CHAPTER V : CONCLUSIONS AND SUGGESTIONS

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RESTATEMENT OF THE PROBLEM

The present study was undertaken with a view to content analyse and examine the cases related to The Tamil Nadu Private Colleges (Regulation) Act, 1976 as reported in the legal journals, besides the sections, sub-sections, clauses, sub-clauses, rules and sub-rules in the Act and related rules and regulations, in terms of the specific objectives of the study. The results of analysis were subjected to scrutiny by a panel of practising advocates and required corrections were done based on their reactions. The hypotheses formulated were verified, legal implications worked out and suggestions for further research noted.

HYPOTHESES VERIFICATION

HYPOTHESIS I

There are a few ambiguities / subjectivities in the Act and Rules which require operational definitions and revisions in Rules and Regulations —

The eighteen cases pertinent to this act and its related rules and regulations are the indices of prevalence of ambiguities / subjectivities and the legal settlement of them has reduced the ambiguities to a greater extent. Yet, there are a few expressions, which need specifications and operational definitions. Hence, the hypotheses is accepted.
**HYPOTHESIS II**

Some of the provisions in the Act and Rules are not in tune with the constitutional provisions —

The recruitment of principal and teachers as per this Act (State Legislation) is found not in tune with the UGC norms (Central Act). It is found rectified due to the adoption of the UGC norms in the college recruitment during the present days. Hence this hypothesis is very minimally accepted.

**HYPOTHESIS III**

Some of the purposes for which the Act and Rules were made are not realized

Since almost all the purposes for which this Act and its related Rules and Regulations made are found satisfactorily fulfilled, this hypothesis is almost totally rejected.

**CONCLUSIONS**

The major conclusions emerged from the present study are given below:-

I. The definition of “Private College” does not apply to “private professional educational institutions and technical institutions”.

II. Grant of Affiliation cannot be claimed as a matter of right.
III. Administrative instructions cannot override the Act and its Rules.

IV. The Regulations framed by the UGC Act is binding on the Universities’ getting grants.

V. The College Committee cannot delegate its power to its Secretary.

VI. The College Committee is the only appointing authority.

VII. The State can regulate the conditions of employment of teachers and other staff of private colleges, including minority institutions.

VIII. The Gazette Notification alone need be followed.

IX. Prior Approval of the Competent Authority is necessary in case of the termination of the Probationer also.

X. A college receiving grant must satisfy the Act and its Rules.

XI. Reasonable and justifiable punishment only shall be imposed against the erring teaching and non-teaching staff, that too after having given an opportunity to them.

XII. Prior permission is mandatory from the competent authorities in the case of transfer of properties of a college to any other college.

XIII. Prior permission/approval of the competent authority is absolutely necessary to go abroad.

XIV. Doctrine of promissory estoppel cannot be overridden by the application of the doctrine of executive necessity.
XV. Approval is required to treat the educational agency as a single corporate unit, if it runs, more than one.

XVI. Appointments and promotions should be in tune with the UGC Act & its Regulations.

XVII. A clear cut and vivid set of guidelines, incorporating the possible kinds of offences/misdeeds and the appropriate and reasonable punishments, in respect of erring staff and managements need be evolved.

XVIII. Services on leave vacancy are taken into account for appointments as well as promotions.

LEGAL IMPLICATIONS

The present study paves ways for working out remedial measures out of its legal implications. They are as follows:

1. At the outset, it is pertinent to pinpoint that many sections and rules contain the words like “such period”, “such rules of procedure”, “such powers”, “such functions”, “such form”, “such day”, “such manner”, “such time”, “such authority or officer or person”, “such arrangements”, “such value”, and “such other mode”, giving scope for subjectivity. Hence, these words need specific, explicit operational definitions and norms.
2. The words like “such terms and conditions”, “such purposes” & “such other particulars” may be continued, wherever they are inevitable.

3. The conditions, requirements and particulars for a purpose may be specified in a space and time contexts.

4. The aided minority colleges too may be treated as that of aided non-minority colleges without prejudice to the fundamental rights and other rights guaranteed for the minorities, under our Constitution.

5. The termination of even a probationer can be made with the prior approval of the competent authority only.

6. A service manual inclusive of duties and rights for college staff may be evolved and supplied.

7. The conditions “on or before” and “on or after” may be judiciously incorporated into the Act, Rules and regulations.

8. The modus operandi of enquiry for action against the erring staff should be spelt vividly and tersely, stage-wise.

9. A permanent Omnibus Committee, comprising Higher Education Secretary, Director of Collegiate Education, Regional Joint Directors
of Collegiate Education, City Police Commissioners and Heads of the Department of Vigilance and Anti-corruption may be constituted to probe the possible scandals in the parlance of higher education.

SUGGESTIONS FOR FURTHER RESEARCH

Following are a few areas of research related to the following investigation which deserve explorations:

1. Case analysis of students’ admission in aided private colleges, as per the State Government norms.


3. Studies on contradictions between State and Central Government Rules and Regulations in the establishment and administration of Educational Institutions at various stages.

4. Comparative Studies on the College Systems of various countries.

5. Comparative Studies on the University Patterns of various nations.