

ITEM NO.33+13

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1239/2023

THE STATE OF TAMIL NADU

Petitioner(s)

VERSUS

THE GOVERNOR OF TAMILNADU & ANR.

Respondent(s)

(FOR ADMISSION)

WITH

W.P. (C) No(s). 1271/2023 (X)
(FOR ADMISSION)

Date : 20-11-2023 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Mukul Rohatgi, Sr. Adv.
Mr. P Wilson, Sr. Adv.
Mr. Amit Anand Tiwari, A.A.G.
Mr. Sabarish Subramanian, AOR
Mr. C Kranthi Kumar, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Apoorv Malhotra, Adv.
Mr. Naman Dwivedi, Adv.
Mr. Danish Saifi, Adv.
Ms. Kerthana Vijay Kumar, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. P Wilson, Sr. Adv.
Mr. Sabarish Subramanian, AOR
Mr. C Kranthi Kumar, Adv.
Mr. Vishnu Unnikrishnan, Adv.

Mr. Apoorv Malhotra, Adv.
 Mr. Naman Dwivedi, Adv.
 Mr. Danish Saifi, Adv.

For Respondent(s) Mr. R. Venkataramani, AGI

**UPON hearing the counsel the Court made the following
 O R D E R**

- 1 The learned attorney General for India has placed on the record a note indicating the factual position pertaining to “Bills, files & other cases” pending with the office of the Governor of Tamil Nadu. The note contain the tabulation :

Year	Total Bills received (From January 2020 onwards)	Assent given by Hon’ble Governor	Withdrawn by Government of Tamil Nadu	Reserved for consideration of Hon’ble President	Assent withheld by Hon’ble Governor	Under process
2020	46	41	3	0	2	0
2021	41	40	1	0	0	0
2022	58	44	1	7	6	0
2023	36	27	0	2	2	5
	181	152	5	9	10	5

- 2 The above tabulation indicates that between 2020 and 2023, 181 Bills were received by the Governor to which assent has been given to 152 Bills; 05 were withdrawn by the Government; 09 were reserved for the consideration of the President; the Governor has withheld assent to 10 Bills; and 05 Bills are stated to be in process which are stated to have been received in the month of October 2023.
- 3 The note submitted by the Attorney General records that all the 12 Bills which are mentioned in the Writ Petition were disposed of on 13 November 2023 and

assent was withheld for 10 Bills and two were reserved for the consideration of the President.

4 The note also indicates that on 18 November 2023, a special session of the Tamil Nadu Legislative Assembly was held and all the ten bills for which assent was withheld by the Governor, were reconsidered and passed in the Assembly. The ten Bills have been sent by the State Government to the Governor's Secretariat on 18 November 2023. Presently the ten Bills are pending before the Governor.

5 The Attorney General has requested the Court to adjourn these proceedings to 01 December 2023. The Court shall be apprised of the further progress in the matter.

6 The Attorney General submits that out of the ten Bills, the real dispute appear to be in respect of the amendments which have been made to the State Universities legislations as a result of which, the Chancellor is being deprived of his power in regard to the selection of Vice-Chancellors.

7 We are not entering upon the merits of the Bills which have been passed by the Legislative Assembly. However, it needs to be noted that in the previous order of this Court dated 10 November 2023, a tabulated statement of the Bills, their subject and the present stage was set out. The statement, which is not in dispute, indicates that :

- (i) Bill No 2/2020 to amend The Tamil Nadu Fisheries University Act 2012 was sent to the office of the Governor for his assent on 13 January 2020;

- (ii) Bill No 12/2020 to amend the Tamil Nadu Veterinary and Animal Sciences University Act 1989 was submitted to the Governor for his assent on 18 January 2023;
- (iii) Bill No 24/2022 to amend the Universities' Legislation so as to allow the appointment of Vice-Chancellors by the State Government instead of the Governor (except for the University of Madras) was submitted to the Governor for his assent on 28 April 2022;
- (iv) Bill No 25/2022, a Bill to further amend the Chennai University Act 1923 was submitted to the Governor for assent on 28 April 2022;
- (v) Bill No 29/2022 to amend the Tamil Nadu Dr Ambedkar Law University Act 1996 was submitted to the Governor for his assent on 16 May 2022;
- (vi) Bill No 39/2022 to amend the Tamil Nadu Dr MGR Medical University, Chennai Act 1987 was submitted for assent of the Governor on 16 May 2022;
- (vii) Bill No 40/2022 to amend the Tamil Nadu Agricultural University Act 1971 was submitted to the Governor for his assent on 16 May 2023;
- (viii) Bill No 55/2022 to amend the Tamil Nadu University Act 1982 was submitted to the Governor for his assent on 27 October 2022;
- (ix) Bill No 15/2023 to amend the Tamil Nadu Fisheries University Act 2012 was submitted to the Governor for his assent on 28 April 2023; and

- (x) Bill No 18/2023 to amend the Tamil Nadu Veterinary and Animal Sciences University Act 1989 was submitted to the Governor for his assent on 28 April 2023.
- 8 The above data would, *prima facie*, seem to indicate that above Bills which are pending with the Governor were submitted for assent for the period from 13 January 2020 right through to 28 April 2023. The Attorney General submitted that the present Governor has taken charge of the office on 18 November 2021. The issue is not whether a particular Governor has delayed in the discharge of the constitutional functions entrusted under Article 200 of the Constitution, but whether, in general, there has been a delay in the discharge exercising of constitutional functions. This aspect of the matter would be presently deferred for consideration on the next date.
- 9 Since the Bills which have been passed by the Legislative Assembly have been submitted to the Governor's Secretariat on 18 November 2023, we adjourn these proceedings, as requested by the Attorney General, to 01 December 2023.
- 10 As regards matters pertaining to sanction for prosecution, premature release of prisoners; proposals relating to the appointment of Members of the Public Service Commission; and the notification regarding Search Committees for selection of Vice-Chancellors, we defer it to the next date of listing.
- 11 List the Writ Petition on 01 December 2023.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR