Selection of Vice-Chancellors

What is the issue?

The Tamil Nadu Assembly passed two Bills that seek to transfer the Governor's power in appointing Vice-Chancellors (VCs) of 13 state universities to the state government.

What are the highlights of the two Bills?

> *The governor acts as the chancellor of the universities and the higher education minister as pro-chancellor.*

- **Current mode of appointment of VCs**- At present, the Governor, makes the appointment of VCs from a panel of three names recommended by a selection committee.
- **Features of the Bill**- The Bills stress that the Vice-Chancellor shall be appointed by the Government from a panel of three names recommended by a search-cum-selection committee.
- The Bills also seek to empower the state government to have the final word on the removal of VCs, if needed.
- Removal will be carried out based on inquiries by a retired High Court judge or a bureaucrat who has served at least as a Chief Secretary.

What is the need for passing such a bill?

- **Lack of consultation**- The tradition for the governor to appoint the vice-chancellors in consultation with the state government is witnessing a change in the recent past.
- **Administrative irregularities**- The inability of the elected government to appoint a vice-chancellor of its own university was causing various irregularities in the overall administration of the varsity.
- **Power clash**- The Punchhi Commission constituted by Centre had recommended that governors should not be vested with the powers that were not vested by the Constitution (appointing vice-chancellors) as it would lead to clash of functions and powers between the state government and the governor.
- **At the behest of the Centre**- The elected governments have repeatedly accused the Governors of acting as per the wish of the Centre on various subjects, including education.
- **Other states**- The Maharashtra Assembly passed a Bill amending the Maharashtra Public Universities Act, 2016, where the Governor will be given two names to choose from by the state government following a panel's suggestions.
- In 2019, the West Bengal government took away the Governor's authority in appointing VCs to state universities.
- The Odisha government has also tried to bring appointments to state universities under its control but it has been challenged by the University Grants Commission (UGC).
- In Gujarat, the state government had been appointing the vice-chancellor based on the three names recommended by the search committee.

- In Andhra Pradesh, Karnataka and Telangana, the vice- chancellors were appointed from the list of three names recommended by the search committee and with the approval of the state government.

What is the role of UGC in this?

- The University Grants Commission (UGC) was inaugurated by late Shri Maulana Abul Kalam Azad, the then Education Minister in 1953.
- However, it was formally established in 1956 as a statutory body for the coordination, determination and maintenance of standards of university education in India.
- The head office of the UGC is in New Delhi.
- Education comes under the Concurrent List, but coordination and determination of standards in institutions for higher education or research and scientific and technical institutions comes under entry 66 of the Union List.
- The UGC plays that standard-setting role, even in the case of appointments in universities and colleges.
- According to the UGC Regulations, 2018, the "Visitor/Chancellor" (mostly the Governor in states) shall appoint the VC out of the panel of names recommended by search-cum-selection committees.
- Higher educational institutions, particularly those that get UGC funds, are mandated to follow its regulations.
- These are usually followed without friction in the case of central universities, but are sometimes resisted by the states in the case of state universities.

What are the key observations made by Supreme Court in this regard?

- The apex court said that any appointment as a Vice Chancellor contrary to the provisions of the UGC Regulations can be said to be in violation of the statutory provisions, warranting a writ of quo warranto.
- It also said that the UGC Regulations are part of the parent UGC Act, 1956.
- It ruled that in case of any conflict between state legislation and central legislation, central legislation shall prevail by applying the rule of repugnancy as enunciated in Article 254 of the Constitution.

The maxim quo warranto means "by what authority" and this writ is issued to prevent a 'usurper' from wrongfully occupying a substantive public office, enjoying certain privileges and franchise from that public office, when he does not have the authority to do so.

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