

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. AJIT SINGH
HON'BLE MR. JUSTICE HRISHIKESH ROY

08-03-2016

(Ajit Singh, C.J.)

By these petitions, the petitioners have mainly challenged the constitutional validity of amendment in Statute 2(iv) of the Tezpur University Act, 1993, for short the 'Act'.

2. Tezpur University, Assam, is a statutory autonomous body. It is governed by the Tezpur University Act, 1993 and statutes and ordinances framed thereunder. Section 9(i) of the Act stipulates that the President of India shall be the Visitor of the University. Section 12(1) of the Act provides that the Vice-Chancellor shall be appointed by the Visitor in such a manner as may be prescribed by the Statutes. Statute 2 stipulates that Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by a Committee, consisting of three persons; out of whom, two shall be nominated by the Board of Management and one by the Visitor.

3. The Ministry of Human Resources Development, Government of India, vide its letter dated 30.03.2007 advised all the Central Universities to examine the desirability of enhancing the age of superannuation of Vice-Chancellor from 65 to 70 years, subject to amendment in the respective statutes with the approval of the competent authority i.e. the Visitor. This advice was given in pursuance of enhancement of age of superannuation of teachers in central educational institutions from 62 years to 65 years. Later, the same Ministry vide its letter dated 27.01.2010 wrote to the Vice-Chancellors of the Central Universities to examine the desirability of

providing eligibility for re-appointment of Vice-Chancellor and send to the Ministry a suitable proposal for amendment of the relevant Statutes of the Universities. This decision was taken keeping in view the fact that the Acts some of the Central Universities already had provisions for re-appointment of Vice-Chancellor.

4. Having regard to the aforesaid advice of the Ministry, the Board of Management in exercise of powers conferred under Section 27 of the Act in its meeting held on 28.06.2007 resolved to amend Statute 2(iv) to enhance the age of Vice-Chancellor from 65 to 70 years. On 11.02.2010, the Board of Management in its another meeting also resolved that Vice-Chancellor shall be eligible for re-appointment provided that he is within the permissible age limit of 70 years. The President of India in his capacity as Visitor of the Tezpur University has duly approved the resolution of the Board of Management.

5. The impugned amended Statute 2(iv) provides that the Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon the office, or until he attains the age of 70 years, whichever is earlier, and he shall be eligible for re-appointment.

6. Since Respondent No.2 Prof. Mihir Kanti Choudhuri as Vice-Chancellor of Tezpur University was completing the tenure of five years on 20.05.2012, a Committee was constituted to recommend a panel of at least three persons for consideration for appointment as Vice-Chancellor of the Tezpur University. The Committee comprising of distinguished persons recommended a panel of three persons in order of merit for consideration by the Visitor and the name of Prof. Mihir Kanti Choudhuri was placed at No.1 position. The President of India in its capacity as the Visitor of Tezpur University was thus pleased to re-appoint Prof. Mihir Kanti Choudhuri as Vice-Chancellor of the Tezpur University.

7. The petitioners admittedly participated in the selection process as candidates for the office of Vice-Chancellor. They were aware of the impugned amendment in Statute-2(iv) and they did not challenge the amendment till the selection process was over. They challenged the same only when it was declared to them that their names do not find place in the panel. For these reasons, we find no justification to entertain the present petition.

8. The petitions are, accordingly, dismissed.

JUDGE

CHIEF JUSTICE

ISINGH