

clerk <sup>SV</sup>  
167/10

Edw (F)(1950) Department.

Edw (M) SERIES.

G.O. NO. 3072 Edw.

Dated 17. 11. 50.

15

[Despatch Abstract.]

University - Annamalai -  
Academic Council - Membership -  
Place of Associate Professors -  
Burling gwei - Papers -  
Records.

### Back Papers.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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### Further Papers.

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From,

T.Govindarajan, M.A., L.T.,  
(member of the Syndicate, Annamalai University)  
Punkunnum, Trichur. (.U.S.T.&C)

To

His Excellency The Chancellor,  
Annamalai University,  
Government House, Guindy.

Your Excellency,

Appeal against a Ruling of the Vice-chancellor  
of the Annamalai University - Associate Pro-  
fessors, ex-officio members of the Academic  
Council or not. -

I beg to introduce myself as a member of the  
Syndicate of the Annamalai University, Annamalainagar.

I beg leave to appeal to your Excellency, the  
Chancellor of the Annamalai University, under Section 37 of the  
Annamalai University Act, against a ruling of the Vice-chancellor  
of the said University.

At a meeting of the Academic Council held on  
16/9/50, I raised a point of order that according to Section 17  
of the Annamalai University Act, only Professors are entitled to  
sit in the Academic Council as ex-officio members and that Asso-  
ciate Professor are not entitled to sit in the Academic Council  
as ex-officio members, Class I.

But the Vice-chancellor ruled that Associate  
Professors are also entitled to be Class I Ex-officio members  
of the Academic Council and they sat in the Council and participated  
in the proceedings. The argument in favour of the ruling was xx  
roughly as follows: ( a copy of the ruling was not given to me and  
may be obtained from the Vice-chancellor.)

"The Statutes (under the Act) governing the classification of  
Teachers (Chapter XVII, Laws of the University, University Calendar  
1948), namely Paras (1) and (2) of Chapter XVII have been amended  
to replace Readers

Trichur  
21st September 1950

856 of 102  
1948

143 - 16/9/50

1712-173  
1948

2

to replace "Readers" by "Associate Professors" and that these amendments to the Statutes have been accepted by the Chancellor, and that as a consequence, all consequential amendments followed in due course, viz., that since "Readers" were replaced by "Associate Professors", the latter became Class I Ex-officio members of the Academic Council in place of the Readers.

3

The points that arise for consideration in my appeal to Your Excellency are as follow:

- (1) Draft statutes are passed by the Senate and become Statutes after assent by His Excellency the Chancellor; consequential ~~am~~ amendments in the Statutes only follow as a matter of course.
- (ii) The Annamalai University Act is passed by the State Legislatures and becomes Law after assent by H.E. the Governor of the State and by the President of the Indian Republic.

Therefore, when Statutes are passed by the Senate and assented to, by H.E. the Chancellor, the Statutes become binding and While consequential amendments in the Statutes only may be valid, any amendments that arise in the Act cannot be incorporated into the Act, without the consent of the Legislatures etc.

Further,

- (i) The authority to amend the Statutes and the ~~next~~ authority to amend the Act are two entirely different bodies, namely the Senate and the State Legislatures. The amendments to the Statutes do not as a matter of course, lead to an amendment of the provisions of the Act.
- (ii) The supremacy is for the Act and the Legislatures. While statutes should not offend the provisions of the Act, the Act cannot be interpreted in the light of the Statutes or amendments made in the Statutes from time to time.
- (iii) The proper authority to amend the Section 17 of the Act and entitle Associate Professors to become ex-officio members of the Academic Council, is the State Legislature and the Governor.
- (iv) Statutes and amendments thereto are assented to by the Chancellor before they become binding.

(v) The Act and amendments thereto are assented to by H.E. the Governor (and by the President of the Republic.)

(vi) The functions of the Chancellor and the Governor are divisible, though they are exercised by the same individual.

(vii) A Statute assented to by the Chancellor in the discharge of his duties as Chancellor of the Annamalai University does not affect or amend the Provisions of the Annamalai University Act, which is passed by the state legislatures and assented to by the Governor of the Madras State (and the President)

(viii) It is even plausible to argue that the Chancellor is in a way subordinate to the Governor, for the jurisdiction of the former is included in and governed by the jurisdiction of the latter.

*P43 of the calendar*  
*K*  
*M*  
I therefore beg to contend that so long as Section 17 of the Annamalai University Act is, as it stands at present, any amendments to the Statutes cannot either <sup>the Act</sup> override or validate consequential amendments in the provisions of the Act. Therefore I beg to plead that according to Section 17 of the Act, Associate Professors created under the Statutes in place of "Readers", are not entitled to be Class I Ex-officio members of the Academic council of the University.

*P56 - do -*  
In view of the Vice-chancellor's ruling enabling Associate Professors to function as ex-officio members of the Academic Council, I beg to prefer this appeal to your Excellency for a ruling under Section 37 of the Annamalai University Act - as to whether an Associate Professor is entitled under the Act to function as an Ex-officio member of the Academic Council of the University.

I also beg leave to present the following petition for your consideration.

*Sec 15, class III -*  
*Sub Sec 2 of the Act -*  
*P44 of calendar*  
The following elections are due in the near future in which members of the Academic Council are entitled to participate.

1. Election of four members to the Senate from the Academic Council (beginning on 12-12-50)

*Sec 21, class II -*  
*Sub Sec 2 of the Act*  
2. Election of one member to the Syndicate from the Academic

Academic Council to the Syndicate (beginning on 19-12-50)

*Part of the calendar*

In these elections, according to the Vice-chancellor's ruling the Associate Professors will participate and vote. Though Section 34 of the Act can be invoked to validate the proceedings, I request that in view of a fair proportion of the voters in the Academic Council being the Associate Professors -- about ten in about a total of fortyfive -- Your Excellency may be pleased to direct the Vice-chancellor and the Registrar of the Annamalai University to postpone the said elections until such time as Your Excellency is pleased to give a final ruling in the matter regarding the membership or otherwise of the Associate Professors in the Academic Council.

I may also request Your Excellency that the appropriate legal authority in the Government of Madras may be consulted in the matter .

I humbly beg for an early decision in the matter.

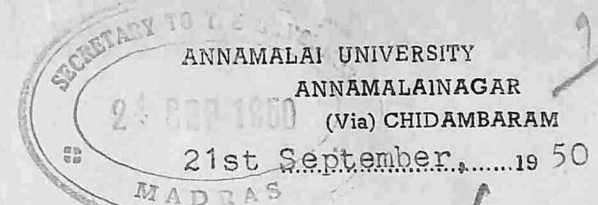
May it please Your Excellency,

Your most obedient servant,

*T. Govindarajan*

Member of the Syndicate, 21.9.50  
Annamalai University,  
Professor of Mathematics,  
Sree Kerala Varma College,  
Trichur. (U.S.T. & C.)

S. G. MANAVALA RAMANUJAM  
(M. A., Ph. D. (Lond.), D. I. C. etc.)  
VICE-CHANCELLOR



Dear Mr. Govindan Nair,

Ref: Membership of the Academic Council - Replace of Associate Professors.

P 56 of the Calendar

Under Section 37 of the Annamalai University Act, I am to place the following facts relating to membership of the Academic Council over which a doubt has been raised at the recent meeting of the Academic Council held on the 16th instant for favour of consideration and decision of His Excellency the Chancellor of the University.

P 43 - do

Section 17 of the Act Class I (3) lays down that 'Professors and Readers' shall be ex-officio members of the Academic Council.

P 33 - do

Section 2 (f) of the Act defines the categories of teachers of the University. Prior to March 1950, there were the following categories of teachers in the University (Viz)-Professors, Readers, Lecturers, Tutors and Demonstrators - according to Statute 2 of Chapter XVII passed by the Senate and assented to by the Chancellor (Page 173 of the University Calendar 1948). Consequent on the recent revision of grades and salaries of teaching staff with effect from the academic year 1950--'51, there was a reclassification of the above categories of teachers according to which the original designation of 'Readers' was substituted, by 'Associate Professors'. The Statute governing this reclassification of

P 173 - do

teachers was recommended by the Syndicate, approved by the Academic Council, adopted by the Senate and assented to by His Excellency the Chancellor under Section 30 (3) of the Act. A copy of the Statutes governing the original and the revised classification of teachers is enclosed for information.

P 52 of the Calendar

P 15 of the Calendar

P 43 of the Calendar

Now, according to Section 17 Class I(3) of the Act, it is contended that the class of teachers with the designation of 'Readers' alone can be members ex-officio of the Academic Council and not 'Associate Professors' for the simple reason that the designation is different though it corresponds to the category

P.T.O.

of 'Readers' previously existing.

I had this question fully examined and am of the view that 'Associate Professors' corresponding to 'Readers' under the old classification, are entitled to all the rights and privileges conferred by the Act on the class of teachers designated 'Readers'

PP 43-44  
the calendar

Besides, an analysis of the constitution of the Academic Council laid down under Section 17 of the Act will make it clear that the intention of the provisions of the Act is to confer on Readers as next in rank and status to 'Professors' membership ex-officio as against membership by election provided for the other categories of teachers below the rank of 'Readers'. If, as is contended, 'Associate Professors' are not to be members ex-officio on the Council, they, as a class, will be completely ignored and denied even the right of seeking membership by elec-

Sec 17, class II  
Sub Sec (1)  
of the Act  
P. 44 of the calendar

-tion conferred on Teachers of a lower category. The intention of the Act is clear therefore that the class of teachers next in rank and status to 'Professors' corresponding to 'Readers' should be members ex-officio irrespective of the designation which could be altered in any manner by a statute as contemplated by Section 2 (f) of the Act referred to above. The designation of 'Readers' has been so altered into 'Associate Professors' by a revised Statute passed by the Senate in March, 1950 and assented to by His Excellency the Chancellor. It is apparent, therefore, that the rank and status of the teacher count more than the designation in determining the right of membership of the Academic Council.

P 33 of the  
Calendar

At the recent meeting of the Academic Council, on a question raised on this issue I gave the ruling that the position as explained above was the correct one and it did not offend the relevant provisions of the Act or the laws framed thereunder whose spirit and intention had been maintained by conferring on 'Associate Professors' the right of ex-officio membership of the Academic Council.

I request that you will be so good as to place this matter before His Excellency the Chancellor and communicate to me his decision under Section 37 of the Act at your earliest convenience.

PTG of  
the Act

Yours sincerely,

S. G. Manavale Ramanujam

(Vice- Chancellor)

To  
Sri P. Govindan Nair, I.C.S.,  
Secretary to His Excellency  
the Governor of Madras,  
Government House,

# ORIGINAL CLASSIFICATION OF TEACHERS.

"2. There shall be the following classes of teachers in the University.

## Faculty of Arts, Science and Oriental Studies.

Professors  
Readers  
Lecturers I and II Grades  
Lecturers with Titles  
Tutors and Demonstrators

"9. The salaries of teachers in the several Faculties shall be as follows:

## Faculties of Arts, Science and Oriental Studies.

Professors: Rs. 250—15—400—20—500 with a selection grade Rs. 500—25—700 for four Professors.

Readers: Rs. 200—10—300.

Lecturers: I Grade Rs. 150—10—250.

II Grade Rs. 100—10—150.

Lecturers with Titles: Rs. 75—5—125.

Tutors and demonstrators: Rs. 75—5—100.

# REVISED CLASSIFICATION OF TEACHERS

That Statutes 2 and 9 of Chapter XVII be modified to read as follows. (P 172-4 of the calendar for 1948)

"2. There shall be the following classes of Teachers in the University.

## Faculty of Arts, Science and oriental Studies.

Professors  
Associate Professors  
Lecturers  
Tutors and Demonstrators

9. The salaries of teachers in the several Faculties shall be as follows:-

## Faculties of Arts, Science and Oriental Studies.

### A

|                               |     |                               |
|-------------------------------|-----|-------------------------------|
| Professors                    | ... | Rs. 400 — 20 — 700            |
| Associate Professors          |     | Rs. 250 — 15 — 400 — 20 — 500 |
| Lecturers                     | ... | Rs. 150 — 10 — 300            |
| Tutors and Demons-<br>trators |     | Rs. 75 — 5 — 125              |

### B

|                                                        |  |                               |
|--------------------------------------------------------|--|-------------------------------|
| Professor and Direc-<br>tor of Physical Edu-<br>cation |  | Rs. 250 — 15 — 400 — 20 — 500 |
|--------------------------------------------------------|--|-------------------------------|

17



Uo. No. 10800/50  
26.9.50.

10. 17  
Governor's Secretariat.

Sub: Annamalai University- Academic Council- Meetings- Right of Associate Professors to attend-

PP-7 ante  
A petition received from Sri T. Govindarajan dated 21st September 1950 and a letter received from the Vice-Chancellor of the Annamalai University on the subject cited above may be sent to Education Department who may be requested to examine the case and to circulate the file to His Excellency in due course through H.M(Education).

PP-13 ante

Govindan Nair  
G.S. 26/9/50

Edn. Dept u.o.

800/50 11 19  
Guindy,  
15th November 1950.

From  
The Secretary to H.E.the Governor.

To  
The Vice-Chancellor,  
Annamalai University.

Sir,  
Sub: University- Annamalai- Academic Council-  
Meetings- Right of Associate Professors  
to attend-

Ref: Your letter No.R.O.C.17726-A1 dated 21st  
September 1950-

I am directed to say that His Excellency the  
Chancellor has examined the points raised by Sri T.  
Govindarajan in his petition dated 21st September 1950  
on the subject cited above and agrees with you that the  
'Associate Professors' corresponding to 'Readers' under  
the old classification are entitled to all the rights  
and privileges conferred by the Act on the class of  
teachers designated 'Readers' and that the intention of  
the Act is that the class of teachers next in rank and  
status to Professors should be ex-officio members of the  
Academic Council irrespective of the designation. His  
Excellency has also been advised that it is possible to  
take the view that Associate Professors will fall within  
the scope of the expression 'Professors'. In the circum-  
stances His Excellency declines to interfere. Sri T.  
Govindarajan may kindly be informed accordingly.

Yours faithfully,

*P. Govindan Nair*  
(P. Govindan Nair)

Secretary to H.E.the Governor.

Copy for Secretariat file.

UNIVERSITY - Annamalai - Academic Council - meetings - Right of Associate Professors to attend.

C.No.29678/50-F.

From Sri T.Govindarajan, M.A.L.T., Member, Syndicate of the Annamalai University, Punkunnum, Trichur (U.S.T.&C), dated 21-9-1950.

From the Vice-Chancellor, Annamalai University, Roc.No.17726-A1 dated 21.9.50.

From the Governor's Secretariat, U.O.No.800/50 dated 26.9.50.

Please see the letter from Sri T.Govindarajan, a member of the Syndicate of the Annamalai University on p.p.1-7 c.f, the letter from the Vice-Chancellor, Annamalai University, on p.p.9-13 c.f., its enclosure on p. 15 c.f, and the u.o. note from the Governor's Secretariat, on p.17 c.f.

2. Prior to 1950, the teaching staff of the Annamalai University were classified as under:--

Professors,  
Readers,  
Lecturers, and  
Tutors and Demonstrators.

Consequent upon the recent revision of scales of pay sanctioned to the teaching staff of the University with effect from the current academic year, ~~there~~ a reclassification of the teachers has been made as under:--

Professors,  
Associate Professors,  
Lecturers,  
Tutors and Demonstrators, and  
Professor and Director of Physical Education.

With reference to revised classification mentioned above, Statutes 2 and 9 of Chapter XVII of the Annamalai University were amended by the Senate of the University and assented to by H.E. the Chancellor. Copies of the above 2 statutes, prior to their amendment and after their amendment, are on p.15 c.f.

Under Section 17 - Class I - Ex-Officio Members - (3) of the Annamalai University Act, the Professors and Readers of the Annamalai University are ex-officio members of the Academic Council of the University. Consequent upon the amendment of the statutes relating ~~the~~ to the classification and scales of pay of the teaching staff of the University referred to above, the Vice-Chancellor of the University has given a ruling that Associate Professors who have taken the place of Readers are also ~~eligible~~ entitled to

San p 15 of +  
Statute 2,  
Chapter XVII,  
PP 172-173 of the  
Annamalai University  
(1948)

P 9 of + P 15 of

PP 172-173 of  
the Annamalai University  
(1948)

P 9 of

P 43 of the  
Calendar

PP 2-3 of

(in place of the Readers)  
to be Ex-Officio members of the Academic Council ~~like~~ like the Professors of the University. Sri Govindarajan has raised a point of order against this ruling of the Vice-Chancellor and has appealed to the Chancellor for orders under Section 37 of the Act, on the following grounds:--

- Draft
- (1) Statutes are passed by the Senate and become statutes after they receive the assent of H.E. the Chancellor; an amendment of a statute will have a consequential effect only on another statute;
- (2) the Annamalai University Act is passed by the State Legislature, ~~after receiving the assent~~ and becomes a Law after it is assented to by H.E. Governor or the President of the Indian Republic;
- (3) any amendment to the Statute cannot be incorporated into the Act, without the consent of the Legislature; and
- (4) so long as section 17 of the Annamalai University Act is, as it is at present, Associate Professors are ~~not~~ not entitled to become Ex-Officio Members of the Academic Council of the University.

Sri T. Govindarajan has presented the above petition in view of the coming elections to the ~~various bodies of the~~ Senate and Syndicate of the University. ~~Four~~ <sup>to be</sup> Four members are elected by the Academic Council ~~and~~ to the Senate and one member ~~is elected~~ by the Academic Council to the Syndicate. He points out that in these elections, if the Associate Professors are allowed to participate according to the Vice-Chancellor's ruling, ~~the number of Associate Professors in the~~ there will be a fair number of Associate Professors in the various bodies of the University. He therefore requests that the elections to the Senate Syndicate etc. <sup>may</sup> be postponed till a final ruling is given by H.E. the Chancellor in the matter.

3. The Vice-Chancellor is of the opinion that the posts of Associate Professors correspond to Readers and that therefore the Associate Professors are entitled to all the rights and privileges of the Readers. He states that though an amendment of the Act has not ~~been~~ <sup>recent</sup> been made, the intention ~~of the amendment of the Statute~~ <sup>is</sup> is that the Associate Professors should come next in rank to Professors only and <sup>that</sup> they should be entitled to be ex-officio members of the Academic Council irrespective of the change of designation. He points out that if the Associate Professors are not allowed to become Ex-officio members of the Academic Council, they have no <sup>will</sup> ~~right~~ <sup>chance</sup> of being,

P1 of  
PP 1-7 of  
P56 of the  
Annamalai  
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(1948)

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A m P3 of  
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Calendar

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represented in the Academic Council,

4. ~~But~~ The Governor's Secretariat have called for the remarks of this Department on the subject, in consultation with the Legal Department.

5. Submitted that <sup>while</sup> the contention of the Vice-Chancellor that the Associate Professors should be eligible for all the rights and privileges of Readers is reasonable, it may be argued that without the necessary amendment to the Act - substituting 'Associate Professors' for 'Readers' in Section 17, Class I - Ex-Officio Members - (3) the Associate Professors cannot be considered as Ex-Officio members of the Academic Council. It would therefore appear that an amendment to the Act will be necessary if they are to be given the statutory rights of Readers of the University. The question of amendment of the Annamalai University Act is separately under consideration. <sup>(Rev. C. John himself made of it)</sup> The Committee constituted for that purpose will no doubt take this aspect of the question into account before submitting their final recommendations on the amendments necessary to the Act. In the circumstances, it is for orders whether this Department may suggest that the question of amending the Act suitably in order to enable the ~~Associate~~ Associate Professors to get the rights and privileges of Professors <sup>have to</sup> will be taken up separately, ~~in~~ no objection need be raised to their being ~~members~~ ex-officio members of the Academic Council and participating in the elections ~~to~~ the Senate, Syndicate and other bodies of the University. etc, in the meanwhile

Legal may see the case for remarks prior to circulation.

RS  
3/10/50  
By  
3/10/50

Sri T. Govindarajan's  
view seems to be correct,  
namely, that Associate Pro-  
fessors cannot function as  
ex-officio members of the Aca-  
demic Council, in view of  
Section 17 of the Annamalai  
University Act - The  
Vice Chancellor

Vice Chancellor's view that the newly designated Associate Professors should be made eligible to all the privileges of membership even as Readers were, can be given effect to only by an amendment of the Act - (Sec. 17)

WLB  
4.10.50

the Legal Dept

LEGAL DEPARTMENT.

Discussed with the Secretary.

B. L. (P)

The contention of the appellant seems to proceed on a strict and narrow interpretation of <sup>section</sup> 17 of the Annamalai University Act. As observed by the Vice-Chancellor, the intention underlying that section is that the class of teachers next in rank and status to Professors should be ex-officio members of the Academic Council. The mere fact that the designation "Readers" was changed into "Associate Professors" cannot have the effect of depriving the persons, who were called Readers before the re-classification, of their membership on the Academic Council. It is also possible to take the view that Associate Professors will fall within the scope of the expression "Professors". This Department may, therefore, advise that the contention of the appellant cannot be upheld.

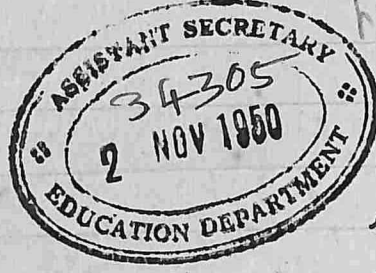


It is, however, desirable to amend 17 of the Act so as to

obviate contentions of the kind raised by the appellant.

WLB  
10/10/50

Edn Dept



Legal No. 15954/504  
31 X 50

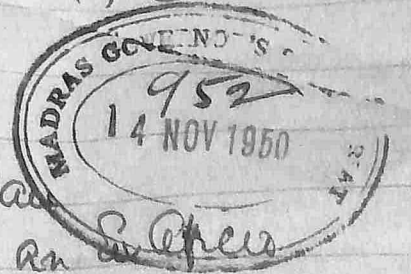
The Legal Dept. have taken a liberal view of the provision. Their view may be circulated to H.M. (C & L) & H.E. accepted by WLB 10/11/50

C.No. 29678/P/50

please see the notes from Edn Dept (F)

4 ante. Legal Dept advise that the contention of the appellant viz. that Associate Professors cannot function as ex-officio members of the Academic Council cannot be upheld and that it is, however, desirable to amend Section 17 of the Annamalai University Act. As the question of amendment of the Annamalai University Act is under consideration separately, it is for orders whether pending amendment of the Act, the Associate Professors will be permitted to function as ex-officio members of the Academic Council. The file may be circulated to H.M. (C & L) & H.E.

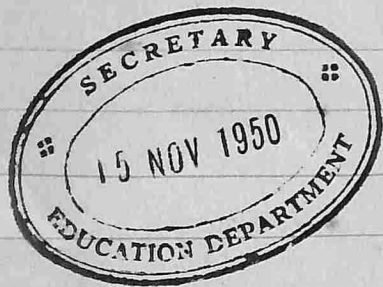
Strictly the statute changing "Readers" into "Associate Prof" is bad. As a statute cannot override the Act. In that view the Associate Prof continues to be "Reader" ignoring the statute. And so even if the statute is ignored the result is that the Assoc Prof becomes a "Reader" & can attend the Academic Council as an ex-officio member. X on prepap also is sound. In any case the view of the case the Associate Prof. is an ex-officio member of the Academic Council.



Governor's Secretariat.

H.E. has seen, thanks. A copy of the reply to the Vice-Chancellor is placed below.

It is presumed Education Department will take up separately and examine in consultation with the University authorities the question of amending section 17 of the Annamalai University Act, raised at P and Q on pp.3 and 4 ante.



*Domidan Nair*  
15/11/50

G.S.

Edn. Dept u.o.

*FAB*  
*Get back*

*These papers may  
be recorded.  
2. Extracts will be  
taken from the file for  
separate action regarding  
the amendment of the  
Act.*

*15/11/50*  
*X*  
*16. 11*

*Taken*  
*4/11/50*

*M. Lakshmi*  
*16/11*

Order / Ms 3082 Edn d/- 17-11-50

*University -  
Annamalai -  
Academic  
Council - Membership  
Right of Associate  
Professors. ~~to be~~  
Ruling given -  
Papers recorded*

*15*  
*16/11/50*  
*16/11*

