managerial Skills -

(i) Ability to anticipate issues and problems and prepare advance strategic plans ;

(ii) Ability to generate resources and allocate the same appropriately ;

(iii) Capacity to work effectively under pressure and manage work and resources within tight deadlines ;

(iv) Good understanding of financial management including revenue generation, planning and fiscal control ;

(3) Alignment with corporate objectives and State as well as National level priorities -

(i) Ability to identify the needs of the communities in key sectors ;

(ii) Deep understanding of the challenges before the National and how Higher Education can respond to developmental needs ;

(iii) Demonstrable understanding of curriculum development issues especially those relating to widening participation and social inclusion ;

(4) Leadership skills -

(i) Exceptional ability to motivate a diverse group of stakeholders ;

(ii) Keen desire to further the mission and goals of the organization ;

(iii) Ability to think strategically and innovatively and maintain a broad perspective ;

(iv) Ability to lead by personal example with openness to new ideas and a consultative approach in implementation of the same ;

(5) Interpersonal communication and collaborative skills -

(i) Demonstrable success in developing and executing National and International collaborative arrangements ;

(ii) Ability to interact effectively and persuasively with a strong knowledge-base at senior levels and in large forums as well as on a one to-one basis ;

(iii) Evidence of being an active member of professional bodies and associations in pertinent fields.

PART 'D'

Procedure for the Search Committee for considering prospective candidates -

(1) The Search Committee may identify on its own or on recommendations of eminent academicians the prospective candidates.

(2) Apart from this, the Search Committee may also consider applications received by it.

(3) The prospective candidates/applications must provide a detailed chronological Resume' that reflects their qualifications, experience and achievements. Additionally, they should provide a summary description of fulfilling the essential requirements and justifying their competency for the position of Vice-Chancellor in the context of the specific skills and competencies listed herein to facilitate the search Committee to judge competency/suitability of the candidate.

(4) The Search Committee may relax any condition in case of deserving candidate.

By order and in the name of the Governor of Maharashtra,

J.S. SAHARIA,

Principal Secretary to Government

14. The fulcrum of the challenge revolves around Clause (1) of the said Order dated 27.5.2009, which envisages that the person for being recommended by the Search Committee 'shall' possess the essential qualifications and experience as set out in Part 'A' of the schedule appended to the said Order and 'may' possess desirable experience, expected skills and competencies, as set out in Parts 'B' and 'C' respectively of the said Order. In the present case, the emphasis was on non-fulfillment of the requirements of only Clause (4) of Part 'A' of the schedule. In so far as the essential qualifications and experience specified in Clauses (1) to (3) and (5) to (8) of Part 'A' are concerned, the same was not put in issue at all. There can be no doubt that the qualification and experience specified in Part 'A' of the schedule to the said order dated 27.5.2009, is mandatory. For, Clause (1) of the said Order uses the expression 'shall' possess the essential qualifications and experience as set out in Part 'A'. In absence of such qualification and experience possessed by the candidate, he would be in-eligible for being considered to the coveted post of Vice-Chancellor of the University.

15. As aforesaid, the only question is whether Respondent No. 4 possessed the mandatory qualifications and experience referred to in Clause (4) of Part 'A' of the schedule. We would therefore, turn to the said provision. In the first place, we may mention that the English translation of the said Order dated 27.5.2009 as published in the Official Gazette is neither happily worded, nor can be said to be accurate translation of the Marathi version. Going by the Marathi version, it appears that the essential qualifications and experience specified in Clause (4) of Part 'A' are:

1) The incumbent must have experience in the field of higher education not below the rank of professor.

AND

2) He should possess at least five years of administrative experience in the field of higher education as :

a) Head of the Department in 'a University'; or

b) Principal (in professor's grade) of a senior college ; or

c) Head of a national/international institute of Advanced Learning.

In the present case, the fact that Respondent No. 4 possesses the qualification of experience in the field of higher education not below the rank of professor, is not in issue at all. In that sense, the first requirement of Clause (4) is fulfilled. However, Clause (4) as aforesaid, also mandates that the incumbent should possess at least five years of 'administrative experience' in the field of Higher Education in any of the stated official capacity of 2(a) to (c) above. In our view, the grouping of official positions held by the candidates for reckoning his administrative experience in the posts held by him as referred to in clauses 2(a) to (c) above are incomparable. In that, there can be no comparison between the status and experience gained as Head of the national/international institution of Advanced Learning or for that matter as the Head of the Department in a University on the one hand, and only that as a Principal (in professor's grade) of 'any senior college'. However, we do not think it necessary to delve upon this matter any further, as the provision

articulated is the outcome of the prerogative exercised by the State Government in terms of Section 12 (3A) (d) of the Act of 1994. In the present case, we are not concerned with the position held by the incumbent, as specified in clauses 2(b) and (c) above. For, it is common ground that Respondent No. 4 was considered as eligible on account of his administrative experience in the field of Higher Education as a Head of the Department in a University.

16. The moot question canvassed before us on behalf of the Petitioner is that Respondent No. 4 was working in an institution which only has the status of an institution of national importance and not a University as such; and more particularly amongst the Universities referred to in the schedule to the Act of 1994. The latter argument is primarily founded on the definition of the term 'University' contained in the Act of 1994. Section 2(36) defines the term University, which reads thus :

2. Definitions :- In this Act unless the context otherwise requires -

(36) 'University' means any of the Universities mentioned in the Schedule.

We may therefore usefully refer to the Schedule to Act of 1994. The Schedule to the Act of 1994 reads thus:

## THE SCHEDULE

[SEE SECTION 3(1) AND 6(1)]

### PART I

Name of the existing University

Name of the

corresponding

University under this

Act

## University area

1.

[The University of Mumbai constituted under the Mumbai University Act, 1974 (Mah. XXII of 1974);

The University of the Mumbai.

Districts of

(1) [City of Mumbai]

(2) [Mumbai Suburban]

(3) Raigad

(4) Thane

(5) Ratnagiri

(6) Sindhudurg

2.

The University of Poona, constituted under the Poona University Act, 1974 [Mah. XXIII of 1974]

The University of Pune

Districts of

(1) Pune

(2) Ahmednagar

(3) Nashik

3.

The Shivaji University, constituted under the Shivaji University Act, 1974 [Mah.XXIV of 1974];

The Shivaji University

Districts of

(1) Kolhapur

(2) Sangli

(3) Satara

(4) Solapur

4,

The Dr. Babasaheb Ambedkar Marathwada University, constituted under the Marathwada University Act, 1974 [Mah. XXX of 1974];

The Dr. Babasaheb Ambedkar Marathwada University.

Districts of

(1) Aurangabad

(2) Jalna

(3) Beed

5.

The constituted under the Act, 1974 [Mah.XXVI of 1974];

[The Rashrasant Tukadoji Maharaj Nagpur University]

Districts of

(1) Nagpur

(2) Bhandara

(3) Chandrapur

(4) Gadchiroli

(5) Wardha

6.

The Shreemati Nathibai Damodar Thackersey Women's University, constituted under the Shreemati Nathibai Damodar Thackersey Women's University Act, 1974 [Mah. XXVII of 1974];

The Shreemati Nathibai Damodar Thackersey Women's University

The State of Maharashtra

7.

The Amravati University constituted under the Amravati University Act, 1983 [Mah. XXXVII of 1983];

[The Sant Gadge Baba Amravati University]

Districts of

(1) Amravati

(2) Akola

(3) Buldhana

(4) Yavatmal [(5) Washim.]

8.

The North Maharashtra University, constituted under the North Maharashtra University Act, 1989 [Mah. XIX of 1989];

The North

Maharashtra

University

Districts of

(1) Jalgaon

(2) Dhule

[(3) Nandurbar]

PART II

[SEE SECTION 3(2)]

Name of New University

University Area

(1)

(2)

1. The Swami Ramanand Teerth Marathwada University

Districts of ..

(1) Nanded

(2) Parbhani

(3) Latur

[(4) Hingoli]

What is significant to notice is that the definition of 'University' refers to the Universities mentioned in the schedule and the schedule in turn has been

introduced as required by Sections 3(1), 6(1) and 3(2) respectively.

17. The question is: whether the definition of 'University' contained in the Act of 1994 would control the expression 'a University' occurring in part 'A' of the schedule to the said order dated 27.5.2009. In the first place, the definition contained in Section 2(36) of the Act of the term 'University' is obviously in the context of the specified Universities in the schedule in terms of Section 3(1) or 3(2) of the Act of 1994 and to provide for territorial limits within which the powers conferred upon the concerned University by Act of 1994 to be exercised as per Section 6(1) of the said Act. It is for that reason, the term University has been defined in the context of Sections 3(1), 3(2) and 6(1) of the said Act. We cannot be oblivious of the fact that the opening part of Section 2 makes it amply clear that unless the context otherwise requires, the term University should be understood accordingly. Further, considering the provision contained in Section 12(3A) of the Act, which postulates that a person to be recommended by the Search Committee for appointment as a Vice-Chancellor should be an eminent academician or an administrator of high caliber who will be able to provide leadership by his own example and be able to provide vision and have ability to translate the same into reality in the interest of students and society, intrinsic in it is the intent of the Legislature to select the most suitable candidate without limiting the choice only amongst the candidates who have had administrative experience in the field of Higher Education in the Universities referred to the Schedule to the Act of 1994. Whereas, Section 12(3B) reinforces the view that 'any eligible candidate' having specified educational qualifications and experience may be considered. That provision mandates that wide publicity should be given of the eligibility conditions and the process for recommendation of names for appointment as Vice-Chancellor so as to ensure the recommendation of most suitable candidates. The expression 'give wide publicity' denotes that the information regarding the commencement of the process for recommendation of names for appointment as Vice-Chancellor of a given University needs to be widely distributed or disseminated - which can be not only across the Country but can also be across the globe - with primary object of selecting the most suitable candidate for appointment to the coveted post of Vice-Chancellor, who would fulfill the aspirations of that office as the principal academic and executive officer of the University. Taking any other view would result in

rewriting of Section 12(3A) and in any case a pedantic approach. We say so because even the said Order dated 27.5.2009 issued by the State Government, in exercise of powers under Section 12(3A) (d) also restates that the Vice-Chancellor of a University is the principal academic and executive officer of the University, and is responsible for development of the academic programmes and general administration of the University for ensuring efficiency and good order of the University and is also required to ensure the highest level of education and encouraging good quality research, collaborative arrangements, extension activities and appropriate technological and infrastructural resource base and to shape up overall personality of the students in line with the National and Social priorities. Thus, we have no hesitation in taking a view that giving restricted meaning to the term 'a University' occurring in the said Order dated 27.5.2009 would be a pedantic approach and defeat the intent of the State Legislature in selecting the most suitable candidates, but would also result in re-writing of the said provision.

18. Keeping in mind the expectations of the State Legislature and the State Government of appointing most suitable candidate to the post of the Vice-Chancellor of the University governed by the Act of 1994, limiting the choice only to the Head of the Department in the Universities referred to in the schedule to the Act of 1994, would be destructive and not in the larger interests. The incumbent should not only be a person who has excelled in his field as not below the rank of Professor in Higher Education, but is also a role model and visionary with capability of translating his vision into the development of the academic programme and general administration of the University.

19. We cannot gloss over the fact that the Act of 1994 was essentially enacted to provide for a unified pattern for the constitution and administration of non-agricultural and non-technological Universities in the State of Maharashtra and to make better provisions therefor. The Central Government and the Maharashtra Government had appointed various committees and study groups with a view to consider and recommend the measures for better governance of such Universities and reorganisation of higher education. The Act of 1994 was the out come of the recommendations made by these committees and the groups, and experience

gained in implementing the then prevailing University Acts which were specific to the enlisted Universities referred to in the schedule to the Act of 1994 spread over across the State of Maharashtra. It was felt necessary to make provisions to enable each such University to effectively carry out with responsibility the objects of the University, to promote more equitable distribution of facilities for Higher Education, to provide for more efficient administration, financial control, better organisation of teaching and research, to ensure proper selection and appointment of teachers and other employees, to provide for representation of students and teachers on various bodies of the University to take measures for curbing or for eradicating undesirable non-academic influences detrimental to maintenance of discipline and standards of education or academic excellence in the Universities and to provide for matters connected with or incidental thereto, as is evident from the preamble of the Act of 1994. Therefore, it was considered expedient to unify, consolidate and amend the law relating to such Universities in the State - referred to in the schedule to the Act of 1994, which were then governed by separate enactments, Statutes and Ordinances. In that context, the term 'University' has been defined in Section 2(36) of the Act. Section 3 of the Act deals with the incorporation of those specified Universities. Section 6 deals with the jurisdiction and admission to privileges of the specified Universities. The definition of University in Section 2(36) will be of no avail to construe the term 'Other University' or 'Universities' and more particularly 'a University' occurring in the other parts of the Act or for that matter the said Order dated 27.5.2009. On the other hand, the term 'a University' found in the said Order dated 27.5.2009 will have to be reckoned as Universities including the ones referred to in the schedule to the Act of 1994 as well. We are fortified in taking this view as the expression 'other University', 'Universities' appear in the other parts of the enactment of 1994. Section 5 of the Act deals with the powers and duties of University. Obviously, the term University referred to therein will have to be understood in the context of the Universities specified in the schedule to the Act of 1994. The powers and duties of the specified Universities, amongst others, notably Sub-section (42) of Section 5 of the said Act, provides that the specified Universities have power and duty to co-operate or collaborate with 'any other University', institution, authority or organisation for research and advisory services and for such purposes to enter

into appropriate arrangement with 'other Universities', institutions, authorities, or organisations to conduct certain courses as the situation may demand. Sub-section (47) of Section 5 provides that specified Universities shall have power and duty to undertake academic collaboration programmes 'with Universities and institutions abroad', with the approval of the State Government. Similarly, we find that in Sub-section (55) and Sub-section (56), it is provided that the specified Universities would promote by itself, or in co-operation with 'other Universities' undertake activities referred to therein. Consistent with the said powers and duties of the University, we find that Section 28, Clause (p) thereof, postulates that the powers and duties of Management Council of the University, amongst others, make Regulations for collaboration with 'other Universities', institutions and organisations for mutually beneficial academic programmes recommended by the Board of College and University Development. Suffice it to observe that the term 'University' appearing in the Act of 1994 or the Rules framed thereunder as also the Order issued by the State Government, in exercise of powers under the said enactment, cannot be limited to the Universities specified in the schedule to that Act 'for all purposes'. In the said Order dated 27.5.2009, it mentions the term 'a University', which will have to be construed in broader sense of the term University and not limited to the Universities referred to in the schedule to the Act of 1994.

20. As mentioned earlier, the purpose of the Act of 1994 was to unify, consolidate and amend the law relating to such Universities in the State of Maharashtra referred to in the schedule to the Act. If the strict interpretation given by the Petitioner were to be accepted keeping in mind that before the enactment of the Act of 1994, since each of these Universities were governed by the respective enactments, the incumbent to be considered for the appointment to the post of Vice-Chancellor could have been only from amongst the Head of the Department in the same University ; and after the enactment of Act of 1994, the choice would be between the Head of the Department in the nine Universities specified in the schedule to the said Act of 1994. That would be limiting the choice from amongst the Head of the Department in only specified nine Universities. Such interpretation does not further the intent and object of the Act of 1994 of selecting the most suitable candidate, who should be a role model and visionary and has the requisite administrative experience in the Institution at national or international level. If the

intention of the Legislature of the enactment of the said Act or the sub-ordinate State Legislation was to limit the choice only amongst the candidates associated with the nine scheduled Universities, there was no reason to provide for the administrative experience as a Head of a national/international Institution of Advanced Learning. By the very nature of Clause (4) of Part 'A' of the schedule in the said Order dated 27.5.2009, if read as a whole, conjoint with Section 12 (3B) of the Act, which mandates that the eligibility conditions and process for recommendation of names for the appointment as Vice-Chancellor shall be given wide publicity, the inevitable conclusion is that it would be a pedantic approach to give restricted interpretation to the term 'a University' to mean only the Universities referred to in the schedule to the Act of 1994. The said interpretation cannot be countenanced in the context of the avowed object of selecting most suitable candidate to be appointed as Vice-Chancellor of the University.

21. The counsel for the Petitioner would however, contend that it is not open to this Court to adopt such interpretation for more than one reason. Firstly, because the definition of the term 'University' is not an inclusive definition. It is an express provision as to which Universities can be treated as University for the purpose of the Act of 1994. Secondly, the term 'a University' appearing in the said Order dated 27.5.2009 which is a sub-ordinate legislation, cannot be given wider meaning than the express meaning given in the Act of 1994. None of these submissions commend to us. We have already analysed the purport of term 'University' as defined in Section 2(36). Besides, we have also noticed that the said definition will have to be understood in the context otherwise requires. In so far as amended Section 12 of the Act of 1994 is concerned, the same does not limit the selection of a person from amongst the persons who were officials in or associated with the University specified in the schedule to the Act of 1994. Understood thus, the interpretation of the term 'a University' occurring in the said Order dated 27.5.2009 which is a sub-ordinate Legislation, is neither inconsistent nor is in conflict with Section 12 of the Act of 1994. Instead, it would further the object of Section 12 of the Act and the Legislative intent of enacting the same.

22. Counsel for the Petitioner has placed reliance on the decision of the Apex Court in the case of Ispat Industries Ltd. v. Commissioner of Customs, Mumbai

reported in (2006) 12 SCC 583, in particular paragraphs 26 to 29 thereof. The same reads thus:

26. In our opinion if there are two possible interpretations of a rule, one which subserves the object of a provision in the parent statute and the other which does not, we have to adopt the former, because adopting the latter will make the rule ultra vires the Act.

27. In this connection, it may be mentioned that according to the theory of the eminent positivist jurist Kelsen (the pure theory of law) in every legal system there is a hierarchy of laws, and whenever there is conflict between a norm in a higher layer in this hierarchy and a norm in a lower layer, the norm in the higher layer will prevail (see Kelsen's *The General Theory of Law and State*).

28. In our country this hierarchy is as follows:

(1) The [Constitution of India](#);

(2) The statutory law, which may be either parliamentary law or law made by the State Legislature;

(3) Delegated or subordinate legislation, which may be in the form of rules made under the Act, regulations made under the Act, etc.;

(4) Administrative orders or executive instructions without any statutory backing.

29. ....

Hence, if there is any conflict between the provisions of the Act and the provisions of the Rules, the former will prevail. However, every effort should be made to give an interpretation to the Rules to uphold its validity. This can only be possible if the Rules can be interpreted in a manner so as to be in conformity with the provisions in the Act, which can be done by giving it an interpretation which may be different from the interpretation which the rule could have if it was construed independently of the provisions in the Act. In other words, to uphold the validity of the rule sometimes a strained meaning can be given to it, which may depart from the ordinary meaning, if that is necessary to make the rule in conformity with the

provisions of the Act. This is because it is a well-settled principle of interpretation that if there are two interpretations possible of a rule, one of which would uphold its validity while the other which would invalidate it, the former should be preferred.

23. For the reasons already recorded, it is not a case of the two possible interpretations of the expression 'University' appearing in Section 2(36) of the Act of 1994 or for that matter expression 'a University' in the said Order dated 27.5.2009 which is a sub-ordinate Legislation; nor the interpretation given by us can be said to be in conflict with the provisions of the Act as such. At the same time, this interpretation would subserve the object of the provisions contained in Section 12 of the said Act of 1994. The strict interpretation given by the Petitioner, if accepted, would not only lead to absurdity but will be destructive of the object underlying Section 12 of the said Act and the Order issued by the State Government dated 27.5.2009. Accordingly, the judgment pressed into service is of no avail.

24. The next question that needs to be addressed is whether the Institute of Technology in which Respondent No. 4 was working, can be considered as 'a University'. Indeed, if that Institution were to qualify the status of University, the fact that it is not one of the Universities referred to in the schedule to the Act of 1994 will make no difference. For answering this controversy, we may now visit the provisions of the [University Grants Commission Act, 1956](#) (hereinafter referred to as 'the Act of 1956' for the sake of brevity). The term 'University' has been defined in Section 2(f) of the Act of 1956, which reads thus:

2....

(f). 'University' means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognized by the Commission in accordance with the regulations made in this behalf under this Act.

Indeed the institution in which Respondent No. 4 was working can neither be said to be a university established or incorporated by or under a Central Act, Provincial Act or a State Act and recognized by the University Grants Commission as such.

Further, the 'institution' referred to in Section 2(f) is obviously an institution in the concerned university with whose consultation the Commission would recognize that institution as university in accordance with the regulations made in this behalf under the said Act of 1956. Thus, the institution, in which Respondent No. 4 was associated, cannot be said to be covered within the ambit of the definition of university under Section 2(f) of the said Act of 1956 as such. Section 3 of the Act of 1956 envisages that the said Act would apply to the institutions for the higher studies other than the universities which shall be deemed to be a university for the purpose of that Act. Section 3 reads thus:

3. Application of Act to institutions for higher studies other than Universities . - The Central Government may, on the advice of the Commission, declare, by notification in the Official Gazette, that any institution for higher education, other than a University, shall be deemed to be a University for the purposes of this Act, and on such a declaration being made, all the provisions of this Act shall apply to such institution as if it were a University within the meaning of Clause (f) of Section 2.

Going by this provision, unless the institution for higher education other than the university is notified by the Central Act as a deemed university in the manner specified therein, the concerned Institute cannot claim the status of being a deemed to be university. The Central Government in exercise of powers under Section 3 of the Act of 1956 has issued notification in the Official Gazette. The list of the institutions which have been declared as deemed to be universities for the purpose of that Act as on 23.6.2008, by the Ministry of Human Resource Department, Government of India, alongwith their MHRD/UGC approved Off-Campus(s)/Institution(s) under Ambit/Off-Shore Campus(s), is displayed on the official website of the Commission. It does not refer to the Institutions of Technology established under the [Institutes of Technology Act, 1961](#). The list of the institutions declared as deemed to be universities available on the University Grants Commission's official website, reads thus:

Deemed University

List of Institutions which have been declared as Deemed to be Universities (As on 23rd June, 2008) under Section 3 of the UGC Act 1956 by Ministry of Human Resource Development, Government of India, along with their MHRD/UGC approved Off-Campus(s)/ Institution(s) under Ambit/Off-Shore Campus(s)

Note :- Instructions issued related to the courses and allied courses started/ to be started by the Deemed to be Universities may be seen on the UGC website vide letter No. F. 6-1(11)/2006(CPP-I) dated 15th July 2006.

Andhra Pradesh Arunachal Pradesh Bihar Chandigarh Delhi Gujarat Haryana  
Jharkhand Karnataka Kerala Madhya Pradesh Maharashtra Orissa  
Punjab Pondicherry Rajasthan Tamil Nadu Uttar Pradesh Uttarakhand West Bengal S.  
No.

Deemed University

Year of

Establishment

nt

ANDHRAPRADESH

1.

Gandhi Institute of Technology and Management (GITAM)

13.08.2007

Gandhi Nagar Campus, Rushikonda, Visakhapatnam-530

045

A.P.

2.

InternationalInstitute of Information Technology

21.8.2001

Survey No. 25,Gachibowli, Ranga Reddy District, Hyderabad-500032 Andhra Pradesh

3.

RashtriyaSanskrit Vidyapeeth

Tirupati-517507

A.P.

16.11.1987

4.

Sri SathyaSai Institute of Higher Learning

10.11.1981

Prasanthinilayam-515134,District-Ananthpur A.P.

5.

ICFAIFoundation for Higher Education

Hyderabad

A.P.

16.12.2008

6.

Vignan's Foundation of Science, Technology & Research

Vallmudi, Guntur Distt

A.P.

7.

Koneru Lakshmaiah Education Foundation

Kunchanapalli Post, Vaddswaram Guntur District, Andhra Pradesh

ARUNACHAL PRADESH

TOP

8.

North Eastern Regional Institute of Science & Technology

Nirjuli, Itanagar, Dist - Papum Pare-791109 Arunachal Pradesh

BIHAR

TOP

9.

Bihar Yoga Bharati

Ganga Darshan, Fort, Munger-811201

Bihar

7.06.2000

10.

Nava Nalanda Mahavihara Nalanda - 803111 (Bihar)

13.11.2006

CHANDIGARH

TOP

11.

Punjab Engineering College Sector -12-160012 Chandigarh

16.10.2003

DELHI

TOP

12.

Indian Agricultural Research Institute Pusa Institute, Pusa-110012 New Delhi

1958

13.

Indian Institute of Foreign Trade B-21, Qutub Institutional Area-110016 New Delhi

20.05.2002

14.

Indian Law Institute Bhagwandas Road-110001 New Delhi

29-10-2004

15.

Jamia Hamdard Hamdard Nagar-110062 New Delhi

10.05.1989

16.

National Museum Institute of History of Art, Conservation

and Musicology, National Museum Janpath-110011 New Delhi

28.04.1989

17.

National School of Drama, Bahawalpur House

1 Bhagwandas Road-110001 New Delhi

11.03.2005

18.

National University of Educational Planning &

Administration

17-B, Sri Aurobindo Marg-110016.

New Delhi

11.08.2006

19.

Rashtriya Sanskrit Sansthan

56, 57, Institutional Area, Janakpuri-110058.

New Delhi

7.05.2002

20.

School of Planning & Architecture Indraprastha Estate, Block-B-110002. New Delhi

1979

21.

Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapith

16.11.1987

Qutub Institutional Area-110016 New Delhi

22.

TERI School of Advanced Studies

Darbari Seth Block, Habitat Place, Lodhi Road-110003.

New Delhi

5.10.1999

23.

Institute of Liver and Biliary Sciences (ILBS)

24.06.2009

D1, Vasant Kunj, New Delhi - 110070 .New Delhi

GUJRAT

TOP

24.

Gujarat Vidyapith

PO Navjivan, Ashram Road, Ahmedabad-380014

Gujarat

16.07.1963

25.

Sumandeep Vidyapeeth

Village - Piparia, Taluka Vaghodia, District - Vadodara

Gujarat

17.01.2007

HARYANA

TOP

26.

Maharishi Markandeshwar University

Mullana, Ambala

Haryana

12.06.2007

27.

National Brain Research Centre

S.C.O. 5, 6, 7, Sector 15 (2), NH 8,Gurgaon -122050.

Haryana

20.05.2002

28.

National Dairy Research Institute

Karnal-132001

Haryana

28.03.1989

29.

Manav Rachna International University

Faridabad

Haryana

21.10.2008

30.

Lingaya's University

Nachauli, Old Faridabad, Jasana Road

Faridabad, Haryana

05.01.2005

JHARKHAND

TOP

31.

Birla Institute of Technology Mesra,Ranchi-835215 Jharkhand

28.08.1986

32.

Indian School of Mines Dhanbad-826004 Jharkhand

18.09.1967

KARNATAKA

TOP

33.

B.L.D.E. University

Bijapur

Karnataka

29.02.2008

34.

Indian Institute of Science Bangalore-560012 Karnataka

12.05.1958

35.

International Institute of InformationTechnology

26/c, Opp. Infosys (Gate - 1),Electronic City, Hosur Road,

Bangalore-560100

Karnataka

28.02.2005

36.

Jagadguru Sri ShivarathreeswaraUniversity

28.05.2008

Jagadguru Dr. Sri ShivarathriRajendra Circle, Ramanuja

Road, Mysore-570004

Karnataka

37.

Jawaharlal Nehru Centre for AdvancedScientific Research

17.08.2002

Jakkur Campus, Jakkur, Bangalore-560064 Karnataka

38.

K.L.E. Academy of Higher Educationand Research

13.4.2006

J.N. Medical College Campus, Belgaum(Karnataka)

39.

Manipal Academy of Higher Education MadhavNagar, Udupi, Manipal-576104  
Karnataka

1.06.1993

40.

National Institute of Mental Health& Neuro Sciences

14.11.1994

Post Box No. 2900, Hosur Road,Bangalore-560029 Karnataka

41.

NITTE University Mangalore 575003 Karnataka

04.06.2008

42.

Sri Devraj Urs Academy of HigherEducation and Research

25.05.2007

B.H. Road, Tamaka, Kolar-563101 Karnataka

43.

Sri Siddhartha Academy of HigherEducation

30.05.2008

Tumkur district-572102 Karnataka

44.

Swami Vivekananda Yoga Anusandhana Samsthana

8.05.2002

No. 9, Appajappa Agrahara, Chamarajpet, Bangalore-560

018

Karnataka

45.

Yenepoya University

Mangalore

Karnataka

27.02.2008

46.

Christ Universitys

Hosur Road, Bangalore-560029

Karnataka

22.07.2008

47.

Jain University

V.V. Puram, Bangalore

Karnataka

19.12.2008

KERALA

TOP

48.

Kerala Kalamandalam

Vallathol Nagar, Cheruthuruthy - 679531, via Thrissur

Kerala

14.3.2006

49.

Indian Institute of Space Science and Technology

03.07.2008

Thiruvananthapuram - 695022 Kerala

MADHYA PRADESH

TOP

50.

Indian Institute of Information Technology and

26.03.2001

Management

Gola Ka Mandir, Gwalior-474005

M.P.

51.

Lakshmi Bai National Institute of Physical Education

21.09.1995

Shakti Nagar, Gwalior-474002 M.P.

52.

Pandit Dwarka Prasad Mishra Indian Institute of

24.06.2009

Information Technology, Design & Manufacturing; (PDPM-

IIITDM)

IT Bhawan, Government Engineering College, Jabalpur

Madhya Pradesh.

MAHARASHTRA

TOP

53.

Bharati Vidyapeeth

Bharati Vidyapeeth Bhawan, Lal Bahadur Shastri Marg,

Pune-411030

Maharashtra

26.04.1996

54.

Central Institute of Fisheries Education

Fisheries University Road, 7 Bungalows, Andheri West,

Mumbai-400061

Maharashtra

27.03.1989

55.

D.Y. Patil Educational Society

Line Bazar, Kasaba, Bavada, Kolhapur-416006

(Maharashtra)

31.5.2005

56.

Datta Meghe Institute of Medical Sciences

24.05.2005

Atrey Layout, Pratap Nagar, Nagpur-440022 (Maharashtra)

57.

Deccan College Postgraduate & Research; Institute

5.03.1990

Pune-411006 Maharashtra

58.

Dr. D.Y. Patil Vidyapeeth

Sant Tukaram Nagar, Pimpri, Pune-411018

Maharashtra

11.01.2003

59.

Gokhale Institute of Politics & Economics;

BMC College Road, Deccan Gymkhana, Pune-411004

Maharashtra

07.05.1993

60.

Homi Bhabha National Institute

Regd. Office: Knowledge Management Group, Bhabha

Atomic Research Centre, Central Complex, Mumbai-400

085

Maharashtra

03.06.2005

61.

Indira Gandhi Institute of Development Research

5.12.1995

General Vaidya Marg, Santosh Nagar, Goregaon East,

Mumbai-400065

Maharashtra

62.

Institute of Armament Technology Girinagar, Pune-411025 Maharashtra

10.09.1999

63.

International Institute for Population Sciences

31.07.1985

Govandi Station Road, Deonar, Mumbai-400088 Maharashtra

64.

Krishna Institute of Medical Sciences Malkapur, Karad, Distt. Satara-415 (M.S)

24.05.2005

65.

MGM Institute of Health Sciences

MGM Campus, Sector-18, Kamothe, Navi Mumbai-410209

(M.S.)

30-08-2006

66.

Narsee Monjee Institute of Management Studies

13.01.2003

VL Mehta Road, Vile Parle West, Mumbai-400056 Maharashtra

67.

Padmashree Dr. D.Y. Patil Vidyapeeth

Vidya Nagar, Sector 7, Nerul, Navi Mumbai-400706

Maharashtra

20.06.2002

68.

Pravara Institute of Medical Sciences P.O.-Loni BK-413736, District Ahmednagar  
Maharashtra

29.09.2003

69.

SYMBIOSIS International University Senapati Bapat Road, Pune-411004  
Maharashtra

6.05.2002

70.

Tata Institute of Fundamental Research Homi Bhabha Road, Mumbai-400005  
Maharashtra

7.05.2002

71.

Tata Institute of Social Sciences

VN Purav Marg, Deonar, Mumbai-400088

Maharashtra

29.04.1964

72.

Tilak Maharashtra Vidyapeeth

Vidyapeeth Bhawan, Gultekedi, Pune-411037

Maharashtra

28.04.1987

73.

Institute of Chemical Technology Matunga, Mumbai Maharashtra

28.04.1987

ORISSA

TOP

74.

Kalinga Insitute of IndustrialTechnology

AT/PO KIIT Patia, Khurda, Bhubaneshwar-751024

Orissa

26.06.2002

75.

Shiksha 'O' Anusandhan, 224,Dharmavihar

17.07.2007

Khandagiri, Bhubaneswar- 751030 Orissa

PUNJAB

TOP

76.

Sant Longowal Institute ofEngineering and Technology

10.04.2007

(SLIET)

Longowal, District Sangrur 148106

Punjab

77.

Thapar Institute of Engineering &Technology;

30.12.1985

Thapar Technology Campus, BhadsonRoad, Patiala-147

004

Punjab

PONDICHERRY

TOP

78.

Sri BalajiVidyapeeth

MahatamaGandhi Medical College Campus

Pondy-CuddaloreMain Road

Pillaiyarkuppam- 607402

Pondicherry

04.08.2008

RAJASTHAN

TOP

79.

BanasthaliVidyapith Banasthali-304022 Rajasthan

25.10.1983

80.

BirlaInstitute of Technology & Science

Pilani-333031

Rajasthan

27.06.1964

81.

Institute of Advanced Studies in Education

25.06.2002

Gandhi VidyaMandir, Sardarshahr - 331401, Distt. Churu Rajasthan

82.

Jain VishvaBharati Institute

Box No. 6, Ladnun, Nagaur -341306

Rajasthan

20.03.1991

83.

Janardan RaiNagar Rajasthan Vidyapeeth

12.01.1987

Udaipur-331401 Rajasthan

84.

LNMIstitute of Information Technology Gram-Rupa kiNagal, Post-Sumel, Via Kanota, Dist.-Jaipur-303012 (Rajasthan)

3.2.2006

85.

I.I.S. University

GurukulMarg, Mansarovar

Jaipur,(Rajasthan)

02-02-2009

86.

ModyInstitute of Technology & Science Lakshmanagarh-33211,District Sikar  
Rajasthan

02-02-2004

TAMILNADU

TOP

87.

Academy of Maritime Education and Training

21.08.2007

5107, H2, 2nd Avenue, 1st Floor, Anna Nagar, Chennai-600040

Tamilnadu

88.

Amrita Vishwa Vidyapeetham Ettimadai Post, Coimbatore-641105 Tamilnadu

13.01.2003

89.

Avinashilingam Institute for Home Science & Higher

8.06.1988

Education for Women

BharathiPark Road, Coimbatore-641043

Tamilnadu

90.

BharathInstitute of Higher Education & Research

4.07.2002

173, AgharamRoad, Selaiyur, Chennai-600073 Tamilnadu

91.

ChennaiMathematical Institute

Plot H1, SIPCOT IT Park, Padur Post, Siruseri- 603103,

Chennai

(Tamilnadu)

15.12.2006

92.

GandhigramRural Institute Gandhigram, Dindigul -624302 Tamilnadu

3.08.1976

93.

HindustanInstitute of Technology

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