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21/4/50



All communications should be addressed to the Registrar, Annamalai University, Annamalai Nagar, by designation and not by name.

ANNAMALAI UNIVERSITY

No. 4-A2

18th April '50 193x.

From
THE REGISTRAR,
ANNAMALAI UNIVERSITY,
ANNAMALAINAGAR.

To
The Secretary to Government,
Education Department,
Fort St. George, Madras.

Sir,
Sub:-Annamalai University-Senate.

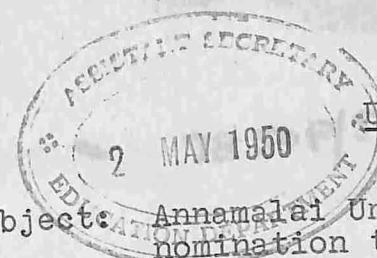
I have the honour, by direction, of the Vice-Chancellor, to address the Government for favour of their opinion as to whether an election should be conducted now for filling a casual vacancy on the Senate, especially in view of the following considerations.

The present Senate constituted in December 1947 will have to be reconstituted again to function from 6th December 1950. Since its constitution in 1947, there have been 2 vacancies on the Senate one under Section 15, Class I Sub-Clause (6) and the other under Section 15 Class III Sub-Clause (7) of the Act due to the reconstitution of the District Board of the South Arcot District then under consideration. Now that the District Board has been reconstituted and is functioning, the question has been raised whether the District Board should not be moved to conduct an election to return a member to the Senate of this University under Section 15 Class III Sub-Clause (7) of the Act. But, in view of the impending reconstitution of the Senate in December next and the possibility of an Amending Act coming into force shortly and the next meeting of the Senate being likely to be only in December next when the reconstituted Senate might have come into existence, I am to request the favour of your opinion as to whether arrangements for an election to fill this vacancy should be proceeded with now.

The favour of early orders is requested.

Yours faithfully,

S. Sathuridam



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Governor's Secretariat.

U.O. Note. 241/50-3
1-5.50

Subject: Annamalai University - Senate - His Excellency's nomination to fill ~~the~~ vacancy.

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24.4953F/50-1
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The Registrar, Annamalai University, has brought to the notice of the Chancellor a vacancy on the Senate in the nominated seat which occurred consequent on the resignation of Sri N.M.R. Subbaraman, MLA, and has asked for the decision of the Chancellor regarding his nomination to fill the vacancy. It is understood that the Registrar has taken up with the Govt. the general question of filling up vacancies in view of the elections to the Senate in October-November and the Constitution of the new Senate in Decr. this year. Education Dept. may be requested to state whether any decision has been taken in the matter.

Norindan Nain
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Education (F)

Letter/No. 7850A/50-2 Education dated 5/5/50

To

The Registrar, Annamalai University, Annamalainagar.

Sir,

Sub:- University - Annamalai - Senate - Election by the members of the District Board, South Arcot.

Ref:- Your letter No. 4-A.2 dated 18.4.50.

In view of the provisions of Section 33(3) of the Annamalai University Act, the election to the Senate of the Annamalai University by the members of the District Board, South Arcot District, from among themselves, should be held now and steps should be taken in that direction should be taken urgently.

Yours faithfully,

18/5/50
152/350

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P 54 of the Annamalai University Calendar 1948

R 42 - 20

(4)

UNIVERSITY - Annamalai - Senate - Election by the members of the District Board, South Arcot.

C.No.7850/50. *Pf* From the Registrar, Annamalai University, No.4-A2 dated 18.4.50

P42 of sec Annamalai University Calendar, 1948

Under Section 15, Class III sub clause (7) of the Annamalai University Act, the Senate of the Annamalai University is to consist, among others, of one member elected by the members of the District Board, South Arcot District, from among themselves. The Senate was last reconstituted in December, 1947, and it is to be reconstituted again in December, 1950. The Registrar of the University states that due to the reconstitution of the District Board of South Arcot which was then under consideration, no election to the Senate under Section 15 Class III sub clause (7) of the Act was then held in 1947. Now that the District Board has been reconstituted and is functioning, the Registrar raises the question whether arrangements should now be made for the election of a member under the above Section to fill up the vacancy in the Senate. He points out three factors ~~which may~~ ^{to} be taken into account in coming to a decision in the matter, viz.:-

- (a) the impending reconstitution of the Senate in Dec.50,
- (b) the possibility of an amending Act coming into force;
- and (c) the next meeting of the Senate ~~not~~ being not likely to be held till December 1950, i.e. till the next reconstitution.

2. The relevant section of the Annamalai University Act on the subject is extracted below:--

"Any vacancy in the membership of any such authority or body occurring before the reconstitution thereof shall be filled up as soon as conveniently may be by the person or body who ~~is~~ nominated or elected the member whose place has become vacant and the person so nominated or elected shall be a member of such authority or body only for the residue of the term for which the person whose place he has filled ~~filled~~ would have been a member".

The corresponding provisions on the subject in the Acts of the other two Universities are as follows:--

Madras University

Sec 33 (3) of the Annamalai University Act - P. 54 of the Annamalai University Calendar, 1948

Madras University.

"All vacancies among the members (other than ^{ex-officio} members) of any authority ~~other than~~ or other body of the University shall be filled as soon as conveniently may be by the individual or electorate who nominated or elected the member whose place has ~~become~~ become vacant;

Provided that vacancies arising by efflux of time among elected members of any authority or other body of the University may be filled at elections which may be fixed by the Vice-Chancellor to take place on such days not earlier than two months from the date on which the vacancies arise, as he thinks fit."

Andhra University

"Any vacancy in the said membership occurring before the next reconstitution shall be filled up as soon as conveniently may be, by the body or person who elected nominated appointed or co-opted the member whose place has become vacant and the person so elected nominated appointed or co-opted shall be ~~member~~ a member only for the residue of the term for which the person whose place ~~has~~ he has filled would have been a member;

Provided that no vacancy in the said membership occurring within six months before the next reconstitution shall be filled up until such reconstitution!"

In a recent case relating to an interim vacancy that has arisen in the Senate of the Andhra University consequent on the setting aside ^{by the Chancellor} of the election of two members elected from the local body constituency of Chittoor District, it has been held that a by-election should be held immediately to fill up the vacancy thus caused in the Senate in view of the mandatory terms in the provision of the Act.

~~In the Acts of the Madras and the Annamalai Universities there is no provision similar to the provision in the Andhra University Act.~~

According to Sec. 33(3) of the Annamalai University Act, the only provision is that the vacancy should be filled up as conveniently as possible. The question now is whether it would be convenient ~~or the Government~~ to hold an election to the Senate

~~under Section 15, Class III sub-clause (7) of the Annamalai University Act.~~

One of the reasons for the inconvenience stated by the Registrar viz. that the amendment to the Annamalai University Act is likely to

come into force shortly, is not ~~is~~ sustainable, especially in view of the fact that the Committee constituted by the Govt. for the amendment ^{suggesting} to the Annamalai University met for the first ^{time} in

Feb. 1950 and that the Report of the Committee has not yet been received. However, inasmuch as the next meeting of the Senate

^{is likely to} will be held only after the reconstitution of the Senate in

Sec 38 of
reg. Madras
University
Act -
P-45 of the
Madras
University
Calendar -
6-48-49 -
Vol I

Sec 30(2)
of the
Andhra Univ
Act -
P-29 of the
Andhra Univ
Calendar -
1948-50.

Legal
note on
P-2-3-4-5
PPS-6 of
J.S.
1299 Edn
21/4/50
(D)

P-24 of the
Annamalai
University
Calendar

P-42 of

separate
file (under
submission)

in the meanwhile. In view, however, of the fact that Sec. 33(3) of the Act is couched in mandatory terms, ~~it is imperative that~~ the vacancy should, it seems, be filled ~~itself~~ itself.

Legal may see the case for remarks prior to circulation.

V.R.
24.4.50

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The Registrar may be informed that an election should be held and that steps in that direction should be taken urgently -

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26.4.50

J. B.
27.4.50

Legal.

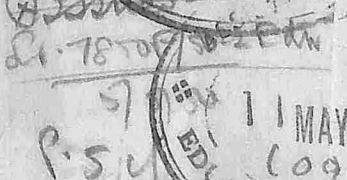
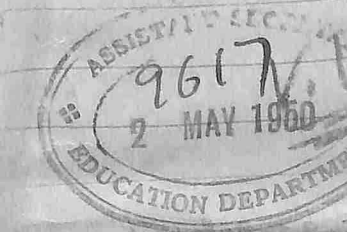
Legal Department.

The provisions of s33(3) of the Annamalai University Act are similar to the provisions of s30(2) of the Andhra University Act. As pointed out in this Department's note on pp2-3nf of G O Ms No.1299 Education d/21-4-1950 the provisions are couched in mandatory terms and must be complied with. The Registrar may be informed as proposed by A.S., Education above

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1.5.50

Education (F)

(This Department note on p.p. 1-3 ante and Legal Department note above may be perused.) Legal agree with the views of this Department at R above. A draft letter to the Registrar of the Annamalai University is submitted for approval. Please see in this connection, the G.O. from the Governor's Secretariat on p.3 c.f., ~~the draft may issue~~ from the Governor's Secretariat. The file may be circulated to H.M.E.&L and H.E. after issue.



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H.M.E. & L.

EDUCATION (193) DEPARTMENT.

MS. SERIES.

(1)

(1)

Claf

G. O. No 1520 Edm.

By
H. H. H.

DATED. 16 - 5. 1950.

Sub. UNIVERSITY - Annamalai. Senate.

Filling a ^{Vacancy} order issued. Recorded.

Edu (P)

The papers may now be
Order MS 1520 Endd-16.5.50

Recorded.

RS
 11/3/50.

11/3/50

11/3/50

Subject:-

University -
~~Madras -~~
Arumalai -
Senate -
Election by
the Members
of the Board
of
Students
to be taken
in
order
to
filling a
vacancy -
Order issued